



**Warringah  
Council**

Civic Centre 725 Pittwater Road  
Dee Why NSW 2099  
DX 9118  
(02) 9942 2111  
(02) 9971 4522

**Telephone**  
**Facsimile**

**Website** [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)  
**Email** [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)  
**ABN** 31 565 068 406

26 November 2008

Coastplan Consulting  
PO Box 6179  
Kincumber NSW 2251

DA2008/1500  
CC (PDS)

Dear Sir/Madam,

**RE: 11 Woolgoolga Street North Balgowlah  
Development Application No: DA2008/1500  
Alterations and additions to an existing dwelling**

We are writing to advise that Council, on **14 November 2008**, determined your Development Application by Deferred Commencement in accordance with Section 80(3) of the Environmental, Planning & Assessment Act 1979.

Please note that the consent is **not operative** until the following deferred commencement conditions have been satisfied.

**1. Building Certificate**

A Building Certificate is required to be issued for the unauthorised works which have commenced or been completed at the subject site prior to activation of this development consent.

**Reason:** *Existing unauthorised works for the proposal.*

The evidence required to satisfy these conditions **must** be submitted to Council within 12 months of the date of this Deferred Commencement Consent.

Upon compliance with the deferred commencement conditions, the consent shall be operative for Development Application 2008/1500 subject to the conditions in the Notice of Determination.

(Note: Implementing development consent prior to written confirmation may result in legal proceedings. If such proceedings are required Council may seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions; including this condition have been satisfied).

**You may apply for modification of the conditions attached to your deferred commencement under Section 96 of the Environmental Planning and Assessment Act 1979.**

**Please read your deferred commencement carefully** as you are required to undertake and complete specific tasks before the consent is operative. A Construction Certificate cannot be issued and subsequent works cannot commence until Council acknowledges, in writing, that the conditions for deferred commencement have been satisfied.

Please note that your Notice of Determination will lapse 3 years from the date on which your deferred commencement consent becomes operative.

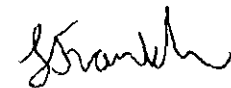
Your Notice of Determination and plans are now available for collection at Council's Customer Service Centre.

It is Council's policy not to forward these documents by mail to ensure safe receipt. Please note that Council can only release the consent to the applicant, nominated on the application form. Please bring this letter (original only) and photo identification with you for collection purposes. If the person collecting the consent is not the applicant, then they must present a letter of authorisation from the applicant as well as photo identification. Development Consents that are not collected within 30 days of notification will be filed and can be retrieved by giving three days notice in advance.

Should you require any further information, please contact **Cynthia Chan** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online. To access this facility please visit our DA's Online System at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au).

Yours faithfully



*per*  
Cynthia Chan  
**Development Assessment Officer**  
**Planning and Development Services**



Warringah Council

5

## NOTICE OF DETERMINATION

**Application Number:** DA2008/1500

### APPLICATION DETAILS

**Applicant Name and Address:** Coastplan Consulting  
PO Box 6179  
Kincumber NSW 2251

**Land to be developed (Address):** Lot 55 DP 11915 11 Woolgoolga Street, North  
Balgowlah

**Proposed Development:** Alterations and additions to an existing dwelling

### DETERMINATION- DEFERRED COMMENCEMENT CONSENT

**Made on (Date):** 14 November 2008

**Consent to operate from (Date):** Once Council is satisfied as to those matters specified in the Deferred Commencement Conditions, Council will nominate by way of written notice to the Applicant, the date from which the consent operates.

**Consent to lapse on (Date):** 3 years from the operative date as notified in writing by Council.

### Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

#### NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

## GENERAL CONDITIONS

### DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

#### 1. Building Certificate

A Building Certificate is required to be issued for the unauthorised works which have commenced or been completed at the subject site prior to activation of this development consent.

**Reason:** *Existing unauthorised works for the proposal.*

Evidence required to satisfy these conditions must be submitted to Council within 12 months of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

**Upon satisfaction of the deferred commencement conditions, the following conditions apply:**

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 2. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

| Drawing Number                              | Dated      | Prepared By      |
|---------------------------------------------|------------|------------------|
| D001 site plan & proposed ground floor plan | 12 June 08 | Clint Stephenson |
| D002 elevations & section                   | 12 June 08 | Clint Stephenson |

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

**Reason:** *To ensure the work is carried out in accordance with the determination of Council and approved plans.*



### **3. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

*Reason: Prescribed - Statutory.*

### **4. New Development Application Required**

This consent is for alterations and additions to the existing building only. If during the course of certification, demolition or construction, the remaining fabric of the building is removed or demolished a new development application may be required and relevant planning controls including BASIX may apply.

*Reason: To ensure compliance with the approved plans.*

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

### **5. Development/Construction Security Bond**

A bond (determined from cost of works) of \$500 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

*Reason: To ensure adequate protection to Council infrastructure.*

### **6. Long Service Levy**

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

*Reason: Prescribed - Statutory.*

## **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

### **7. Excavation/Building Works**

No excavation or building works shall be carried out until a Construction Certificate has been issued.

*Reason: To ensure compliance with statutory provisions.*

## 8. Home Building Act

- (1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - (a) in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number, and
    - (ii) is satisfied that the licensee has complied with the requirements of the Home Building Act, or
  - (b) in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever *arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.*
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

**Reason:** *Prescribed - Statutory.*

## 9. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Reason:** *Legislative requirement for the naming of the PCA.*



Warringah Council

## **10. Site Sign**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

**Reason:** *Statutory requirement.*

## **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

### **11. Installation and Maintenance of Sediment Control**

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites.*

### **12. Prohibition on Use of Pavements**

No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without prior Council Approval.

**Reason:** *To ensure public safety and amenity on public land.*

### **13. Structural Adequacy of Existing Building - Additional Storey**

A certificate prepared by an appropriately qualified and practising Structural Engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** *To ensure the structural integrity of the building is maintained. (DACGCsaeb)*

#### **14. Silt & Sediment Control**

Provision shall be made throughout the period of demolition / excavation & construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

**Reason:** *To avoid siltation to adjoining properties and waterways.*

#### **15. Aboriginal Heritage**

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

**Reason:** *Aboriginal Heritage Protection.*

#### **16. Construction Hours**

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

**Reason:** *To ensure that works do not interfere with reasonable amenity expectations of residents and the community.*

#### **17. Demolition Works**

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with all relevant Acts, Regulations and Australian Standards.

Note: The following Australian Standard applied at the time of determination



Warringah Council

Australian Standard AS2601.2001 - Demolition of Structures

**Reason:** *To ensure a satisfactory standard of demolition works.*

### **18. Excavation / Backfilling**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

**Reason:** *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage.*

### **19. Health and Safety**

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

**Reason:** *To ensure the health and safety of the community and workers on the site.*

### **20. Plans on Site**

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

**Reason:** *To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.*

### **21. Removal of Extra Fabric**

Should any portion of the existing building, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

**Reason:** *To ensure compliance with the terms of this development consent.*

### **22. Dust emission and air quality**

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.



Warringah Council

**Reason:** To ensure residential amenity is maintained in the immediate vicinity.

### **23. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity

### **24. Removing, Handling and Disposing of Asbestos**

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

Note: The following standards applied at the time of determination:

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

**Reason:** To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily

### **25. Removal of Lead**

All work involving lead removal must not cause lead contamination of air or ground and must be carried out in accordance with the relevant Australian Standards. Particular attention must be given to the control of dust levels on the site.

Note: The following standard applied at the time of determination:

- Australian Standard AS4361.2 - Guide to lead paint management - Residential and commercial buildings

**Reason:** To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

## **CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

### **26. Occupation Certificate Required**

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.



Warringah Council

**Reason:** To ensure compliance with the provisions of the Environmental Planning and Assessment Act.

## 27. Smoke Alarms

Smoke alarms shall be installed in the dwelling in accordance with the Building Code of Australia and AS 3786 prior to the issue of the interim/final occupation certificate.

**Reason:** Compliance with Part 9 – Division 7A of EP & A Regulations 2000.

## Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

**NOTE:** A fee will apply for any request to review the determination.

## Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**Signed** on behalf of the consent authority

Signature  
Name

Cynthia Chan, Development Assessment Officer

Signature  
Name

Ryan Cole, Team Leader Development Assessment

Date 14 November 2008



Warringah Council

## RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2008/1500

Assessment Officer: Cynthia Chan

Property Address: Lot 55 DP 11915 No.11 Woolgoolga Street, North Balgowlah

Proposal Description: Alterations and additions to an existing dwelling

Plan Reference: D001 and D002 prepared by Clint Stephenson

| Report Section                        | Applicable                                                          | Complete & Attached                                                 |
|---------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| Section 1 – Code Assessment           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 2 – Issues Assessment         | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 3 – Site Inspection Analysis  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 4 – Application Determination | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Estimated Cost of Works: \$ \$15,000

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

No. of Submissions: 0

☐ Yes ☒ No

Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

### SECTION 1 – CODE ASSESSMENT REPORT

#### ENVIRONMENTAL PLANNING INSTRUMENTS

##### WLEP 2000

Locality: G3 Manly Lagoon Suburbs

Development Definition: Alterations and additions to an existing housing

Category of Development: Category 1- housing

Desired Future Character:

*The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style development in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment buildings will be confined to the "medium density areas" shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.*

*Future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. The street will be characterised by landscaped front gardens and consistent building setbacks. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.*

*The relationship of the locality with the surrounding bushland will be reinforced by protecting the enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.*



Warringah Council

*Development on hillsides, or in the vicinity of ridgetops, will integrate with the natural landscape and topography.*

*The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control provided in clause 39.*

- ☒ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?

☒ Yes ☐ No

- ☐ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

- ☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

- ☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

#### Built Form Controls:

(NOTE: "FAR" = Further Assessment Required – Refer to Section 2)

|                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Building Height (overall):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>                                                                                     | <p>Requirement: 8.5 metres</p> <p>Proposed: Balustrade to existing stairs: 4.1 metres, storage area: 3.7m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> FAR</p>                                                                                                                        |
| <p>Building Height (underside of upper most ceiling):</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>                                                             | <p>Requirement: 7.2 metres</p> <p>Proposed: The proposal is for the use of the subfloor space underneath the existing dwelling which the uppermost ceiling height is maintained.</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>                                                 |
| <p>Front Setback:</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>                                                                                                 | <p>Requirement: 6.5 metres</p> <p>Proposed: The proposal refers to the rear part of the dwelling and makes no changes to the existing front setback.</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>                                                                             |
| <p>Landscape Open Space:</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>                                                                                          | <p>Requirement: 40% of the site area (263 square metres)</p> <p>Proposed: The proposal is for the use of the subfloor space underneath the existing dwelling and makes no changes to the existing landscaped open space.</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>         |
| <p>Rear Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>                                                                                                  | <p>Requirement: 6 metres</p> <p>Proposed: 15m to balustrade to existing stair, 17.5m to the storage area</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> FAR</p>                                                                                                                         |
| <p>Side Boundary Envelope:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Boundary: northwest</p> <p>Requirement: 5 metres/ 45 degrees</p> <p>Complies: Balustrade to existing stair: Complies</p> <p>Boundary: southeast</p> <p>Requirement: 5 metres/ 45 degrees</p> <p>Proposed: Existing maintained</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> |



Warringah Council

|                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Side Setbacks:</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <b>Boundary: northeast</b><br><b>Requirement: 0.9 metres</b><br><b>Proposed: Subfloor space and balustrade: 2.5m</b><br><br><b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> FAR<br><br><b>Boundary: southwest</b><br><b>Requirement: 0.9 metres</b><br><b>Proposed: Existing maintained</b><br><br><b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**General Principles of Development Control:**

|                                                                                                                                                                |                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CL38 Glare &amp; reflections</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                               | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL39 Local retail centres</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                  | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL40 Housing for Older People and People with Disabilities</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL41 Brothels</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                              | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL42 Construction Sites</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                    | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL43 Noise</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                 | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL44 Pollutants</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                            | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL45 Hazardous Uses</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                        | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL46 Radiation Emission Levels</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                             | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |



Warringah Council

|                                                                                                                                                                                   |                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CL47 Flood Affected Land</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                      | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL48 Potentially Contaminated Land</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                            | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL49 Remediation of Contaminated Land</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                         | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL49a Acid Sulfate Soils</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                      | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL50 Safety &amp; Security</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                    | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL51 Front Fences and Walls</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                   | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL53 Signs</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                    | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL54 Provision and Location of Utility Services</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                               | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL55 Site Consolidation in 'Medium Density</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                    | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |
| <b>CL56 Retaining Unique Environmental Features on Site</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                          | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No            |



Warringah Council

|                                                                                                                                              |                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CL57 Development on Sloping Land</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No         | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No              |
| <b>CL58 Protection of Existing Flora</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No        | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL59 Koala Habitat Protection</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No            | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL60 Watercourses &amp; Aquatic Habitats</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL61 Views</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                               | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL62 Access to sunlight</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL63 Landscaped Open Space</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No               | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL63A Rear Building Setback</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No              | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL64 Private open space</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                  | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |
| <b>CL65 Privacy</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                             | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes , see Note 1 <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL66 Building bulk</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                       | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes , see Note 2 <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL67 Roofs</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                               | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                         |



Warringah Council

|                                                                                                                                                           |                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CL68 Conservation of Energy and Water</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                 | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                |
| <b>CL69 Accessibility – Public and Semi-Public Buildings</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |
| <b>CL70 Site facilities</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                  | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                |
| <b>CL71 Parking facilities (visual impact)</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No               | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |
| <b>CL72 Traffic access &amp; safety</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                      | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |
| <b>CL73 On-site Loading and Unloading</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                    | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |
| <b>CL74 Provision of Carparking</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                          | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes, see Note 3 and Schedule 17<br><input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL75 Design of Carparking Areas</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                       | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |
| <b>CL76 Management of Stormwater</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                         | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                |
| <b>CL77 Landfill</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                         | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |
| <b>CL78 Erosion &amp; Sedimentation</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                      | <b>Complies:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                |
| <b>CL79 Heritage Control</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                 | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                           |



Warringah Council

|                                                                                                                                                                                                     |                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes, see Note 4<br><input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL81 Notice to Heritage Council</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                 | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>CL82 Development in the Vicinity of Heritage Items</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                              | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>CL83 Development of Known or Potential Archaeological Sites</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                     | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes, see Note 4<br><input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

**Schedules:**

|                                                                                                                                                                   |                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Schedule 5 State policies</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                     | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>Schedule 6 Preservation of bushland</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                           | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>Schedule 7 Matters for consideration in a subdivision of land</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>Schedule 8 Site analysis</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                      | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>Schedule 9 Notification requirements for remediation work</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No     | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>Schedule 10 Traffic generating development</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                    | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

|                                                                                                                                                                        |                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Schedule 11 Koala feed tree species and plans of management</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No        | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>Schedule 12 Requirements for complying development</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                 | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>Schedule 14 Guiding principles for development near Middle Harbour</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>Schedule 15 Statement of environmental effects</b><br><b>Applicable:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                     | <b>Complies:</b><br><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                           |
| <b>Schedule 17 Carparking provision</b><br><b>Applicable:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                   | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes, see Note 3<br><input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

#### Note 1

The proposed storage area is a lower occupancy room and is generally given with lesser weight in privacy issues. Therefore, the proposal will not result in unreasonable privacy issues and is satisfactory in addressing Clause 65- Privacy.

#### Note 2

Considerations of Clause 66- Building Bulk are given to the following:

- The proposal makes no changes to the existing side boundary envelope.
- The proposal does not include large area of continuous wall planes.
- The proposal is the use of an existing subfloor space that landscaping is not required to screen the existing frontage.

Therefore, the proposal will not be visually prominent or dominating, and is satisfactory in addressing this Clause.

#### Note 3

The dwelling currently includes a single carport and does not comply with the minimum carparking requirement contained in Schedule 17. However, the proposal is for a storage space and does not increase the density of the dwelling or the demand for carparking. Therefore, the proposal makes no changes to the existing carparking condition and no further consideration of Clause 74 and Schedule 17- Carparking provision is required.



Warringah Council

#### Note 4

The site is identified with extremely high Aboriginal Heritage Potential. However, given that that excavation for the proposal has already been taken place. Therefore, no further consideration of Clause 80 and 83 of the WLEP 2000 is required.

#### Relevant Environmental Planning Instruments:

##### SEPP 55 Applicable?

☒ Yes ☐ No

The site has been used for residential purposes for a period of time and there is no indication of land contamination. Also, the proposal is consistent with the existing land use of the site. Therefore, no further consideration of this SEPP is required.

##### SEPP Basix: Applicable?

☐ Yes ☒ No

The value of alterations and additions work is less than \$50,000.

##### SEPP Infrastructure: Applicable?

☒ Yes ☐ No

This application does not require a referral to the energy supply authority, as the proposed work does not consist of the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- development involving or requiring the placement of power lines underground
- a new swimming pool.

REPs: Applicable?: ☐ Yes ☒ No

#### EPA Regulation Considerations:

|                                                                                                                            |                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Clause 54 & 109 (Stop the Clock)<br>Applicable:<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No     |                                                                                                 |
| Clause 92 (Demolition of Structures)<br>Applicable:<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Addressed via condition?<br><input type="checkbox"/> Yes <input type="checkbox"/> No            |
| Clause 93 & 94 (Fire Safety)<br>Applicable:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No         | Addressed via condition?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Clause 98 (BCA)<br>Applicable:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                      | Addressed via condition?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |



Warringah Council

## REFERRALS

| Referral Body/Officer      | Required                                                            | Response                                                                                                                                        |
|----------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Engineering    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| Landscape Assessment       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| Bushland Management        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| Catchment Management       | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| Aboriginal Heritage        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| Env. Health and Protection | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| NSW Rural Fire Service     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |



Warringah Council

**Applicable Legislation/ EPI's /Policies:**

- |                                                               |                                                                       |
|---------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> EPA Act 1979              | <input type="checkbox"/> Swimming Pools Act 1992;                     |
| <input checked="" type="checkbox"/> EPA Regulations 2000      | <input checked="" type="checkbox"/> SEPP No. 55 – Remediation of Land |
| <input checked="" type="checkbox"/> Local Government Act 1993 | <input type="checkbox"/> SEPP No. 71 – Coastal Protection             |
| <input type="checkbox"/> Roads Act 1993                       | <input type="checkbox"/> SEPP BASIX                                   |
| <input type="checkbox"/> Rural Fires Act 1997                 | <input checked="" type="checkbox"/> WLEP 2000                         |
| <input type="checkbox"/> RFI Act 1948                         | <input checked="" type="checkbox"/> WDCP                              |
| <input type="checkbox"/> Water Management Act 2000            | <input type="checkbox"/> S94 Development Contributions Plan           |
| <input type="checkbox"/> Water Act 1912                       | <input type="checkbox"/> S94A Development Contributions Plan          |
|                                                               | <input checked="" type="checkbox"/> SEPP Infrastructure               |

**SECTION 79C EPA ACT 1979**

|                                                                                                                                                                                                   |                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?                                                                           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                              |
| Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument                                                            | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan                                                                          | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                              |
| Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement                                                                      | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?                                                                                                         | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                              |
| Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                              |
| Section 79C (1) (c) – Is the site suitable for the development?                                                                                                                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                              |
| Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?                                                                                        | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Section 79C (1) (e) – Is the proposal in the public interest?                                                                                                                                     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                              |



Warringah Council

## SECTION 2 – ISSUES

This application was notified by letter dated 28 October 2008 in accordance with the Environmental Planning Assessment Regulation 2000 and the Warringah Development Control Plan. No submission or request for mediation was received in response to the notification.

### RELEVANT BACKGROUND

This application is a result of the unlawful building work which has been carried out on site, including:

- *Construction of concrete stairs leading from the first floor deck on the south/west corner of dwelling,*
- *Structural reconfiguration of rear deck,*
- *Installation of structural beams & supporting posts in association with the reconfigured timber deck on the southern elevation,*
- *Removal & bricking up of doorways on the southern elevation,*
- *Construction of a new doorway cut through structural brick work on the western side of the laundry area on the southern elevation,*
- *Excavation of the southern sub-floor ground area,*
- *Removal of structural piers from the southern sub-floor ground area of the dwelling and*
- *The construction of masonry retaining walls and concrete stairs in the rear yard on the southern elevation.*

On 13 March 2008, Council issued a Penalty Infringement Notice No. 7658920390 for 'Development carried out without development consent' and Penalty Infringement Notice No.7658920400 for 'Development not carried out in accordance with consent'. Also, Council issued a Notice of Intension to given an order.

In this regard, on 4 April 2008, Council issued an order.

The matter was brought in front of the Land and Environment Court: Amerigo Gerace v Warringah Council, File No 10420 of 2008. During the course, the Applicant provided an irrevocable undertaking to address the unlawful building work, including a lodgement of a development application and a building certificate. In response the Council has discontinued to revoke the order.

Accordingly, this application is subject to a deferred commencement until a building certificate (BC2008/0099) is issued for the existing unauthorised work.



Warringah Council

### SECTION 3 – SITE INSPECTION ANALYSIS



Site area: 498sqm

Detail existing onsite structures:

☐

None

☒

Dwelling

☐

Detached Garage

☐

Detached shed

☐

Swimming pool

☐

Tennis Court

☐

Cabana

☒

Carport



Warringah Council

**Site Features:**

- ☒ None  
☐ Trees  
☐ Under Storey Vegetation  
☐ Rock Outcrops  
☐ Caves  
☐ Overhangs  
☐ Waterfalls

- ☐ Creeks / Watercourse  
☐ Aboriginal Art / Carvings  
☒ The site is identified with extremely high  
Aboriginal Heritage Potential

**Potential View Loss as a result of development**

- ☐ Yes ☒ No

**Bushfire Prone?**

- ☐ Yes ☒ No

**Flood Prone?**

- ☐ Yes ☒ No

**Affected by Acid Sulfate Soils**

- ☐ Yes ☒ No

**Located within 40m of any natural  
watercourse?**

- ☐ Yes ☒ No

**Located within 100m of the mean high  
watermark?**

- ☐ Yes ☒ No

**Located within an area identified as a Wave  
Impact Zone?**

- ☐ Yes ☒ No

**Any items of heritage significance located  
upon it?**

- ☐ Yes ☒ No

**Located within the vicinity of any items of  
heritage significance?**

- ☐ Yes ☒ No

**Located within an area identified as  
potential land slip?**

- ☐ Yes ☒ No

**Is the development Integrated?**

- ☐ Yes ☒ No

**Does the development require  
concurrence?**

- ☐ Yes ☒ No

**Is the site owned or is the DA made by the  
"Crown"?**

- ☐ Yes ☒ No

**Have you reviewed the DP and s88B  
instrument?**

- ☐ Yes ☒ No

**Does the proposal impact upon any  
easements / Rights of Way?**

- ☐ Yes ☒ No



Warringah Council

**Site Inspection / Desktop Assessment Undertaken by:**

|                                                                                                                                                   |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Does the site inspection &lt;Section 3&gt; confirm the assessment undertaken against the relevant EPI's &lt;Section's 1 &amp; 2&gt;?</b>       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                            |
| <b>Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?</b> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><br>If yes provide detail:<br>.....<br>.....<br>.....<br>.....<br>..... |

Signed

Date 14 November 2008

Cynthia Chan, Development Assessment Officer



#### SECTION 4 – APPLICATION DETERMINATION

##### Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- ☒ Satisfactory  
☐ Unsatisfactory

##### Recommendation:

That Council as the consent authority

- ☐ **GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
  - (b) the consent lapsing within three (3) from operation
- ☒ **GRANT DEFERRED COMMENCEMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination;
  - (b) limit the deferred commencement condition time frame to 3 years;
  - (c) one the deferred commencement matter have been satisfactorily addressed issue an operational consent subject to the time frames detailed within part (d); and
  - (d) the consent lapsing within three (3) from operation
- ☐ **REFUSE development consent** to the development application subject to:
- (a) the reasons detailed within the associated notice of determination.

Signed 

Date

19 Nov 08

Cynthia Chan, Development Assessment Officer

The application is determined under the delegated authority of:

Signed



Date

Ryan Cole, Team Leader Development Assessment