

Memo

To: Northern Beaches Development Determination Panel

From: Kent Bull
Planner

Date: 9 November 2020

Subject: DA2018/0734 – 11 Bimbadeen Crescent. FRENCHS
FOREST NSW 2086

Record Number: 2020/697525

Dear Panel,

During the assessment of this development application, a submission was made from an adjoining property owner who is a council officer involved in providing referrals to the Development Assessment division of Northern Beaches Council.

The Assessment Report was subject to an independent peer review [TRIM: 2020/682210](#) (dated 2 November 2020) by Sarah McNeilly, a Consultant Town Planner at Watermark Planning, which concluded that:

“The Council Officer’s report is thorough, considers all relevant planning considerations is supported in full.”

In accordance with Northern Beaches Council’s adopted *Managing of Conflicts of Interest Development Assessment* [TRIM: 2019/078420](#), the development must be referred to the Development Determination Panel for determination.

Kind regards,

Kent Bull
Planner



Independent Assessment
DA Number: DA2020/0734
Date: 2 November 2020

Review Completed by:	Sarah McNeilly Consultant Town Planner Watermark Planning
Address / Property	11 Bimbadeen Crescent, Frenchs Forest
Proposed Development	Development Consent DA2020/0734 Alterations and additions to a dwelling house.

I have visited the subject site and surrounds, reviewed all plans, objection and photographs from objector's site, viewed all related documents as provided by Council and Council controls and then reviewed the Assessment Report, prepared by Kent Bull, which recommends approval of the above mentioned Development Application.

The report accurately assesses the application against the relevant environmental planning instruments. A brief review of the key issues is provided below.

Proposed Development

The subject site comprises an irregular shaped allotment with an area of 588.2m² with a fall from the rear boundary to the front of the lot. It is occupied by a single storey rendered dwelling with a tile roof with the site topography allowing for a single garage under the main floor of the dwelling, partly within a basement area. The dwelling is currently well screened from the street by established hedge planting across the frontage of the site. Driveway access along the southern side of the property leads to the garage.

DA2020/0734 seeks to:

- Construct a new first floor addition comprising of
 - Two (2) bedrooms
 - A bathroom
 - A sitting room and
 - An internal staircase connecting to the lower level
- Minor alterations to the ground level to allow access to the new first floor.
- No alterations to the existing garage.
- No alterations to the existing landscaped area.

Objections

One objection has been received following notification from 13 July to 27 July 2020. The submission from Mr Ziaolhagh at 6 Romford Rd, Frenchs Forest has been considered.

The discussion and consideration of the objector's concerns have been well addressed and reviewed by the assessing officer. It is agreed that:

- **View Loss** is appropriately dealt with by the proposed development. The applicant has demonstrated that a reasonable sharing of views can be achieved. In particular we note that the principles of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140 are well considered and the responses concurred with.
- **External Finishes** is addressed by the provision to Council of an external Finishes Schedule indicating the use of suitably muted and non-reflective finishes and colours which is compliant with the Warringah DCP.

State Environmental Planning Policy (BASIX) 2004

The report appropriately nominates that a BASIX assessment has been provided and recommends that the development consent include a condition requiring compliance with the commitments indicated in the BASIX certificate.

State Environmental Planning Policy No. 55 – Remediation of Land

Appropriate investigations have taken place on the site. No issues are foreseen.

State Environmental Planning Policy – Infrastructure

The application was appropriately referred to Ausgrid who have raised no objections to the proposed development within the 21 day period.

Warringah Local Environmental Plan 2011

The site is zoned R2 Low Density Residential under the Warringah LEP. The proposed development is considered appropriate and consistent with relevant controls, aims and objectives.

In particular the objectives of the zone provide:

- *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 characterized by landscaped settings that are in harmony with the natural environment of Warringah.*

The additions to the existing dwelling will fulfil these objectives enhancing an existing residential use, whilst retaining amenity of other properties and the landscape character of the zone.

Height

It is noted that the height of the application exceeds the permitted 8.5m development standard by 400mm, and that a clause 4.6 variation is provided. The assessing officer's assessment of this issue and review of the height is concurred with. It is agreed that the height is appropriate in this instance due to the fall of the land, the location of the existing dwelling and the negligible impact of the addition.

In particular we note that views, solar access and bulk and scale are appropriately considered, and the development is reasonable and worthy of consent. The Clause 4.6 assessment is complete and agreed with.

All relevant clauses have been considered. All WLEP controls have been appropriately addressed in the report and fulfilled by the development proposal.

Warringah Development Control Plan

The report has addressed all relevant sections of the DCP and demonstrated that the proposal satisfies the objectives of all controls. Non-compliances are specifically considered below.

Wall height

The 7.2 metre wall height control is breached by 300mm with the southern wall of bedroom 3 overhanging the lower level marginally. This minor breach has a significant setback from the side boundary and is well articulated through the roof form and front balcony. It is appropriate and fulfils all objectives of the control. The assessing officer's recommendation is concurred with.

Side Boundary Envelope

A triangular corner of the southern wall of the first floor sits outside the building envelope, where the site falls to the street. The building envelope non-compliance is satisfactorily addressed through demonstration of negligible impacts to the neighbour, significant setbacks, compatible bulk and scale and compliant solar access. The assessing officer's recommendation is concurred with.

Parking Facilities

No change is proposed to the existing parking, which allows for a second space in the driveway. The assessing officer's recommendation is concurred with.

Landscaped Open Space and Bushland Setting

Although the landscaping falls slightly short of compliance it is unchanged from the existing and, therefore, acceptable. The view of the assessing officer is concurred with.

Views

A through assessment of the principles of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140 is provided in the report. The assessment officer's conclusions are concurred with, and the view loss is reasonable. In particular we note that the minor height non-compliance does not result in view loss with the RL retained at the rear, where 8.5 metres is easily achieved.

The development is consistent with the controls and objectives of the Development Control Plan.

Internal Referrals

The application was referred to Council's Development Engineers and the proposal was supported subject to conditions.

The application was referred to Council's Strategic and Place Planning and the proposal was supported.

Conditions of Consent

Conditions as proposed are supported in their current form.

Conclusion

The Council Officer's report is thorough, considers all relevant planning considerations is supported in full.

