

Warringah Council

WARRINGAH DEVELOPMENT CONTROL PLAN

Adopted by Council on **24 June 2008**

In effect from 5 July 2008

Introduction

This DCP provides the overarching framework for Council's development controls to be incorporated in one document. The Warringah DCP applies to all land within the local Government Area

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PART 1: Public Exhibition & Notification Requirements

1. Introduction

This DCP provides the requirements for carrying out public notification procedures in relation to development applications made under the Environmental Planning and Assessment Act 1979 (EPAA) which are not specifically regulated. It is noted that some types of applications by law require specific notification procedures. These applications include developments which are defined as 'Designated', 'Integrated' and 'Advertised' under the EPAA. Schedule 1 of this Plan details the notification/advertising requirements in summary.

2. Notification Requirements for Development Applications & Modifications

2.1 Name of the Plan

This plan is known as "Warringah Development Control Plan – Part 1 Public Exhibition and Notification Requirements".

In pursuance of Council's resolution of 24 June 2008 this Plan amends Warringah Development Control Plan, Part 1 - Public Exhibition & Notification Requirements adopted 13 December 2005 and as amended on 19 April 2008. This Plan comes into effect on the date that public notice of its approval is given in Manly Daily on 5 July 2008.

2.2 Purpose of the DCP

The purpose of this DCP is to specify:

- the criteria council will take into account when deciding who will be notified of particular development applications including applications for a modification to development consent;
- the information notified persons will receive;
- details relating to the period during which documents may be inspected and submissions made; and
- circumstances where notification is not required.

2.3 Aims of the DCP

1. To promote the council's responsiveness to local concerns and issues.
2. To ensure that local residents and land owners are made aware of applications which could potentially cause detrimental effect to their property.
3. To provide the opportunity for the public to comment on development applications.
4. To enable the opportunity for public involvement in the development process.

2.4 Development that will not be notified

The following development will not be notified under this DCP:-

- Exempt development as referred to in Schedule 1 of Warringah Local Environmental Plan 2000.
- Complying development as referred to in Clause 8 of Warringah Local Environmental Plan 2000.

- The following types of development subject to the pre-conditions detailed in Schedule 3 of this DCP:-
 - Demolition;
 - Swimming Pools;
 - Front boundary fences;
 - Internal alterations to multi dwelling housing and residential flat buildings (excluding balcony enclosures and other devices which are externally visible);
 - Construction of carports, garages, and outbuildings associated with multi dwelling housing and residential flat buildings;
 - A different use resulting from a change of use from one type of approved industrial or warehouse use to another type of industrial or warehouse use;
 - Alterations to approved industrial and warehouse buildings;
 - A different use resulting from a change of use from one type of approved business, office or shop to another type of business, office or shop use;
 - Internal alterations to business premises, offices and shops.
- Applications for modification of development consent under Section 96(1) of the Environmental Planning and Assessment Act, being modifications involving minor error, misdescription or miscalculation unless authorised by the Manager.
- Tree Preservation Orders (unless heritage or a significant tree).
- Building Certificates not related to unauthorised works.
- Applications under Part V of the Environmental Planning & Assessment Act.
- Amended or substituted Development Applications that have previously been notified / advertised and the application differ only in minor respects and does not cause a greater environmental impact. (See section 2.12).
- Rainwater tanks. with a volume not exceeding 30,001 litres.
- Photovoltaic cells not exceeding 5 kilowatts.
- Development that would otherwise be 'Exempt development' under Schedule 1 of WLEP 2000 except for being located in bushfire, flood and slip prone land as defined in Schedule 1.1.(c).
- Any application to modify a Development Consent for works described within this DCP as not requiring public exhibition under the original Development Application (this clause overrides any requirements detailed under clause 2.7 of this DCP).

2.5 Details addressed in the Plan

1. This plan has been structured to address:-
2. The notification requirements for applications set by Council Policy. These requirements are set in Schedule 1 of this plan.
3. The public exhibition requirements for applications stipulated by the EP&A Regulations including designated development and advertised development. These requirements are set in Schedule 1 and Section 2.6 of this Plan.
4. The notification requirements for applications for modification of consent. These requirements are set in Schedule 1 and Section 2.7 of this Plan.

5. The notification requirements for applications for review of determination under Section 82A of the EP&A Act. These requirements are set out in Schedule 1 and Section 2.8 of this Plan.
6. The public exhibition requirements for draft masterplans stipulated by Clause 19(6) of Warringah Local Environmental Plan 2000. These requirements are set in Schedule 1 and Section 2.9 of this Plan.
7. Notification under the Tree Preservation Order is set out in Section 2.10 and Schedule 1.
8. Notification of Building Certificates is set out in Section 2.11 and
9. Schedule 1.
10. The circumstances under which notification of an application may be dispensed with. These are set out in Schedule 1 and Section 2.12 of this Plan.
11. The notification requirements for certain amended substituted or resubmitted applications. These requirements are set out in Schedule 1 and Section 2.14 of this Plan.

2.6 Notification and Advertising Process for Applications

Development Applications

The minimum standard for notification of development applications, which are not advertised development or designated development, is as follows:

- A written notice will be sent to adjoining property owners and occupiers. This includes those properties directly across any form of roadway. All owners and occupiers within a multi-residence complex will be included in the notification. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. The extent of notification area is identified under the title "Notification Maps".
- The notification period is as per Schedule 1.
- The written notice will include the following advice:
 - identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
 - a description of the development;
 - an A4 size plan including a site plan, the elevations of the building and the height and number of storeys (if relevant);
 - the place and times the application can be inspected;
 - the closing date for submissions;
 - a statement that submissions will be disclosed to any person requesting information under the Freedom of Information guidelines; and
 - a statement of the availability of Council's Mediation Program.

Note: The written notice for all applications notified/advertised under this Development Control Plan will contain the above advice, plus any matters as may be required by the EP&A Act and/or Regulation.

The above process may be varied at the discretion of the officer responsible for the management of development assessment to permit:

- notification of properties beyond adjoining properties;
- an extension of the notification period;
- placement of a public notice in a local newspaper;
- exhibition of plans at other public venues;
- the holding of a public meeting;
- consultation with relevant community groups; and/or
- alteration of the advice contained in the written notice.

Council's Notification Fees established within Council's Fees and Charges will apply.

Advertised Development

Development which constitutes advertised development is identified in Clause 5 of the EP&A Regulation 2000 or Clause 23 of Warringah Local Environmental Plan 2000 as follows:-

Advertised development under Clause 5 of the EP&A Regulation 2000 is:

- State significant advertised development, which will be advertised in accordance with Clauses 82-85 of the EP&A Regulation 2000. Under this plan, the notification period may be extended at the discretion of the officer responsible for the management of development assessment.
- Nominated integrated development which requires approval under the Heritage Act 1977, the Water Management Act 2000 or the Protection of the Environment Operations Act 1997; Threatened species development and Class 1 aquaculture development, which will be advertised in accordance with Clauses 87-89 of the EP&A Regulation 2000.
- As an additional requirement under this Plan,
 - Written notice to adjoining property owners and occupiers and to surrounding property owners and occupiers whose use or enjoyment of their land may be detrimentally affected by the development. The extent of surrounding properties receiving written notice shall be at the discretion of the officer responsible for development assessment with the minimum area to be that identified in the Notification Maps of this DCP.
 - A notice exhibited on the land will be displayed.
 - The notification period is 14 days, except for nominated integrated or threatened species development, which is 30 days. The notification period may be extended at the discretion of the officer responsible for the management of development assessment.

Advertised development under Clause 23 of Warringah Local Environmental Plan 2000 is:

- development on or adjacent to public open space that will disturb bushland,
- development for the purpose of potentially offensive industries and potentially hazardous industries,

- development involving the creation of two or more dwellings (other than a granny flat),
- development which involves the demolition of an item identified as having heritage significance in this plan,
- development for the purpose of category A remediation work, unless the remediation work is designated development or State significant development,
- development that is or involves development classified as Category Three,
- development on land owned by the State or Commonwealth Government or institutions which promote the physical, religious, social, cultural or intellectual welfare of persons in the community, if the development is different from the land's current use or any use for which it was held by the government department or authority or institution.

Advertised development under Clause 23 of Warringah Local Environmental Plan 2000 will be advertised in accordance with Clauses 87-89 of the EP&A Regulation 2000.

Advertising under Clauses 87-89 of the EP&A Regulation requires a written notice to adjoining land owners and such public authorities (other than relevant concurrence authorities or approval bodies) who may have an interest in the application, as well as a notice in a local newspaper. The notification period must be for at least 14 days.

In addition to and as an extension of these requirements, this DCP requires that advertised development under Clause 23 of Warringah Local Environmental Plan 2000 be publicly notified as follows:

- Written notice to adjoining property owners and occupiers and to surrounding property owners and occupiers whose use or enjoyment of their land may be detrimentally affected by the development. The extent of surrounding properties receiving written notice shall be at the discretion of the officer responsible for development assessment with the minimum area to be that identified in the Notification Maps of this DCP.
- A notice exhibited on the land will be displayed.
- The notification period is 14 calendar days, except for Category Three development, which is 21 calendar days and Category A remediation work identified in Clause 23 of Warringah Local Environmental Plan 2000, which is 30 calendar days. The notification period may be extended at the discretion of the officer responsible for the management of development assessment.

The following advertised development under Clause 23 of Warringah Local Environmental Plan 2000 will also include notification, with at least one week's notice, of a public hearing into that development proposal:

- Category Three development.
- Development on land owned by the State or Commonwealth Government or institutions which promote the physical, religious, social, cultural or intellectual welfare of persons in the community, if the development is different from the land's current use or any use for which it was held by the government department or authority or institution.

- The notification of the public hearing will be by letter to those who made submissions in response to the development proposal and by a notice placed in a local newspaper, in accordance with Council's Independent Public Hearing Panel Policy.

Council's Advertised Development Fees established within Council's Fees and Charges will apply.

Designated Development

Designated development refers to certain types of high impact development that are identified as designated development under Schedule 3 the EP&A Regulation 2000.

The requirements for public notification of development applications for designated development are specified in Section 79 of the Environmental Planning and Assessment Act and Clauses 77-81 of the EP&A Regulation 2000.

Under this Plan, the notification period for designated development may be extended at the discretion of the officer responsible for the management of development assessment.

Council's Designated Development Notification Fees established within Council's Fees and Charges will apply.

2.7 How applications for modification of development consent are notified

This DCP includes notification requirements for applications made under Section 96(1) (misdescription), Section 96(1A) (modifications involving minimal environmental impact), Section 96(2) (other modifications) and Section 96AA (modifications by Council of development consents granted by the Land & Environment Court) of the Environmental Planning and Assessment Act.

2.7.1 Section 96(1) Misdescription

Section 96(1) relates to a minor error, misdescription or miscalculation. These applications do not require notification unless approved by the manager.

2.7.2 Section 96(1A) certain Section 96AA modification applications

Section 96(1A) applications are for modifications involving minimal environmental impact. Section 96AA applications refer to those applications for modification by Council of development consents granted by the Land & Environment Court where the modification is of minimal environmental impact. These applications will be publicly notified as follows under this DCP:

- Written notice to adjoining land owners and occupiers.
- Written notice to each person who made a submission to the original development application. Such notice will be sent to the last address known to Council.
- The notification period is 14 calendar days.

The above process may be varied at the discretion of the officer responsible for the management of development assessment to permit notification beyond adjoining owners and occupiers and to permit an extension of the notification period or to limit the notification to only those neighbouring properties impacted upon by the variation. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the block.

Note: Clause 117 of the EP&A Regulation also specifies requirements for notification of Section 96(1A) modification applications where the development consent was granted by the Land and Environment Court and the modification application has been made to the Land & Environment Court.

2.7.3 Section 96(2) modification and certain Section 96AA modification applications

Section 96(2) modification applications are for modifications other than those involving minor error, misdescription or miscalculation (Section 96(1)) and those involving minor environmental impact (Section 96(1A)). Section 96AA applications refer to those applications for modification by Council of development consents granted by the Land & Environment Court.

Where the modification application under Section 96(2) or Section 96AA is for designated development, State significant advertised development or any other development where the application was made to a consent authority other than Council the following public notification is required:

Such applications must be publicly notified in accordance with Clause 118 of the EP&A Regulation 2000. This involves publishing a notice in a local newspaper and by notice to each person who made a submission in relation to the original application, with a notification period of at least 14 days, commencing on the day after which the notice is published in the local newspaper.

This DCP specifies that the notification period will be 14 days. The notification period may be extended at the discretion of the officer responsible for the management of development assessment.

In addition to the requirements of Clause 118, this DCP also requires that written notice be sent to adjoining property owners and occupiers and to surrounding property owners and occupiers whose use or enjoyment of their land may be detrimentally affected by the development. The extent of surrounding properties receiving written notice shall be at the discretion of the officer responsible for development assessment.

Other modification applications under Sections 96(2) and 96AA which are not addressed under Clauses 117 and 118 of the EP&A Regulation 2000 will be advertised in accordance with Clause 119 of the EP&A Regulation 2000. This involves notification of the modification application in the same manner as the original application was notified or advertised for a period not exceeding 14 days.

In addition to the requirements of Clause 119 for these other modification applications, this DCP also requires that written notice be sent to each person who made a submission in relation to the original application.

Council's Notification & Advertised Development Fees established within Council's Fees and Charges will apply to S96 applications.

Note: Clause 119 of the EP&A Regulation 2000 also specifies requirements for notification by Council of Section 96(2) and Section 96AA modification applications where the development consent was granted by the Land and Environment Court.

2.8 Notification / Advertising of applications for review of Council's determination under Section 82A

The requirements for public notification of applications for review by Council of its determination of a development application under Section 82A of the EP&A Act are specified in Clause 113A of the EP&A Regulation 2000.

Clause 113A of the EP&A Act Regulation requires such applications to be notified or advertised for a period not exceeding 14 days, but otherwise in the same manner as the original development application was notified or advertised.

Under this DCP, the notification period will be 14 calendar days. Written notice will also be sent to each person who made a submission in relation to the original development application.

Council's Notification & Advertised Development Fees established within Council's Fees and Charges will apply to S82A applications.

2.9 Public exhibition requirements for draft masterplans

Some localities under Warringah Local Environmental Plan 2000 require development of certain land to be assessed with regard to a masterplan. Where a masterplan is required, it must be adopted by Council before Council can determine a development application relating to the land.

A draft masterplan must be publicly exhibited in accordance with Clause 19(6) of Warringah Local Environmental Plan 2000. This clause requires that Council advertise the draft masterplan for public comment in a newspaper circulating in the locality and exhibit it at the Council's office for not less than 21 days. The extent of notification will be to all properties within the master plan area and all properties adjoining the proposal. Properties opposite any roadway / reserve shall also be notified. The extent of notification may be extended at the discretion of the manager.

A draft masterplan may be submitted separately or in conjunction with a development application. If submitted in conjunction with a development application, the draft masterplan and development application may be publicly exhibited concurrently.

Council's Notification Fees established within Council's Fees and Charges will apply.

2.10 Notification under the Tree Preservation Order (TPO)

Applications under the TPO that effect "Significant" trees will be notified to adjoining residents. The notification area will generally be 5 properties (or 75 m) either side and opposite to the subject site (whichever is the lesser). See Schedule 2.

A "Significant" tree is defined as a tree that impacts on the streetscape by virtue of its size, appearance, type, age, condition and heritage / cultural significance. The Team Leader, Conservation and Land Management (T/L CALM) (or equivalent) or a senior to this position will determine if a tree is deemed "significant".

Generally only "significant" trees will be notified to adjoining properties for 14 days as identified in Schedule 1, however, the T/L CALM (or equivalent) or a senior to this position has the discretion to notify any TPO or extend the notification area or extend the notification period.

2.11 Notification of Building Certificates

Building Certificates that relate to unauthorised works will be notified for a period of 14 days to those adjoining properties who may be affected by the development. The period may be extended and / or the application advertised at the discretion of the manager. See Schedules 1 and 2.

Council's Notification Fees established within Council's Fees and Charges will apply.

2.12 Circumstances that notification/advertising of an application may be dispensed with

- If a development application is amended or substituted, and
- Council has notified/advertised the original application, and
- Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact, and
- Council may decide to dispense with further notification/advertising in relation to the amended or substituted application at the discretion of the officer responsible for the management of development assessment.

2.13 Notification/advertising of certain amended or substituted applications

Amended or substituted applications, other than those referred to in Section 2.12 of this Plan, will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application. The applicable Fees and Charges apply.

2.14 Period for notification/ advertising of certain applications be affected over the Christmas/New Year period

The period between 20 December and the end of the first week in January will not be included in the time period for notification/advertising of applications.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period, i.e.:

- Applications under Section 82A of the EP&A Act for review by Council of its determination of a development application, and
- Applications for modification of consent under Sections 96(2) and 96AA, to which Clause 119 of the EP&A Regulation applies.

2.15 How submissions are to be made and how submissions are considered

Development Application related

Submissions are to be in writing, by letter, facsimile, the web or email, clearly identifying the following;

- subject property,
- application number and description,
- name, address and telephone number of the author, and
- state the planning grounds of any support or objection to the proposal.

All submissions received in the correct manner during the submission period will be taken into consideration in the determination of the application; submissions will be viewed on Council's website. Consideration of late submissions will be at the discretion of the officer responsible for development assessment.

The number of submissions triggers the referral to different management levels and panels for consideration/determination depending on the type of development applications.

At the time of preparation of this DCP, the following assessment / determination levels are provided:

1. Officer delegation.
2. Director delegation.
3. Application Determination Panel (ADP).
4. Independent Hearing and Assessment Panel (IHAP).
5. Council.

The referral to the panels identified above are generally triggered by the number of unresolved objections to an application.

An unresolved objection following the most recent notification/advertising period is an objection to a development proposal or modification that relates directly to the proposal on planning grounds and is not withdrawn or can not be suitably conditioned in a consent to comply with the associated built form controls/planning principles and their objectives.

When Council receives a submission, an acknowledgment letter is sent. Council does not enter into correspondence in respect to any submission due to the large number of submissions received annually. Details provided in any submission will be considered in the assessment officer's report and are available on Council's web site. Any person that lodged a submission in the correct manner will be notified of Council's determination of the development application.

Other Applications

Submissions are to be in writing, by letter, facsimile, or email, clearly identifying the following:

- subject property,
- application number and description,
- name, address and telephone number of the author, and
- State the grounds of any support or objection to the proposal.

All submissions received in the correct manner during the submission period will be taken into consideration in the determination of the application. Consideration of late submissions will be at the discretion of the officer responsible.

2.16 Mediation

The notification/advertising of applications will advise of the opportunity for mediation under Council's Mediation Policy except for Category 3 development applications. Mediation will be organised by the mediation co-ordinator as outlined in Council's Mediation Policy. If the mediation results in amended plans being submitted, those participating in the mediation will have the opportunity of viewing the amended plans prior to the application being determined.

Schedule 1: Notification/Advertising Requirements




		NOTIFICATION	NOTIFICATION, ADVERTISING & SITE NOTICE	COMMENT
Exempt		X	X	
Complying		X	X	
Development Application		14		
	(a) On or adjacent to public open space that disturbs public bushland,	x	14	S.23 WLEP
	(b) Potentially offensive/hazardous,		14	
	(c) Creation of 2 more dwellings,		14	
	(d) Demolition of heritage item		14	
	(e) Cat A remediation works,		14	
	(f) Category 3		14	
	(g) State or Federal land if change in use		14	
	State Significant		30	CI 82-85 EP&A Regs 2000
	Designated Development		30	CI 77-81 EP&A Regs 2000
	Nominated integrated		30	Heritage Act Water Management Act Protection of Environment Operations Act
	Threatened Species		30	If a SIS is required
	Class 1 Aquaculture		14	
	Amended /Substituted Details/Plans	See comments	See comments	As previously under original DA & anyone who made a submission unless:- Council has notified/advertised original application, and

		NOTIFICATION	NOTIFICATION, ADVERTISING & SITE NOTICE	COMMENT
				Council is of the opinion that the substituted or amended application differs only in a minor respect and does not result in a greater environmental impact, advertising / notification is not required
Master Plan CI 19			21	WLEP 2000 CI 19
Sec.96 Modification	S96(1)-Misdescription	X	X	
	S96(1A)- Minimal Impact	14	X	Adjoining & objectors
	S96(AA) Court Consent	See comments	See comments	S117& s118 Regs or as previously under original DA & anyone who made a submission
	S96(2)- Other	See comments	See comments	S118& S119 Regs or as previously under original DA & anyone who made a submission
	Designated Development	See comments	See comments	CI 82-85 EP&A Regs 2000
Sec.82A Review		14*	14*	* As original application was notified or advertised including anyone who made a submission. CI 113A EP&A Regs
Part V Assessment		X	X	
TPO		14**	X	** only for significant trees
Building Certificates	Where certificate relates to unauthorised building works	14		Additional notification period or advertising at the discretion of the manager

Note: Any application that requires notification / advertising will be subject to the appropriate fees.

Schedule 2: Notification for Maps: - Development Applications, DA modifications, S82A reviews, Building Certificates






KEY  Development Site  Minimum number of properties to be notified  Minimum notification area

NOTE: Notification may be amended if Council's review panel or officer considers that additional properties are affected by the proposal.

Schedule 2: Notification For Maps: - Tree Preservation Orders (Significant trees)



KEY  TPO Site  Minimum number of properties to be notified  Minimum notification area

NOTE: Notification may be amended as per Section 2.10

Schedule 3 - Development Schedule

For development not to be notified (ref Clause 2.4 of this DCP), works must meet the pre-conditions detailed under Schedule (under the relevant heading for the proposed works) detailed here under:

Note: These provisions are not development controls; the purpose is to provide pre-conditions as to what is and is not to be publicly exhibited only.

1 Demolition

General

- The demolition does not involve any part of a heritage building or any demolition work on contaminated lands.

2 Front boundary fences

General

- A front fence (on or within the vicinity of the front boundary) not exceeding 1.5m in height above ground level (existing) and not less than 30% transparent for the length of the fence that is above 1.2m in height; and
- All work being contained within the subject property and being set out by survey; and
- No construction over any watercourse, Council pipeline or drainage easement.

3 Internal alterations to multi dwelling housing and residential flat buildings (excluding balcony enclosures and other devices which are externally visible).

4 Construction of carports, garages, and outbuildings associated with multi dwelling housing and residential flat buildings.

General

- The development complies with the Built Form Controls (development standards) for the applicable locality contained in the Warringah Local Environment Plan; and

Streetscape

- Carports and garages facing a public street or accessway are not more than 7m wide or 50% of the width of the lot at the minimum front setback building line, whichever is the lesser. Maximum width of garage door opening 6.0m; and
- Carports and garages are set behind the required numerical front setbacks; and

Bulk and scale and location

- All carports, garages, and outbuildings associated with but separated from, a Residential Flat Building, to have a maximum overall height of 3.5 metres; and external wall height no more than 3.0 metres (not including gables); and
- The ground floor level of the structure at any point is no more than 600mm above ground level (existing); and

- Balconies or decks associated with any structure no more than 600mm above ground level (existing); and
- The external wall or facade of any structure is at least 900mm from a side boundary; and
- The eaves and roof gutter of any structure are a minimum distance from the boundary of 675mm; and
- The maximum area of any detached carport, garage or outbuilding, shall be 50 m² with a maximum wall length (or length of structure, excluding eaves), of 7 m; and
- The use of any outbuilding must be clearly stated and not be used for any industrial, commercial or habitable purposes; and
- No roof decks /roof terraces permitted; and
- There is no net increase in the impervious area of the site; and
- Must not be burdened by a watercourse, or within 3m of a Council pipeline or drainage easement; and

Vehicular access and circulation

- The finished level of the driveway is to be within a maximum of 250mm from ground level (existing); and
- Driveways are a minimum of 500mm from the side boundary; and
- Driveways are a minimum of 1.0m clear of all drainage structures on the kerb and gutter and do not interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority; and
- There is a maximum of one driveway crossing per allotment with any redundant laybacks being reinstated in accordance with Council's technical specifications; and
- Driveways are a minimum distance of 6m from a road intersection; and
- Driveway crossings and gradients are to be in accordance with Council's Standard Driveway Profiles; and

Water, Drainage and Soil Management

- Development must collect stormwater; provide the necessary drainage works pertinent to the development proposed and dispose of it to an approved, operational drainage system constructed in accordance with Council's technical specifications, Policies and relevant Australian Standards. All work being certified as adequate to perform its intended function. Additionally all low level properties (i.e. land that falls away from the street) are to drain to an approved drainage easement, containing a pipeline of sufficient capacity to cater for flows from the new development; and

Collected roof and surface waters may flow to, or via energy saving water devices or stormwater harvesting and reuse systems complying with the exempt or complying development provisions contained within this plan, prior to being disposed of in accordance with this clause; and

- No structure is constructed within 2.0 metres of a sewer/ sewer manhole/water main without the prior approval of the relevant service authority; and

- The *total impervious area* for all development is less than 35% of the total site area plus 50m² or the total impervious area of a proposed addition is less than 50m². For additions where the existing impervious area exceeds 35% of the site area, a “one off” addition of 50m² only is permitted (refer to Council’s on-site detention check list); and

Note: Total impervious area means existing and proposed roofed areas, built upon areas, paved surfaces and hardstand areas.

- Cut and /or fill is not to exceed 900mm from ground level (existing); and

Car parking

- Existing approved carparking spaces, including garages and carports, remain available for carparking as approved; and
- Any increase in carparking demand, resulting from additions or alterations is met with the corresponding additional carparking provided on site in accordance with the requirements of the *Warringah Local Environmental Plan 2000* under the heading of *Traffic, Access and Car Parking*.

Note: The provisions of State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 must be complied with.

5 Swimming pools

General

- The development complies with the Built Form Controls (development standards) for the applicable locality contained in the *Warringah Local Environment Plan*; and
- Ancillary to a dwelling for private use only; and

Note: Applicants/owners should be aware that private Section 88B Instruments may require greater setbacks or constraints than those mentioned in this Policy; and

Streetscape

- The pool is not to be located within the front building setback; and

Bulk, scale and location

- The pool and all associated coping and decking around the pool, at any point is no more than 600mm above ground level (existing), and the coping located no more than 900mm below ground level (existing); and
- The pool, including any associated coping and decking, is set back a minimum of 900mm from the side and rear boundaries and 1.2m minimum setback to waterline; and
- Must not be within 3m of a Council pipeline or drainage easement; and

Amenity

- The noise level of any filtration equipment or pumps does not exceed 5dB (A) above the ambient background level measured at the nearest property boundary; and
- The location of any filtration equipment or pumps not within 5m of adjoining residential dwelling; and

- Where the pool is located more than 400 mm out of the ground and within 2m of a boundary, the area between the pool and that boundary is to be provided with suitable screen landscaping; and

Installation, construction and drainage

- Development must collect stormwater runoff; provide the necessary drainage works pertinent to the development proposed and dispose of it to an approved, operational drainage system constructed in accordance with Councils technical specifications and Policies for drainage. All work being certified by a suitably qualified person. Collected surface waters may flow to or via, energy saving water devices or stormwater harvesting and reuse systems complying with the exempt or complying development provisions contained within this plan, prior to being disposed of in accordance with this clause; and
- All swimming pool water including overflow water shall be drained to the sewer where the property is serviced by Sydney Water; and
- No structure is constructed within 2.0 metres of a sewer/ sewer manhole/water main without the prior approval of the relevant service authority; and

Public Health and Safety - Unsewered sites

- The manner of the disposal of wastewater is to be the subject of a section 68 approval issued pursuant to the Local Government Act 1993 by the regulatory authority.

6 A different use resulting from a change of use from one type of approved industrial or warehouse use to another type of industrial or warehouse use

7 Alterations to approved industrial and warehouse buildings

General

- The development complies with the Built Form Controls (development standards) for the applicable locality contained in the Warringah Local Environment Plan; and
- No reduction in the fire safety measures for the building required to be provided in accordance with the *Building Code of Australia* and relevant Australian Standards; and
- There is no net increase in the impervious area of the site; and
- Must not be within 3m of a Council pipeline or drainage easement; and
- No structure is constructed within 2.0 metres of a sewer/ sewer manhole/water main without the prior approval of the relevant service authority; and
- Must not extend the existing approved hours of operation; and
- Must not result in the use of the premises for potentially hazardous or offensive industry as defined in SEPP No 33- Hazardous and Offensive Development; and

Streetscape

- All required carparking is provided on site behind the required front setback; and
- Existing landscaping is not reduced; and
- All works are within the existing envelope of the building; and

- No alterations to the external cladding of the building unless the work faces internally to the site and is not viewed from another property or public place except where the alterations relate to energy efficiency devices, photovoltaic cell installations and energy saving water devices or stormwater harvesting and reuse systems. In such case such systems and devices must not cause any unacceptable impact on the environment or interference with the amenity of the surrounding area (unacceptable impact will be at the discretion of Council); and
- No increase in the number or the width of vehicle footpath crossings; and

Floor space

- There is no increase in the gross floor area of the currently approved building; and
- There is no decrease to the gross floor area used for pedestrian access paths or decrease in access to fire exits; and

Carparking

- Existing approved carparking spaces, including, garages and carports, remain available for carparking as approved; and
- Existing approved loading and unloading areas, remain available as approved; and
- Any increase in carparking demand, resulting from change of use, is met with the corresponding additional carparking provided on site in accordance with the requirements of the *Warringah Local Environmental Plan 2000* under the heading of *Traffic, Access and Car Parking*; and
- Adequate manoeuvring area is provided to ensure that vehicles are able to enter and exit the site in a forward direction; and
- Design of carparking areas is in accordance with the most recent *Guide to Traffic Generating Developments (NSW Roads and Traffic Authority)*.

8 A different use resulting from a change of use from one type of approved business, office or shop to another type of business, office or shop use.

9 Internal alterations to business premises, offices and shops

General

- No reduction in the fire safety measures for the building required to be provided in accordance with the *Building Code of Australia* and relevant Australian Standards; and
- Must not be burdened by a Council pipeline or drainage easement located within the building footprint; and
- Must not extend the existing approved hours of operation; and
- Must not result in the use of the premises for potentially hazardous or offensive business as defined in SEPP No 33- Hazardous and Offensive Development; and

Streetscape

- All work is contained within the previously approved envelope of the building; and
- New entrances directly face the street or pedestrian thoroughfares; and

Floor space

- There is no increase in the gross floor area of the currently approved building; and
- There is no decrease to the gross floor area used for pedestrian access paths or for access to fire exits; and

Carparking

- Existing approved carparking spaces, including, garages and carports, remain available for carparking as approved; and
- Existing approved loading and unloading areas, remain available as approved; and
- Any increase in carparking demand, resulting from change of use, is met with the corresponding additional carparking provided on site in accordance with the requirements of the *Warringah Local Environmental Plan 2000* under the heading of *Traffic, Access and Car Parking*; and
- Design of car parking areas is in accordance with the most recent Guide to Traffic Generating Developments (NSW Roads and Traffic Authority); and

Food shops

- If the shop is a food shop, then it must comply with all objective standards imposed on the proposed development by the current Food Act, Regulations, relevant Standards and codes.

Part 2: Mobile Phone Base Stations

1. Introduction

This plan is known as Warringah Development Control Plan No. 26 – Location of Mobile Phone Base Stations.

It has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 and was adopted by Council at its meeting on 23 February 1999 and came into force on 13 March 1999.

2.1 Land to which this plan applies

This policy applies to all land in Warringah.

2.2 Purpose

The purpose of this policy is to provide guidelines to control the siting and visual impact of mobile phone base stations and associated infrastructure and equipment.

2.3 Objectives

- (a) To provide a range of matters to be considered in assessing applications for mobile phone base stations; and
- (b) To ensure that radiation emission levels from mobile phone base stations are as low as practicable.
- (c) To recognise the balance necessary to achieve public confidence in the perceived potential health impacts of mobile phone base stations and the importance of such facilities in providing a sound telecommunications network.

2.4 Radiation Emission Levels

The following conditions shall determine the location of mobile phone base stations: -

Zone/Use	Conditions/Circumstances
Bushland/National Park	Only with consideration of environmental procedures to minimise impact during construction, maintenance, and operation and with an acceptable environmental management and work plan.
Other Land	300 metres from residential land, and any dwelling, child care centre, school or hospital, aged care centre and the like and subject to the exposure levels being less than 0.2 +/- 0.02uW/cm ² when measured at the closest dwelling, child care centre, school, hospital, aged care centres and the like.

2.5 Visual Amenity

In considering an application for a mobile phone base station or ancillary equipment or infrastructure, Council shall have regard to preventing the negative visual impact of the proposal upon the natural and built environment.

2.6 Monitoring

- (a) The carrier will be responsible for funding and implementing both electromagnetic radiation estimation and subsequent confirmation in order to confirm average exposure levels after the facility begins operation.
- (b) The carrier shall provide Council an annual report indicating the levels of the electromagnetic radiation emitted from the facility.