



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0978

Assessment Officer: Andrew Cowan

Property Address: Lot 30 DP 12186 43 Parkes Street MANLY VALE NSW 2093

Proposal Description: Demolition & construction of new dwelling including front carport,

Plan Reference: Knight Mapleton dated 23/07/09

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: \$ 450,000

Are S94A Contributions Applicable?

☒ Yes ☐ No

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$ 450,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$4,275	Rams
S94A Planning and Administration	0.05%	\$225	Rams
Total	1.0%	\$4,500	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☒ Yes ☐ No

No. of Submissions: 1 – Withdrawn 10 November 2009.

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: G7 Innes Road

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

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

Desired Future Character:



Warringah Council

☐ 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 checked="" 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: 6.7m to ridge of proposed addition</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: 6.5m to underside of first floor level ceiling</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 checked="" type="checkbox"/> 6.5m</p> <p><input type="checkbox"/> Other</p> <p>Is the Corner Allotment / Secondary Street Frontage control applicable?:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 3.5m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 1.676m to proposed car port, 7.4m to proposed dwelling.</p> <p>It is to be conditioned that the car port be deleted. Exemption granted within the front setback for the provision of car parking is acceptable provided there are no structures.</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Corner Allotment:</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>



Warringah Council

<p>Housing Density:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 1 dwelling per 450sqm</p> <p><input checked="" type="checkbox"/> 1 dwelling per 600sqm</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 1 dwelling / per 468.8sqm</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Landscape Open Space:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 40% (187.52sqm)</p> <p><input type="checkbox"/> 50% (.....sqm)</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 43.9% (214sqm)</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<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>Outbuildings: Nil</p> <p>Requirement:</p> <p><input type="checkbox"/> 50% of rear setback</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 14.4m to proposed dwelling</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Outbuildings:</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:%</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Side Boundary Envelope:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 4m / 45 degrees</p> <p><input type="checkbox"/> 5m / 45 degrees</p> <p><input type="checkbox"/> Other</p>	<p>Boundary: <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input checked="" type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>or</p> <p>Fully within Envelope: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Minor Breach: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>



Warringah Council

	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Minor Breach: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input type="checkbox"/> Yes <input checked="" 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: 1m to proposed dwelling, nil setback to stairs that service private open space area Complies: <input type="checkbox"/> Yes <input checked="" 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: Nil setback to walkway and stairs that service side entrance, 1.2m to 2.2m to proposed dwelling 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
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
CL42 Construction Sites Applicable:	Complies:



Warringah Council

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL43 Noise 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
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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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
CL51 Front Fences and Walls 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
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



Warringah Council

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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 The proposed dwelling will maintain solar access to adjoining properties at No.41 and No.45 Parkes Street as the private outdoor areas will receive at least 50% sunlight between 9am and 3pm on June 21.
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	Complies:



Warringah Council

Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<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 <p>The proposed dwelling maintains privacy to adjoining properties as it provides for openings that will be offset against those existing at adjoining properties. Furthermore, privacy screens are to be provided to the rear balcony to minimise opportunity for overlooking.</p> <p>It is to be conditioned that the finished floor level of the walkway adjoining the western boundary is to be at RL. 15.60. This is deemed to be an adequate solution to address the privacy issue and negates the need for a 8m long privacy screen.</p>
CL66 Building bulk 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 <p>The bulk of the building in its current form is deemed to be excessive as the car port is to be setback 1.65m from the front boundary. It is to be conditioned that the car port be deleted to maintain a consistent building bulk and built form with that existing in the street.</p>
CL67 Roofs 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
CL68 Conservation of Energy and Water 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
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input 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 type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL72 Traffic access & safety Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



Warringah Council

CL73 On-site Loading and Unloading Applicable: <input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL77 Landfill 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
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
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:	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



Warringah Council

<input type="checkbox"/> Yes <input checked="" 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 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
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach 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 14 Guiding principles for development near Middle Harbour 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 15 Statement of environmental effects 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 17 Carparking provision 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 17 of the WLEP 2000 requires 2 car spaces per dwelling. The proposal provides for 2 car spaces within the car port. In this regard the proposal is satisfactory.



Warringah Council

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

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Addressed via condition? <input 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

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 type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Bushland Management	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition



Warringah Council

		<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 type="checkbox"/> Satisfactory <input checked="" 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 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 type="checkbox"/> Other |

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 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)(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 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

WLEP 2000

DESIRED FUTURE CHARACTER

G7 – Innes Road

The Innes Road locality will remain characterised by a mix of detached style housing and apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment buildings within the locality will be confined to the “medium density areas” shown on the map.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except in the areas marked as “medium density areas” on the map. In these medium density areas the scale of development is to relate favourably to existing apartment style housing in the area. The streets will be characterised by landscaped front gardens and consistent front building setbacks. The spread of indigenous tree canopy will be protected and enhanced throughout 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.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality’s DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Front Building Setback, Side Boundary Envelope and Side Setback Built Form Controls, as such pursuant to Clause 20(1) a higher test is required

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

The proposed development is considered to satisfy the applicable DFC statement for the reasons detailed hereunder:

- The proposal maintain the detached style housing and apartment style housing in landscaped settings
- The proposal will maintain the visual pattern and predominant scale of existing detached style housing
- The proposal will maintain landscaped front gardens and consistent front setbacks
- The proposal will protect the spread of indigenous tree canopy
- The proposal will maintain the existing pattern of subdivision

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality’s Side Boundary Envelope, and Side Setback Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Side Boundary Envelope

Requirement: Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries.

<p>Side Boundary Envelope:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Boundary: <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input checked="" type="checkbox"/> Est <input type="checkbox"/> Wst</p>
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Requirement: <input checked="" type="checkbox"/> 4m / 45 degrees <input type="checkbox"/> 5m / 45 degrees <input type="checkbox"/> Other	<input type="checkbox"/> Existing and unchanged or Fully within Envelope: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Minor Breach: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Minor Breach: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Area of inconsistency with control: The proposed dwelling breaches the western side boundary envelope by 1.4m to 1.5 for a distance of 11m. The eastern side boundary envelope is breached by 1.7m to 3.2m for a distance of 11.6m.

Merit consideration of non-compliance. The following considerations have been applied in assessment of the side boundary envelope variation:

Requirement: Ensure that development does not become visually dominant by virtue of its height or bulk

Comment: The proposed first floor level addition will not be visually dominant by virtue of its height and bulk as it incorporates an articulated built form with a varied roof form and building materials. The height of the proposed first floor level will not exceed 8m to remain consistent with the surrounding built form within the streetscape.

Requirement: Preserve the amenity of the surrounding land

Comment: The proposed first floor addition will preserve the amenity to the surrounding land in terms of privacy, view loss and solar access. The proposed first floor addition provides openings along the western elevation that will be offset against existing windows at 41 & 45 Parkes street to maintain privacy. Solar access will be maintained to the private outdoor areas by virtue of the increasing setbacks. Views obtained from the principal private outdoor areas of adjoining properties will remain unaffected.

Requirement: Ensure that development responds to the site topography

Comment: The proposed first floor level addition responds to the site topography as it incorporates an articulated roof form and built form that is conducive to the site. Minimal excavation is required to facilitate construction of the proposed dwelling. Furthermore, the rear dwelling will not extend over the steep part of the site negate the need for further excavation

Requirement: Provide separation between buildings

Comment: Adequate separation is provided between buildings as a setback of 1m is provided to the western boundary and 2.2m to the eastern boundary. Windows are to be offset against those existing at 41 & 45 Parkes Street to maintain privacy.

Requirement: Provide opportunities for landscaping

Comment: Opportunity for landscaping is provided with 43.9% (214sqm) of the site provided as landscaped open space. Planting is to be provided within the front, rear and side setbacks to provide screening of the proposed dwelling.

Requirement: Create a sense of openness

Comment: The proposed dwelling will maintain a sense of openness as it provides for an articulated building form that incorporates a varied roof form and building materials. Adequate separation is provided to the eastern and western side boundaries. Adequate landscaping is proposed within the eastern side setback to provide screening of the proposed dwelling.

Side Setback

Requirement: The minimum setback from a building to a side boundary is 0.9 metre

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: 1m to proposed dwelling, nil setback to stairs that service private open space area Complies: <input type="checkbox"/> Yes <input checked="" 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: 0.10 setback to walkway that service side entrance, 1.2m to 2.2m to proposed dwelling Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Area of inconsistency with Control: The proposed walkway is to have a nil setback to the western side boundary resulting in a 0.9m non-compliance.

Merit consideration of non-compliance. The following considerations have been applied in assessment of the side setback variation:

Requirement: Ensure that development does not become visually dominant by virtue of its height or bulk

Comment: The proposed walkway along the western side boundary will not be visually dominant by virtue of its height and bulk as it will be 1m wide access way that will be consistent with the finished floor level of the dwelling. In its regard the proposed walkway will not be visually dominant as it will integrate with the proposed dwelling.

Requirement: Preserve the amenity of the surrounding land

Comment: The proposed walk way will preserve the amenity of the surrounding land in terms of privacy, views and solar access. The finished floor level of the proposed walkway is to be at 16.470 with adjacent windows at No. 41 Parkes Street at RL. 14.6 and 17.28. A privacy screen is to be provided in part along the walkway to prevent overlooking. Furthermore, this area is not deemed a highly usable space as it is only 1m wide. Solar access will be maintained to the private outdoor area in accordance with Clause 61 – Access to Sunlight.

Requirement: Ensure that development responds to the site topography

Comment: The proposed car port responds to the site topography by remaining consistent with the finished floor level of the proposed dwelling. As such minimal excavation is required to facilitate construction of the walkway.

Requirement: Provide separation between buildings

Comment: Adequate separation is provided between the proposed walkway and adjoining buildings. The proposed walkway is to be located 0.10m from the western property boundary, screening is to be provided that extends 0.65m above the balustrade to prevent overlooking into the adjoining property No.



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41 Parkes Street. The walkway area is deemed to be an accessible space but not highly usable due to its limited width of 1m.

Requirement: Provide opportunities for landscaping

Comment: Opportunity for landscaping is proposed with 43.9% (214sqm) of the site provided as Landscaped Open Space. Grassed areas within the front and rear setback are to be provided to accommodate planting and the like to provide visual relief of the walkway and the dwelling as a whole within the streetscape.

Requirement: Create a sense of openness

Comment: The proposed walkway will maintain a sense of openness within the streetscape as it will be consistent with the finished floor level of the dwelling to integrate with the structure.

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 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 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 Side Boundary Envelope and Side Setback Built Form Controls (Development Standard) pursuant to Clause 20(1) is Supported.

OTHER MATTERS FOR FURTHER CONSIDERATION: Nil



SECTION 3 – SITE INSPECTION ANALYSIS



Site area 468.8sqm

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

View of:

- Ocean / Waterways ☐ Yes ☐ No
- Headland ☐ Yes ☐ No



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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



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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

Andrew Cowan, 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.

"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 _____

Andrew Cowan Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date _____

Ryan Cole Team Leader, Development Assessment