



STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and Additions
to Dwelling House
including a Cabana and
Swimming Pool**

**3 Austin Avenue,
North Curl Curl NSW 2099**

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This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

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25 May 2023

Disclaimer

This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for alterations and additions to a dwelling house, construction of a cabana and swimming pool at 3 Austin Avenue, North Curl Curl, being Lot 48 in Deposited Plan 6143.

This report has been prepared following instructions from the clients Alex Bryden Architecture. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Architectural Plans prepared by Alex Bryden Architecture;
- Geotechnical Report;
- Waste Management Plan.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being alterations and additions to a dwelling house, including cabana and swimming pool is permissible with development consent and is consistent with the relevant statutory planning instruments including Warringah Local Environmental Plan 2011 and relevant planning policies of Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

1.2 Background Information

The site is not the subject of any recent Development Applications to Northern Beaches Council. The proposal was not the subject of a pre-lodgement meeting with Northern Beaches Council.

The site is currently under construction as per CDC2023/0087 approved by Private Certifiers Australia Pty Ltd on 9 February 2023 for alterations and additions to an existing dwelling.

2. Site Profile

2.1 Property Description

The subject allotment is described as 3 Austin Avenue, North Curl Curl, being Lot 48 in Deposited Plan 6143. The site is zoned R2 Low Density Residential under Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is it located within a heritage conservation area.

2.2 Site and Locality Description

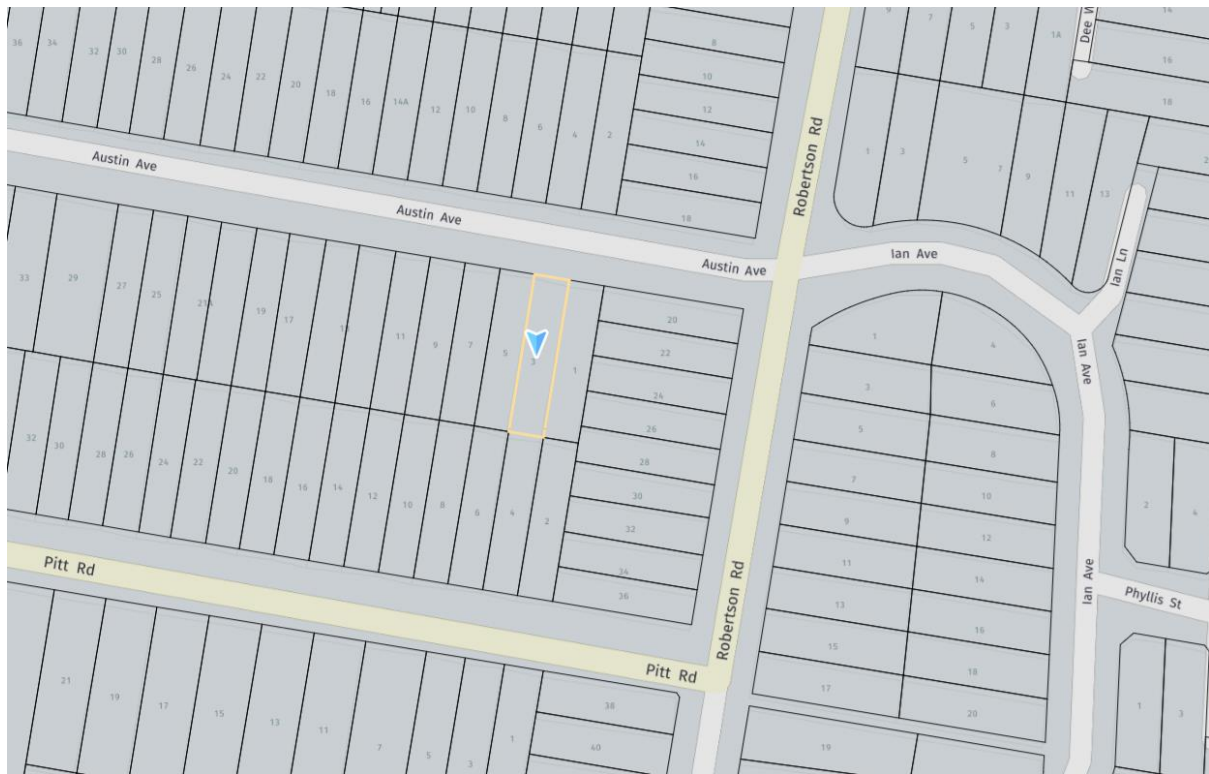
The site is located on the southern side of Austin Avenue to the west of the intersection with Robertson Road. The site is rectangular in shape with a 10.06m frontage to Austin Avenue. The property has vehicular access off Austin Avenue. The total site area is 455.3sqm. The existing is currently under construction as per the approved Complying Development Certificate.

The locality maps below show the location and area of the site:

Locality Maps



Source: Nearmap 2023



Source: Nearthmap 2023

The locality has a variety of residential property types and sizes. The existing surrounding development comprises a mix of single to three storey dwelling houses.

3. Proposal

The proposed development is for alterations and additions to an existing dwelling house currently under construction through CDC2023/0087 and the inclusion of a cabana, swimming pool and associated works at 3 Austin Avenue, North Curl Curl. The proposal remains consistent with the locality. The proposal is consistent with relevant Council controls and ensures privacy and solar access are maintained for surrounding properties and the site.

CDC2023/0087 - Dwelling House

- Alterations and additions to the approved CDC2023/0087, including:
 - Increase approved first floor balcony off the living area by additional 16.8sqm

External works

- Demolition works as shown on plans
- New swimming pool with pool equipment and fencing
- New detached Cabana

**Refer to architectural plans prepared by Alex Bryden Architecture for a full description of all works.*

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2021*;
- *State Environmental Planning Policies*;
- *Warringah Local Environmental Plan 2011*; and
- *Warringah Development Control Plan*.

4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004. A BASIX Certificate is not required as the works to the CDC approved dwelling are under \$50,000 and the proposed pool has a volume under 40,000L.

State Environmental Planning Policy (Resilience and Hazards) 2021

The aims of Chapter 3: Hazardous and Offensive Development of the State Environmental Planning Policy (Resilience and Hazards) 2021 ("SEPP (Resilience and Hazards) 2021") is to ensure that in determining a development whether a development is hazardous or offensive industry, any means proposed to be employed to reduce the impact of the development are taken into account. In addition to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

Clause 4.6 of the SEPP (Resilience and Hazards) 2021 specifies the following:

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
(a) it has considered whether the land is contaminated, and

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is—*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The site is also not identified as being within an ‘investigation area’ in accordance with the Contaminated Land Management Act 1997. Further the site has been used as a residential dwelling for decades and no known potential contamination sources in in close proximity to the site. On this basis, it is warranted that the site would be low risk contamination and no further assessment is required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aims of Chapter 2: Vegetation of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (“SEPP (Biodiversity and Conservation) 2021”) in non-rural areas is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Clause 2.3 prescribes that land to which this chapter applies includes the Northern Beaches Local Government Area and is applicable within R2 Low Density Residential zone as per the WLEP2011. The proposed development does not involve the removal of any existing trees.

4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under the WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	(d) in relation to residential development, to— (i) protect and enhance the residential use and amenity of existing residential environments, and (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah.	Complies – the proposal relates to the alterations and additions to an existing dwelling house and associated works including the construction of a cabana and swimming pool. The development is compatible with the residential development in the immediate area and is consistent with the bulk and scale of residential development in the locality. The proposed development will provide additional residential amenity in North Curl Curl.

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	450sqm	N/A	No change to existing lot size.
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	5.3m	Complies – the proposal works have a maximum building height of 5.3m which is well under the existing building height for the site.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.6 Exceptions to development standards	Noted	N/A	N/A

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Controls relating to miscellaneous permissible uses	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A
5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	N/A – the site is not identified as Acid Sulfate Soils.
6.2 Earthworks	The development involves minor excavation works for the construction of a swimming pool.
6.3 (Repealed)	N/A
6.4 Development on sloping land	The site is located in Landslip B. The development application is supported by a preliminary Geotechnical Report.
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone E3 Environmental Management	N/A
6.7 (Repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

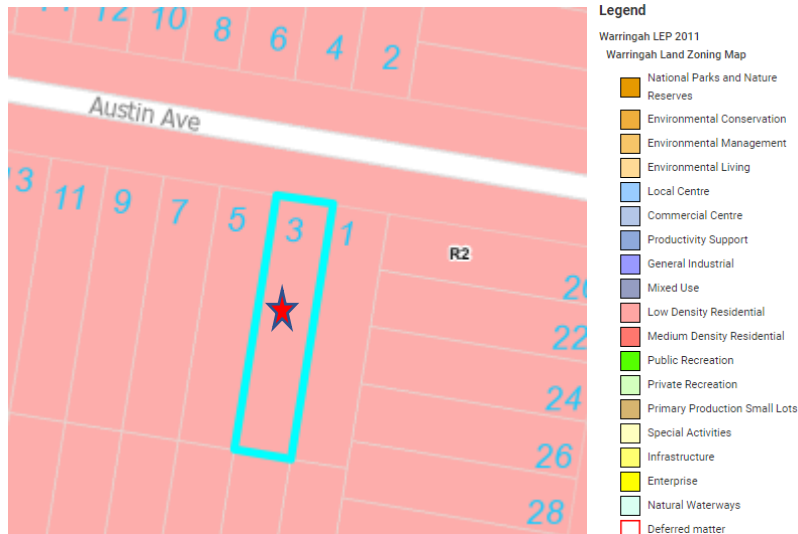
Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

The relevant matters to be considered under the WLEP2011 are outlined below:

Zoning Provisions



Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

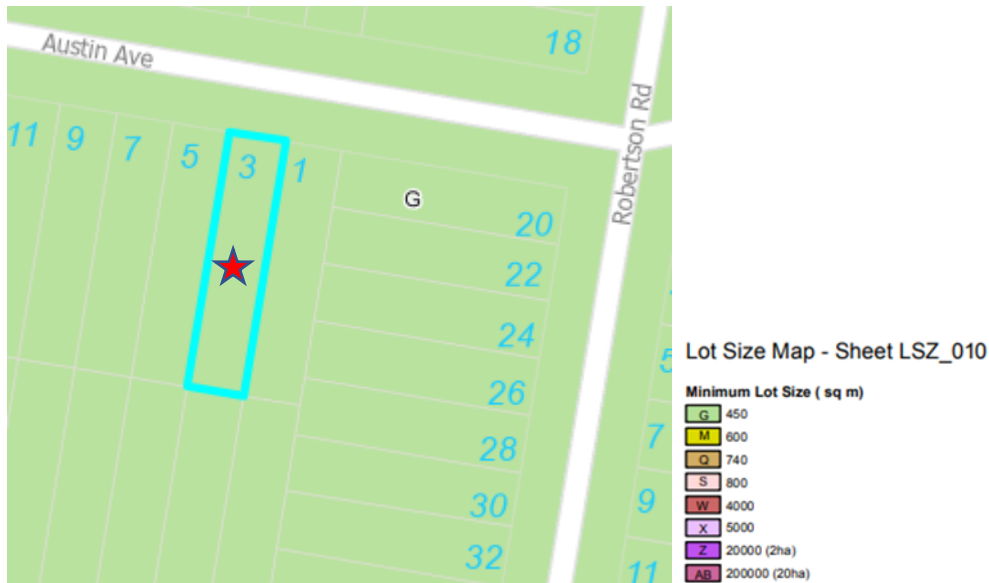
Comment:

The site is zoned R2 Low Density Residential. A dwelling house is a permissible land use within the R2 Low Density Residential zone with consent of Northern Beaches Council.

The development meets the objectives of the zone by providing for the housing needs of the community while ensuring the locality continues to be characterized by a landscaped setting.

Part 4 Principal development standards

4.1 Minimum subdivision lot size



(1) The objectives of this clause are as follows—

- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,
- (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,
- (c) to protect the integrity of land holding patterns in rural localities against fragmentation,
- (d) to achieve low intensity of land use in localities of environmental significance,
- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,
- (f) to protect and enhance existing remnant bushland,
- (g) to retain and protect existing significant natural landscape features,
- (h) to manage biodiversity,
- (i) to provide for appropriate stormwater management and sewer infrastructure.

(2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(3A) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.

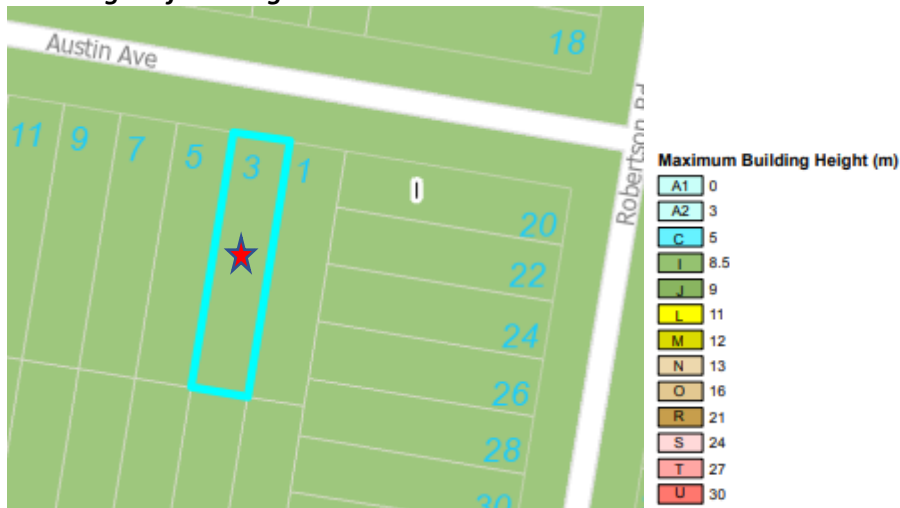
(4) This clause does not apply in relation to the subdivision of any land—

- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
- (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

Comment:

Not applicable - the site has a minimum lot size of 450sqm. The proposal does not change the lot size of the property, nor does it propose any subdivision. Clause 4.1 is not applicable to this assessment.

4.3 Height of buildings



(1) The objectives of this clause are as follows—

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

(2A) If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

Comment:

Complies - the site has a maximum building height provision of 8.5m. The proposal retains the existing compliant building height with the proposed works at a maximum 5.3m.

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
 - (4) Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) the consent authority is satisfied that—*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Planning Secretary has been obtained.*
 - (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
 - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
 - (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4.*
 - (8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.*
 - (8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.*

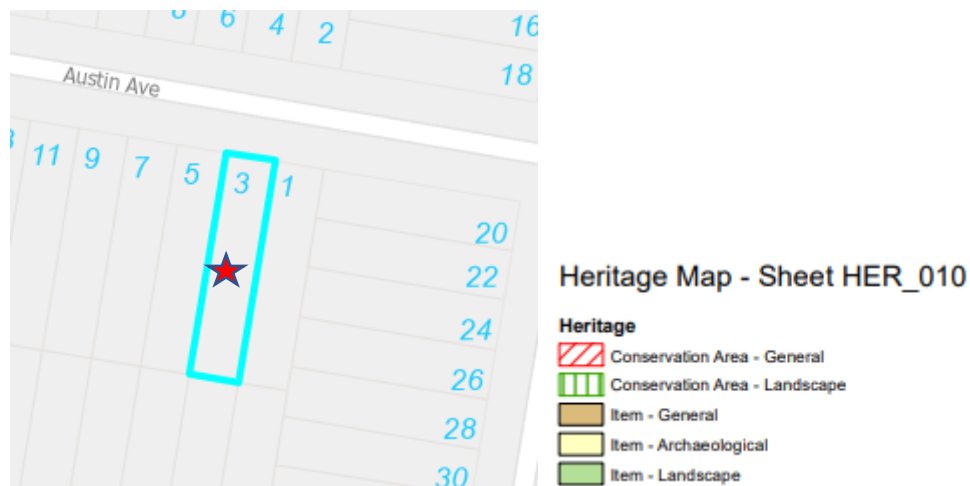
Comment:

Not applicable.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.



(1) **Objectives** The objectives of this clause are as follows—

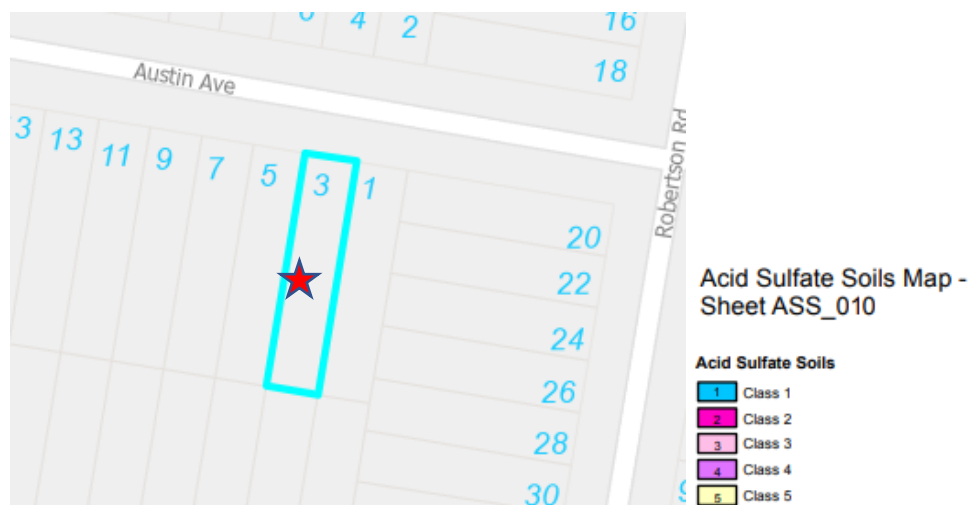
- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

Part 6 Additional local provisions

6.1 Acid sulfate soils



- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

<i>Class of land</i>	<i>Works</i>
1	<i>Any works.</i>
2	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>
3	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>
4	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>
5	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>

Comment:

Not applicable – the site is not identified on the Acid Sulfate Soils map.

6.2 Earthworks

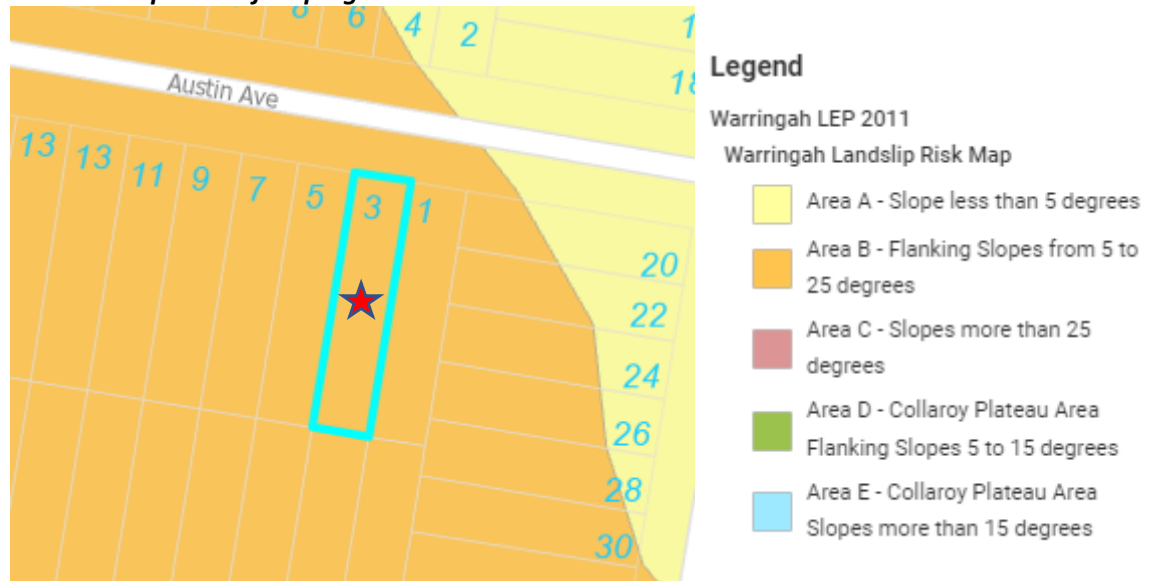
- (1) *The objectives of this clause are as follows—*
- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
 - (b) to allow earthworks of a minor nature without requiring separate development consent.*
- (2) *Development consent is required for earthworks unless—*
- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) the work is ancillary to other development for which development consent has been given.*
- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
 - (c) the quality of the fill or the soil to be excavated, or both,*
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
 - (e) the source of any fill material and the destination of any excavated material,*
 - (f) the likelihood of disturbing relics,*
 - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note. *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

Comment:

Complies - the proposal will require minor excavation of the site. The proposed earthworks comply with the objectives of Clause 6.2 with the application supported by a preliminary geotechnical assessment.

6.4 Development of Sloping Land



(1) The objectives of this clause are as follows—

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
- (c) the development will not impact on or affect the existing subsurface flow conditions.

Comment:

Complies - The site is located within Area B of the Landslip Risk map. The proposed excavation is considered to be minor and relates to the construction of a new swimming pool with excavation only approximately 0.8m in depth. The application is supported by a preliminary geotechnical assessment and complies with the objectives of Clause 6.4.

4.4 Warringah Development Control Plan (WDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the WDCP.

Part A – Introduction

A.5 Objectives

The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:

Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comments:

Complies - The proposal is for alterations and additions to the existing dwelling house, construction of a swimming pool and cabana. The proposed development is compatible with existing residential development along Austin Avenue. The development has been strategically designed as to not result in any adverse amenity impacts on neighbouring properties. The proposed development will not adversely impact biodiversity levels or the surrounding environment.

Part B – Built Form Controls

B1 Wall Heights

Objectives

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the*

natural landform.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Requirements

1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

Exceptions

This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:

- *does not exceed the 8.5 metre height development standard;*
- *is designed and located to minimise bulk and scale; and*
- *has a minimal visual impact when viewed from the downslope sides of the land.*

Comments:

Complies – the alterations and additions to the dwelling relate to a new balcony only. The proposed cabana includes a 2.5m wall height which is consistent with adjoining developments.

B3 Side Boundary Envelope

Objectives

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

Requirements

1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:

- *4 metres, or*
- *5 metres*

as identified on the map.

2. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.

Exceptions

Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway

For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:

- *Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope.*
- *Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.*

Comments:

Complies - the proposal results in a compliant side boundary envelope control to ensure the visual appearance that is not dominated by bulk and scale, provides adequate light, privacy, amenity, and spatial separation to adjoining properties.

B5 Side Boundary Setbacks

Objectives

- To provide opportunities for deep soil landscape areas.
- To ensure that development does not become visually dominant.
- To ensure that the scale and bulk of buildings is minimised.
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- To provide reasonable sharing of views to and from public and private properties.

Requirements

1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.
2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.
3. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.

Exceptions

Land Zoned R2

All development:

- Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback

Ancillary to a dwelling house:

- Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause

Comments:

Merit Assessment – the proposed swimming pool area has a minor non-compliance to the western side boundary with the pool area proposed with a setback of 0.6m. The variation in our professional opinion is acceptable and consistent with the pool areas of the adjoining properties at 1, 5 and 7 Austin Avenue.

B7 Front Boundary Setbacks

Objectives

- To create a sense of openness.
- To maintain the visual continuity and pattern of buildings and landscape elements.
- To protect and enhance the visual quality of streetscapes and public spaces.
- To achieve reasonable view sharing.

Requirements

1. Development is to maintain a minimum setback to road frontages.
2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.
3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary

setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.

4. *For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

Comments:

Not applicable – the proposal retains the existing front setback.

B9 Rear Boundary Setbacks

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Requirements

1. *Development is to maintain a minimum setback to rear boundaries.*
2. *The rear setback area is to be landscaped and free of any above or below ground structures.*
3. *On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.*
4. *The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.*
5. *The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access*

Exceptions

Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway

On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.

Comments:

Merit assessment – the proposal includes a swimming pool, decking and cabana within the rear setback. The proposal has been designed with consideration to the adjoining properties with similar pools and structures such as cabanas at 1, 5 and 7 Austin Ave. Further, it is noted that a 20sqm cabana could be implemented under the Codes SEPP as exempt development. Therefore, it is our professional opinion that as the proposal has no privacy or amenity impacts and is consistent with the objectives with regards to the adjoining properties, the variation should therefore be supported.

Part C – Siting Factors

C4 Stormwater

Objectives

- To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding *bushland*;
- To minimise the *risk* to public health and safety;
- To reduce the *risk* to life and property from flooding;
- Integrate Water Sensitive Urban Design measures into the landscape and built form to maximise amenity.
- To manage and minimise stormwater overland flow, nuisance flooding and groundwater related damage to properties.
- To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised.
- To minimise the quantity of stormwater runoff from new development on Council's drainage system.

Requirements

1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.
2. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.

Exceptions

- Refer to Council's Water Management Policy for exceptions.

Comments:

Complies – existing stormwater provisions on site to be maintained.

C5 Erosion and Sedimentation

Objectives

- To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.
- To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, *bushland* or adjoining private lands.
- To prevent any reduction in water quality downstream of the development site.

Requirements

1. All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.
2. Any erosion and sedimentation is to be managed at the source.
3. Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.
4. An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m² of land.
5. Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m² of land.

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Comments:

Complies - a Erosion and Sediment Plan prepared in accordance with Northern Beaches Councils requirements is provided with the Development Application package.

C7 Excavation and Landfill

Objectives

- To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- To require that excavation and landfill does not create airborne pollution.*
- To preserve the integrity of the physical environment.*
- To maintain and enhance visual and scenic quality.*

Requirements

- 1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.*
- 2. Excavation and landfill works must not result in any adverse impact on adjoining land.*
- 3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.*
- 4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.*
- 5. Rehabilitation and revegetation techniques shall be applied to the fill.*
- 6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.*

Comments:

Complies – the proposal requires minor excavation of the site for the construction of a swimming pool. The excavation complies with the above objectives.

C8 Demolition and Construction

Objectives

- To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- To discourage illegal dumping.*

Requirements

- 1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.*

Comments:

The proposal will be constructed in accordance with relevant Australian Standards and Conditions of Consent as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

C9 Waste Management

Objectives

- To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
- To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
- To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
- To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
- To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- To minimise any adverse environmental impacts associated with the storage and collection of waste.

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

The proposal will adequately demolish and construct the proposed works as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

Part D – Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- To enable planting to maintain and enhance the streetscape.
- To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.
- To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.
- To enhance privacy between buildings.
- To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.
- To provide space for service functions, including clothes drying.
- To facilitate water management, including on-site detention and infiltration of stormwater.

Requirements

1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:

a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;

b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;

c) Landscaped open space must be at ground level (finished); and

d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.

2. Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as “Bushland Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.

3. In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.

Exceptions

Any conflicting requirements in Part G override this control

Comments:

Merit assessment – The proposal provides a minor non-compliance with landscaped open space requirements providing a landscaped area of 35.23% (160.4sqm). It is our professional opinion that the variation to landscaped open space is consistent with recent approvals and will not result in an adverse impact to the locality. The proposal is consistent with the streetscape and landscape of properties in the immediate area, noting various examples of pools and cabanas identified below:



D2 Private Open Space

Objectives

- To ensure that all residential development is provided with functional, well located areas of private open space.
- To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.
- To minimise any adverse impact of private open space on adjoining buildings and their associated

private open spaces.

- To ensure that private open space receives sufficient solar access and privacy.*

Requirements

- 1. Residential development is to include private open space for each dwelling.*
- 2. The minimum area and dimensions of private open space are as follows:*

DWELLING Type	Area and Minimum Dimensions per dwelling
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres

- 3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.*
- 4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.*
- 5. Private open space shall not be located in the primary front building setback.*
- 6. Private open space is to be located to maximise solar access.*

Comments:

Complies – the development retains existing private open space areas on site with the additional balcony area to the first floor off the living area.

D3 Noise

Objectives

- To encourage innovative design solutions to improve the urban environment.*
- To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Requirements

- 1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the [NSW Industrial Noise Policy](#) at the receiving boundary of residential and other noise sensitive land uses.*

See also NSW Industrial Noise Policy Appendices

- 2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.*
- 3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.*
- 4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.*
- 5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.*

Comments:

Complies – the proposed development is for a dwelling house. The use will remain as existing and will not produce a large amount of noise from the use of the premises. The proposed pool equipment will be enclosed as required to relevant Australian Standards.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Requirements

Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements:

Telecommunications Act 1997

Comments:

Not applicable.

D6 Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

Requirements

1. *Development should avoid unreasonable overshadowing any public open space.*
2. *At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

Exceptions

Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

Comments:

Complies – the proposal will not result in any loss to solar access for the adjoining dwellings at 1 and 5 Austin Avenue.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

Requirements

1. *Development shall provide for the reasonable sharing of views.*

Comments:

Complies – it is our professional opinion that the proposed works will have no impact to existing view corridors. On this basis a review of the tenacity principles is not required.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

- 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
- 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
- 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*
- 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

Comments:

Complies – the proposed development has been strategically designed to ensure there will be no adverse overlooking impacts from the proposed alterations and additions to the adjoining properties. The development provides sufficient side boundary setbacks and upper-level setbacks to the proposed balcony for the dwelling to further increase privacy between properties.

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Requirements

- 1. Side and rear setbacks are to be progressively increased as wall height increases.*
- 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
- 3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:*
 - The amount of fill is not to exceed one metre in depth.*
 - Fill is not to spread beyond the footprint of the building.*
 - Excavation of the landform is to be minimised.*
- 4. Building height and scale needs to relate to topography and site conditions.*
- 5. Orientate development to address the street.*
- 6. Use colour, materials and surface treatment to reduce building bulk.*

7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.
8. Articulate walls to reduce building mass.

Comments:

Complies – the proposed development does not result in unacceptable bulk and scale impacts. The proposal has been designed with regard to the existing streetscape and topography of the site.

D10 Building Colours and Materials

Objectives

- To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.

Requirements

1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.
2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.
3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.
4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.

Comments:

Complies – Refer to architectural plans prepared by Alex Bryden Architecture.

D12 Glare and Reflection

Objectives

- To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.
- To maintain and improve the amenity of public and private land.
- To encourage innovative design solutions to improve the urban environment.

Requirements

1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;
 - Minimising the lit area of signage;
 - Locating the light source away from adjoining properties or boundaries; and
 - Directing light spill within the site.
2. Any glare from artificial illumination is to be minimised by utilising one or more of the following:
 - Indirect lighting;
 - Controlling the level of illumination; and
 - Directing the light source away from view lines.
3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:
 - Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to

dark roof tones;

- *Orienting reflective materials away from properties that may be impacted;*
- *Recessing glass into the façade;*
- *Utilising shading devices;*
- *Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and*
- *Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.*

Comments:

Complies – the development does not propose materials that will result in an unacceptable amount of glare.

D14 Site Facilities

Objectives

- *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To make servicing the site as efficient and easy as possible.*
- *To allow for discreet and easily serviceable placement of site facilities in new development.*

Requirements

1. *Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:*

- *Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;*
- *All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;*
- *Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;*
- *Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and*
- *Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.*

Comments:

Complies – the proposal includes relevant site facilities for the occupants of the dwelling.

D15 Side and Rear Fences

Objectives

- *To encourage innovative design solutions to improve the urban environment.*

Requirements

1. *Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.*
2. *For sloping sites, the height of fences may be averaged and fences and walls may be regularly*

stepped.

3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.

Comments:

Not applicable – no side or rear fences proposed with this application.

D16 Swimming Pools and Spa Pools

Objectives

- To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- To encourage innovative design solutions to improve the urban environment.*

Requirements

- 1. Pools are not to be located in the front building setback.*
- 2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.*
- 3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*

Comments:

Complies – the proposal includes the construction of a new swimming pool that meets the above objectives and requirements.

D17 Tennis Courts

Objectives

- To encourage innovative design solutions to improve the urban environment.*

Requirements

- 1. Tennis courts are to be located behind the front building setback.*
- 2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.*
- 3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*
- 4. The height and location of court fencing is to enable:*
 - a) Sharing of views from surrounding residences; and*
 - b) Provision of sunlight to surrounding properties.*
- 5. Fencing material is to be a dark colour.*
- 6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.*

Comments:

Not applicable – the proposal does not include a tennis court.

D18 Accessibility and Adaptability

Objectives

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*
- To ensure convenient, comfortable and safe access for all people including older people, people*

with prams and strollers and people with a disability.

- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

Comments:

Not applicable.

D19 Site Consolidation in the R3 and IN1 Zone

Objectives

- To encourage lot consolidation to allow efficient use of land.*
- To encourage innovative design solutions to improve the urban environment.*
- To avoid lot sterilization.*

Comments:

Not applicable.

D20 Safety and Security

Objectives

- To ensure that development maintains and enhances the security and safety of the community.*

Requirements

- 1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.*
- 2. Service areas and access ways are to be either secured or designed to allow casual surveillance.*
- 3. There is to be adequate lighting of entrances and pedestrian areas.*
- 4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.*
- 5. Entrances to buildings are to be from public streets wherever possible.*
- 6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).*
- 7. Buildings are to be designed to allow casual surveillance of the street, for example by:*
 - a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;*
 - b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;*
 - c) Locating high use rooms to maximise casual surveillance;*
 - d) Clearly displaying the street number on the front of the building in pedestrian view; and*
 - e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.*
- 8. Casual surveillance of loading areas is to be improved by:*
 - a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and*
 - b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.*
- 9. Design entrances to buildings from public streets so that:*
 - a) Building entrances are clearly identifiable, defined, lit and visible;*
 - b) The residential component of a shop top housing development has a separate secure pedestrian*

entrance from the commercial component of the development;

- c) Main entrances are clearly identifiable;*
- d) Pavement surfaces and signage direct pedestrian movements; and*
- e) Potential conflict between pedestrians and vehicles is avoided.*

Exceptions

Reference should be made to Part G4 Warringah Mall for site specific requirements.

Comments:

Complies – the proposal retains existing security measures on site.

D21 Provision and Location of Utility Services

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

Requirements

- 1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.*
- 2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.*
- 3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:*
 - a) A reduction in the number of trenches required;*
 - b) An accurate location of services for maintenance;*
 - c) Minimising the conflict between services;*
 - d) Minimising land required and cost;*
- 4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.*
- 5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.*
- 6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.*
- 7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.*
- 8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.*

Comments:

Complies - The site is adequately serviced by the essential utilities (i.e. water, electricity, sewer).

D22 Conservation of Energy and Water

Objectives

- To encourage innovative design solutions to improve the urban environment.
- To ensure energy and water use is minimised.

Requirements

1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.
2. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.
3. Buildings are to be designed to minimize energy and water consumption.
4. Landscape design is to assist in the conservation of energy and water.
5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.
6. All development must comply with Council's Water Management Policy.

Comments:

Complies - the proposal is supported by a BASIX certificate submitted with the application.

D23 Signs

Objectives

- To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.
- To achieve well designed and coordinated signage that uses high quality materials.
- To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.
- To ensure the provision of signs does not adversely impact on the amenity of residential properties.
- To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.

Comments:

Not applicable.

Part E – The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- To protect and enhance the urban forest of the Northern Beaches.
- To effectively manage the risks that come with an established urban forest through professional management of trees.
- To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.
- To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.
- To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.

Comments:

Complies – the development does not propose to remove any native vegetation.

E2 Prescribed Vegetation

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.
- To protect and promote the recovery of threatened species, populations and endangered ecological communities.
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.
- To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.
- Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.

Requirements

1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:

All native vegetation identified on:

- a) DCP Map Threatened and High Conservation Habitat
 - b) DCP Map Wildlife Corridors
 - c) DCP Map Native Vegetation
 - d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.

Comments:

Not applicable - The site is not located within the DCP Map Native vegetation. The site has been cleared previously and does not contain any native vegetation that needs to be retained.

E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

Objectives

- To protect and promote the recovery of threatened species, populations and endangered ecological communities.
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.
- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.

- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

Comments:

Not applicable.

E4 Wildlife Corridors

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.*

Requirements

1. *For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m² or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:*
 - i. *The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and*
 - ii. *The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.*
2. *For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.*

Comments:

Not applicable.

E5 Native Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.*
- *To maintain the amount, local occurrence and diversity of native vegetation in the area*

Comments:

Not applicable - the site is not located within the DCP Map Native vegetation.

E6 Retaining unique environmental features

Objectives

- *To conserve those parts of land which distinguish it from its surroundings.*

Requirements

1. *Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
2. *Development should respond to these features through location of structures, outlook, design and materials.*

Comments:

Not applicable – the proposal does not have any known unique environmental features.

E7 Development on land adjoining public open space

Objectives

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

Comments:

Not applicable.

E8 Waterways and Riparian Lands

Objectives

- *Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.*
- *Encourage development to be located outside waterways and riparian land.*
- *Avoid impacts that will result in an adverse change in watercourse or riparian land condition.*
- *Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.*
- *Maintain and improve access, amenity and scenic quality of waterways and riparian lands.*
- *Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

Comments:

Not applicable.

E9 Coastline Hazard

Objectives

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*
- *To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*
- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

Comments:

Not applicable.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

Requirements

1. *The applicant must demonstrate that:*

- *The proposed development is justified in terms of geotechnical stability; and*
- *The proposed development will be carried out in accordance with good engineering practice.*

2. *Development must not cause detrimental impacts because of stormwater discharge from the land.*

3. *Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.*

4. *To address Requirements 1 to 3:*

i) *For land identified as being in Area A:*

Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.

If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.

Comments:

The proposal is located within Area B of the Landslip Risk Area map. The proposal includes minor excavation for the construction of a swimming pool. The proposal is supported by a preliminary geotechnical report which supports the application.

E11 Flood Prone Land

Objectives

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

Comments:

Not applicable.

Part H – Appendices

Appendix 1 Car Parking Requirements

Comments:

Not applicable – no change to existing parking facilities on-site.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) The provision of any Environmental Planning Instrument

Comment: The proposed alterations and additions to approved CDC dwelling house, construction of a swimming pool, cabana and associated works are permissible with consent and are consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 as they are reasonably applied to the proposed works given the constraints imposed by the site's location and size constraints.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: Not applicable.

(iii) Any development control plan

Comment: The proposal has been reviewed and assessed under Warringah Development Control Plan 2011.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment: Not applicable.

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: Not applicable.

(v) (repealed)

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting:

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

Comment:

The proposed alterations and additions to approved CDC dwelling house, construction of a swimming pool, cabana and associated works are compatible with adjoining residential development and will not result in any unreasonable amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

Comment: These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The development retains existing car parking on site.

Public Domain

Comment: The proposed development will have no adverse impact on the public domain.

Utilities

Comment: Existing utility services will connect to service the dwelling.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna.

Waste Collection

Comment: Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

Comment: The site is located within Landslip Risk Area B. There are no visible natural hazards to the site. The site is not identified on the flooding or bushfire maps.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i) Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

Comment: These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

Comment: The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the existing use of a dwelling house to remain.

(d) Any submissions received in accordance with this act or regulations

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposed works are permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied to the proposed alterations and additions to approved CDC dwelling house, construction of a swimming pool, cabana and associated works. The development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal for the alterations and additions to approved CDC dwelling house, construction of a swimming pool, cabana and associated works at 3 Austin Avenue, North Curl Curl, being Lot 48 in Deposited Plan 6143 is permissible with consent and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, constraints and adjoining land uses.

Accordingly, the proposal for the alterations and additions to an existing dwelling house, construction of a swimming pool, cabana and associated works at 3 Austin Avenue, North Curl Curl being Lot 48 in Deposited Plan 6143, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.