

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/1252

Assessment Officer: Phil Lane

Property Address: Lot 13 DP 300716, No. 153 Queenscliff Road Queenscliff

Proposal Description: Alterations and additions to the existing dwelling

In detail:

- Ground floor: Increase building footprint to the rear of the existing dwelling over the existing paving which include a bedroom and stairwell
- First floor: Partially enclosed front balcony, two bedrooms, study and lounge area and rear stairs access way which leads out to the backyard above the rock escarpment. The roof material will be colorbond (grey).
- Additionally, a single space garage will be built at the front on the southern boundary (maximum cut of 2.5m). The proposed garage will be constructed on a concrete slab and roof with concrete block walls.



No. 153 Queenscliff Road Queenscliff

Plan Reference: Plan 2 (Site Analysis Plan), Plan 3 (Ground Floor & First Floor Plans), Plan 4 (North and South Elevations), Plan 5 (East & West Elevations), Plan 6 Section A-A' and Section B-B', Plan 8 Landscape open space calculations, Plan 9 (Garage Plan and Section) & Plan 10 (Driveway & Garage Excavation Plan)

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



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Estimated Cost of Works: \$ 240000.00

Are S94A Contributions Applicable?

☒ Yes ☐ No

Warringah Section 94A Development Contributions Plan

Contribution based on total development cost of \$ 240000.00

Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$2280.00	6923
S94A Planning and Administration	0.05%	\$120.00	6924
Total	1.0%	\$2400.00	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

No. of Submissions: (1) One

☒ Yes ☐ No

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: G8 Queenscliff

“The Queenscliff locality will remain characterised by a mix of detached style housing and apartment buildings in landscaped settings interspersed by complementary and compatible uses. The development of new apartment buildings will be restricted to the medium density areas shown on the map.

The quality of existing development in the Queenscliff locality is inconsistent and suffers as a result of poorly designed buildings which failed to respond to the prominence and natural qualities of this coastal headland and its relationship to the surrounding public spaces including nearby beaches and the parklands surrounding Manly Lagoon. Future development will be of an improved standard of designed that addresses public streets and spaces, integrates with the landscape and topography, including rock outcrops and remnant bushland, and complements long distance views of the locality.

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 opportunities for further development in Queenscliff will be limited

The land bound by Queenscliff Road, Pittwater Road and the public access way which links Queenscliff Road, may be developed for apartments. Development on this land will be designed to minimise view loss from residences to the north and will maintain a view corridor through the site to Manly Lagoon. Development will present as two storeys when viewed for the section of Queenscliff Road shown in Diagram 8.1 available from the office of the Council, with any storey above being set back and providing the absolute height for the site. The bulk of the buildings will be reduced through stepping the building down the site and avoiding long continuous top floors. It is intended



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that vehicle access to Queenscliff Road will be shared with 166 Queenscliff Road and 366 Pittwater Road.

The locality will continue to be served by the existing local retail centre and shown on the map. Future development in this centre will be in accordance with the general principles of development control provided in clause 39."

Development Definition: ☒ Housing ☐ Ancillary Development to Housing ☐ Other

Category of Development: ☒ Category 1 ☐ Category 2 ☐ Category 3

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible

Desired Future Character:

☐ 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:

<p>Building Height (overall):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 8.5m</p> <p><input type="checkbox"/> 11.0m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 8.5m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Building Height (underside of upper most ceiling):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 7.2m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 7.1m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Front Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 6.6m (Building) 5.6m (Balcony – first floor) Nil (Garage)</p>



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<input checked="" type="checkbox"/> 6.5m <input type="checkbox"/> Other	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing Density: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 1 dwelling per 450sqm <input type="checkbox"/> 1 dwelling per 600sqm <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Existing and unchanged Proposed:dwelling / persqm Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No
Landscape Open Space: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 40% (118sqm) <input type="checkbox"/> 50% (.....sqm) <input type="checkbox"/> Other	<input type="checkbox"/> Existing and unchanged Proposed: 53% (158.7sqm) Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear Setback: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 6.0m <input type="checkbox"/> Other Outbuildings: Requirement: <input type="checkbox"/> 50% of rear setback <input type="checkbox"/> Other	<input type="checkbox"/> Existing and unchanged Proposed: 6m (dwelling) 5m (stairs) Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Clause 20) Outbuildings: <input type="checkbox"/> Existing and unchanged Proposed:% Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No
Side Boundary Envelope: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input type="checkbox"/> 4m / 45 degrees <input checked="" type="checkbox"/> 5m / 45 degrees	Boundary: <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input checked="" type="checkbox"/> Est <input type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Minor Breach: <input type="checkbox"/> Yes <input type="checkbox"/> No



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<input type="checkbox"/> Other	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Boundary: <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input checked="" type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Minor Breach: <input type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Setbacks: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 900mm <input type="checkbox"/> 4.5m <input type="checkbox"/> Other	Boundary <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input checked="" type="checkbox"/> Est <input type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Proposed: 0.905m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Boundary <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input checked="" type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Proposed: 0.905m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other:	

General Principles of Development Control:

CL38 Glare & reflections Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: Dark grey roof proposed.
CL39 Local retail centres Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL40 Housing for Older People and People with Disabilities Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL41 Brothels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL44 Pollutants Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL45 Hazardous Uses Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL46 Radiation Emission Levels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL47 Flood Affected Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL48 Potentially Contaminated Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the site suitable for the proposed land use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
CL49 Remediation of Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL49a Acid Sulfate Soils Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: The proposed site is affected by Type 5 Acid Sulphate Soils and the proposed works are deemed not to lower the water table given that the development is located approximately 80m from Type 4 Acid Sulphate Soils. Conditions will be included to ensure approximate measures are taken during the construction phase.
CL50 Safety & Security Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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CL51 Front Fences and Walls Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL53 Signs Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL54 Provision and Location of Utility Services Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL55 Site Consolidation in 'Medium Density Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL56 Retaining Unique Environmental Features on Site Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL57 Development on Sloping Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL58 Protection of Existing Flora Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL59 Koala Habitat Protection Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL60 Watercourses & Aquatic Habitats Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL61 Views Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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CL62 Access to sunlight Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL63 Landscaped Open Space Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL63A Rear Building Setback Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL64 Private open space Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL65 Privacy Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: Issues were raised in relation to a window on the eastern side on the proposed first floor additions. The window in question is notated as No. 9 which will be conditioned to allow adequate privacy to the adjoining residence to the east (No. 151 Queenscliff Road).
CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL67 Roofs Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL68 Conservation of Energy and Water Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL71 Parking facilities (visual impact) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: The proposed single enclosed garage will pose minimal visual impact and be consistent with the existing streetscape particularly within this section of Queenscliff Rd (between Pittwater Rd & Dalley St). It is deemed that the proposed garage is acceptable in this instance.



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CL72 Traffic access & safety Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL73 On-site Loading and Unloading Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL74 Provision of Carparking Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: The proposed single garage does not comply with the provision of two spaces as required by this clause. Concessions must be investigated for this situation as follows: <ul style="list-style-type: none"> • The site is only 294.6sqm in area • The width of site is only 9.67m • The steepness of the site (over 40% grade) The proposed parking is acceptable in this instance given that there no provision for parking currently on site at present and the topography of the land makes it difficult to provide two (2) carparking spaces.
CL75 Design of Carparking Areas Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL76 Management of Stormwater Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL77 Landfill Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL78 Erosion & Sedimentation Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL79 Heritage Control Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL81 Notice to Heritage Council Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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CL82 Development in the Vicinity of Heritage Items Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL83 Development of Known or Potential Archaeological Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

Schedules:

Schedule 5 State policies Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 6 Preservation of bushland Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 7 Matters for consideration in a subdivision of land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 8 Site analysis Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 9 Notification requirements for remediation work Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 10 Traffic generating development Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 11 Koala feed tree species and plans of management Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 12 Requirements for complying development Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<p>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>Schedule 14 Guiding principles for development near Middle Harbour</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>Schedule 15 Statement of environmental effects</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>Schedule 17 Carparking provision</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Comment: The proposed single garage does not comply with the provision of two spaces as required by this clause. Concessions must be investigated for this situation as follows:</p> <ul style="list-style-type: none"> • The site is only 294.6sqm in area • The width of site is only 9.67m • The steepness of the site (over 40% grade) <p>The proposed parking is acceptable in this instance given that there no provision for parking currently on site at present and the topography of the land makes it difficult to provide two (2) carparking spaces.</p>

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☒ Yes ☐ No

If yes: Has the applicant provided Basix Certification?

☒ Yes ☐ No

SEPP 55 Applicable?

☒ Yes ☐ No

Based on the previous land uses if the site likely to be contaminated?

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No



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SEPP Infrastructure

Applicable?

☒ Yes ☐ No

**Is the proposal for a swimming pool:
Within 30m of an overhead line support structure?**

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Clause 92 (Demolition of Structures) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Clause 92 (Government Coastal Policy) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 93 & 94 (Fire Safety) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Clause 94 (Upgrade of Building for Disability Access) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No
Clause 98 (BCA) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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REFERRALS

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

Applicable Legislation/ EPI's /Policies:

- | | |
|---|---|
| <input checked="" type="checkbox"/> EPA Act 1979 | <input checked="" type="checkbox"/> SEPP No. 55 – Remediation of Land |
| <input checked="" type="checkbox"/> EPA Regulations 2000 | <input type="checkbox"/> SEPP No. 71 – Coastal Protection |
| <input type="checkbox"/> Disability Discrimination Act 1992 | <input checked="" type="checkbox"/> SEPP BASIX |
| <input type="checkbox"/> Local Government Act 1993 | <input checked="" type="checkbox"/> SEPP Infrastructure |
| <input type="checkbox"/> Roads Act 1993 | <input checked="" type="checkbox"/> WLEP 2000 |
| <input type="checkbox"/> Rural Fires Act 1997 | <input checked="" type="checkbox"/> WDCP |
| <input type="checkbox"/> RFI Act 1948 | <input type="checkbox"/> S94 Development Contributions Plan |
| <input type="checkbox"/> Water Management Act 2000 | <input checked="" type="checkbox"/> S94A Development Contributions Plan |
| <input type="checkbox"/> Water Act 1912 | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation) |
| <input type="checkbox"/> Swimming Pools Act 1992; | <input checked="" type="checkbox"/> Other (Draft WLEP 2009) |

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



Warringah Council

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling House: means a building containing only one dwelling.

Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

Principal Development Standards: Not applicable

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Height of Buildings:	8.5m	8.5m	Yes	Not Applicable

The proposed development is consistent with the aims and objectives of the Draft WLEP 2009.

SECTION 2 – ISSUES

PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000 and the applicable Development Control Plan.

As a result of the public exhibition of the application Council received submissions from:

Name	Address
Mr Nathan Shapter	No. 151 Queenscliff Road, Queenscliff

The matters raised within the submissions are addressed as follows:

- Privacy;

Comment: The request from the adjoining neighbour was in relation to Window No. 9 on the eastern rear elevation of the second storey addition. The window due its location could possibly look into the adjoining property to the east, in particular, the rear private open space of No. 151 Queenscliff Road. Therefore, a condition will be included that the window (No. 9) use obscured glazing or the installation of minimum sill height of 1500mm to this window.

MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No

Has the applicant agreed to mediation?

☐ Yes / ☒ No

Has mediation been conducted?

☐ Yes / ☒ No

WLEP 2000 - BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Front Building Setback & Rear Setback Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Front Building Setback

Requirement: "The minimum rear building setback is 6 metres, except along the area shown in Diagram 8.1 where existing sideslope cutting provides the setback.

The rear building setback area is to be landscaped and free of any above or below ground structures."

<p>Rear Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 6.0m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 6m (dwelling) 5m (stairs)</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Clause 20)</p>
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Area of inconsistency with control:

The proposed building (additions) will comply the rear setback control of 6m, however the proposed staircase will encroach the rear setback with a proposed setback of 5m. Normally, stairs can be given an exemption under this control but in this situation the stairs will be well above (2.8m proposed) the 1m allowance granted under this built form control. Therefore, a variation to this built form control must be assessed.

Merit Consideration of Non-compliance:

Rear Building Setback (6m)

The subject site falls within the G8 – Queenscliff locality and is subject to the Rear Building Setback control of 6.0m. The proposed dwelling has a 6m rear setback, however, the proposal seeks for a staircase to connect the first floor level (RL14.6) of the proposed residence to the upper section of the rear yard appropriately RL15.6, which in part does not comply with the minimum standard of the control. In this regard, a variation to the Rear Building Setback control is sought.

Merit Consideration of Non-compliance: Consideration of the proposal against the relevant merit considerations is detailed below:

(a) Create a sense of openness.

Comment: The proposed staircase breaches the rear building setback, which is a minor non-compliance relative to the size of the staircase approximately being 3m² in area. The staircase is an unroofed and open type structure, which when viewed from adjoining properties, will maintain a sense of openness in the rear yard.

(b) Preserve the amenity of adjacent land.

Comment: It is considered that the minor extent of the non-complying element of the staircase will not create adverse neighbour amenity impacts to adjoining and surrounding properties, including overshadowing, visual outlook issues and privacy.

(c) Maintain visual continuity and pattern of buildings, rear gardens and landscape elements.

Comment: The minor extent of the non-compliance will not affect the visual continuity and pattern of adjoining and surrounding buildings. The provision of landscaped open space to the rear of the site will still maintain and provide a positive contribution to the landscaped settings of adjoining properties.

(d) Provide opportunities to maintain privacy between dwellings.

Comment: Notwithstanding the non-complying element of the staircase, adequate separation between adjoining buildings is maintained.

Clause 20 Variation to the Rear Building Setback Control – Supported

The arguments put forward by the applicant in support of the variations to the Rear Building Setback are generally concurred with. With exception to the numerical variation to the Rear Building Setback control for the locality, the proposal for the reasons noted above is still consistent with the DFC statement for the G8 – Queenscliff locality and the General Principles.

Front Setback Built Form Control

Requirement: "Development is to maintain a minimum front building setback. The minimum front building setback is 6.5 metres.

The front building setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letterboxes and garbage storage areas.

Consent may be given for development to be carried out within the minimum front setback area:
· on corner blocks or blocks with double street frontage the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street, or
· on allotments constrained by the location and use of existing buildings or the topography, if it is for the provision of carparking."

<p>Front Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 6.5m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 6.6m (Building) 5.6m (Balcony – first floor) Nil (Garage)</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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Area of inconsistency with control:

The proposed garage is non-compliant being located with a nil setback from the front southern boundary. Additionally, the proposed first floor verandah will be located 5.6m from the front southern boundary.

Merit Consideration of Non-compliance:

Consideration of the proposal against the relevant merit considerations is detailed below:

- *Maintain the visual continuity and pattern of buildings, front gardens and landscape elements*

Comment: The proposed verandah is an open structure located within the front setback and maintains the visual continuity and pattern of buildings within this locality and particularly within this vicinity. The proposed garage will not result in unreasonable or significant impacts in relation to height or bulk upon

the amenity of the adjoining properties, as it is single storey, been constructed with the existing slope of land and generally demonstrating consistency with the existing streetscape of Queenscliff locality.

- *Minimise the impact of development on the streetscape*

Comment: The proposal provides ample landscaped open space areas at the front and rear of the proposed dwelling, providing ample opportunities for landscaping. The proposed garage will blend into the natural topography of the site with minimal impacts to the existing streetscape.

- *Create a sense of openness*

Comment: Given that the proposed non-compliance is of low nature (single storey and below) and minimal width as it is a single garage, it is considered that the proposal will successfully create a sense of openness.

- *The provision for corner allotments relates to street corners.*

Comment: Not applicable

Conclusion to Front Setback

Given the above consideration, it can be seen that the proposed non-compliances will not result in significant adverse impacts. Accordingly, subject to complying with the requirements of the General Principles of Development Control, the Desired Future Character Statement and relevant State Environmental Planning Policies, the proposal is considered eligible for a Clause 20 Variation to this Built Form Control.

Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with Clauses of the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality’s Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

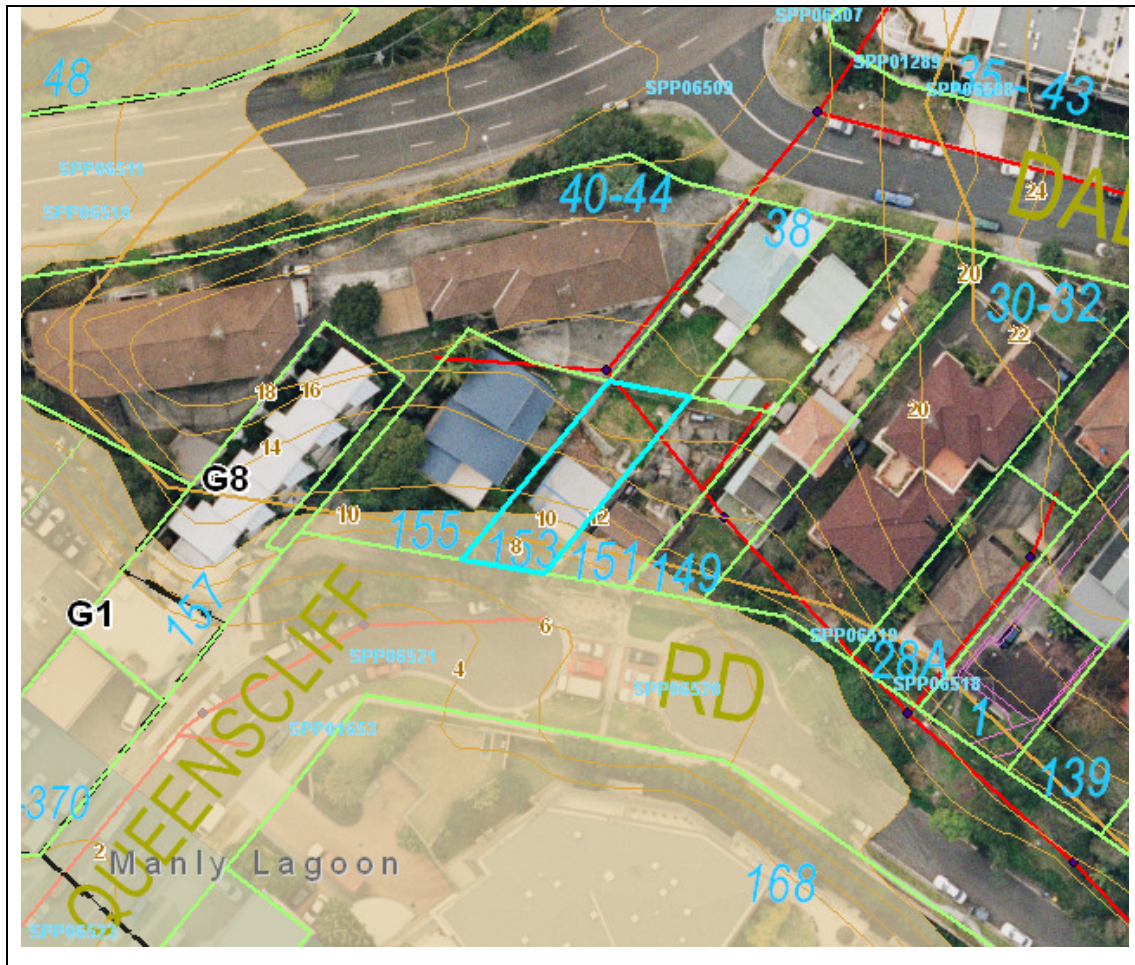
(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Front Building Setback & Rear Building Setback Built Form Controls (Development Standard) pursuant to Clause 20(1) is Supported.



SECTION 3 – SITE INSPECTION ANALYSIS



Site area 294.6sqm

Detail existing onsite structures:

- ☐ None
- ☒ Dwelling
- ☐ Detached Garage
- ☐ Detached shed
- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☐ Other

Site Features:

- ☐ None
- ☒ Trees

- ☒ Under Storey Vegetation
- ☒ Rock Outcrops
- ☐ Caves
- ☐ Overhangs
- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

- North / South



Warringah Council

- ☐ East / West
- ☐ North East / South West
- ☐ North West / South East

View of:

- Ocean / Waterways ☐ Yes ☐ No
- Headland ☐ Yes ☐ No
- District Views ☐ Yes ☐ No
- Bushland ☐ Yes ☐ No
- Other:

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 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

- ☐ 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:

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

Signed

Date 16 December 2009

Phil Lane, Senior Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environment Plan 2009 and the relevant codes and policies of Council 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

"I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"

Signed

Date 16 December 2009

Phil Lane, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 16 December 2009

Rodney Piggott, Team Leader, Development Assessment