

## RESIDENTIAL DEVELOPMENT

### Section 96(1A) Application to Modify a Development Consent ASSESSMENT REPORT

DA No. Mod2010/0146

Assessment Officer: Phil Lane

Property Address: Lot 64, DP 12072, No. 29 Waratah Street, Freshwater

Proposal Description: Modification of consent No. DA2009/0896 for Alterations and additions to the existing dwelling and new swimming pool

Plan Reference: Northern Beaches Consulting Engineers Pty Ltd, Job No 091158, Sheet D01-03, Rev A, Dated 9/06/2010

Proposal in Detail: Amendment of the on site detention system

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" 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

### SECTION 96(1a) EPA ACT 1979

Section 96(1A) (a) – Is the Modification to Consent of Minimal Environmental Impact?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 96(1A) (b) – Would the consent as proposed to be modified be substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was previously modified?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 96(1A) (c) & (d) – Has the application been on Public Exhibition?  Have you considered any submissions?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Section 96 (3) – Have you considered such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Estimated Cost of Works: \$ Nil

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☐ Yes ☒ No

Comment: Warringah DCP (Chapter 1 Notification and Exhibition) does not require the notification of Section 96(1A) modification as it is considered to be of minor change not affecting the development at the discretion of the responsible officer. Clause 2.7.2 of the Warringah Development Control Plan states that notification may be varied at the discretion of the officer responsible for the management

of development assessment to permit notification beyond adjoining owners and occupiers and to permit an extension of the notification period or to limit the notification to only those neighbouring properties impacted upon by the variation.

In this instance given the works only relate to the OSD system and have no impact upon surrounding properties it was deemed that notification was not required.

☐ 14 days ☐ 21 days ☐ 30 days ☐ N/A

**Period of Public Exhibition?**

**Submissions Received?**

**No. of Submissions:**

☐ Yes ☐ No

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

## SECTION 1 – CODE ASSESSMENT REPORT

### ENVIRONMENTAL PLANNING INSTRUMENTS

#### WLEP 2000

Locality: F5 Curl Curl

*“The Curl Curl locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment buildings and a range of complementary and compatible uses. The land containing the existing Bowling Club at Lot 2682 DP 752038 on Abbot Road and the land containing the existing Harbord Bowling Club at Lot 4 DP 601758 on Stirgess Avenue will continue to be used only for recreation facilities.*

Comment: The proposed amendment to the on-site detention system will have no impact to the existing and approved alterations and additions to the dwelling, which maintain consistency with the detached style housing with landscaped settings.

*Future development will maintain the visual pattern and predominant scale of detached housing in the locality. The streets are to be characterised by landscaped front gardens and front building setbacks which are consistent with surrounding development. The exposed natural sandstone rock outcrops throughout the locality will be maintained. Development on prominent hillsides or hilltops must be designed to integrate with the landscape, topography and long distance views of the hill. 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.*

Comment: The proposal will maintain the visual pattern and predominant scale of detached housing within the vicinity and the locality. The existing and proposed front garden and setback will be maintained and demonstrate consistency with the locality.

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

Comment: Not Applicable.

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:

The proposed amendments to the on site detention system will have no impact on the approved built form controls for the alterations and additions to the existing dwelling and new swimming pool.

#### General Principles of Development Control:

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

<b>CL47 Flood Affected Land</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL48 Potentially Contaminated Land</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <b>Based on the previous land uses if the site likely to be contaminated?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Is the site suitable for the proposed land use?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>CL49 Remediation of Contaminated Land</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL49a Acid Sulfate Soils</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL50 Safety &amp; Security</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL51 Front Fences and Walls</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL53 Signs</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL54 Provision and Location of Utility Services</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL55 Site Consolidation in 'Medium Density</b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b>CL56 Retaining Unique Environmental Features on Site</b> <b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

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

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

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

**Schedules:**

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

<b><u>Schedule 12 Requirements for complying development</u></b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b><u>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</u></b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b><u>Schedule 14 Guiding principles for development near Middle Harbour</u></b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b><u>Schedule 15 Statement of environmental effects</u></b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
<b><u>Schedule 17 Carparking provision</u></b> <b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

**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:**

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

**REFERRALS**

**Referral Body/Officer**  
**Development Engineering**

**Required**  
☒ Yes ☐ No

**Response**  
☐ Satisfactory  
☒ Satisfactory, subject to condition  
☐ Unsatisfactory

**Landscape Assessment**

☐ Yes ☒ No

- ☐ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

**Bushland Management**

☐ Yes ☒ No

- ☐ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

**Catchment Management**

☐ Yes ☒ No

- ☐ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

**Aboriginal Heritage**

☐ Yes ☒ No

- ☐ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

**Env. Health and Protection**

☐ Yes ☒ No

- ☐ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

**NSW Rural Fire Service**

☐ Yes ☒ No

- ☐ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

**Energy Australia**

☒ Yes ☐ No

- ☒ Satisfactory
- ☐ Satisfactory, subject to condition
- ☐ Unsatisfactory

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

- ☒ EPA Act 1979
- ☒ EPA Regulations 2000

- ☐ Disability Discrimination Act 1992
- ☐ Local Government Act 1993
- ☐ Roads Act 1993

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

#### 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)(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

## 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	0.3m	Yes	Not Applicable

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

## SECTION 3 – SITE INSPECTION ANALYSIS



Site area 651.3sqm

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

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>?

☒ Yes ☐ No

Are there any additional matters  
that have arisen from your site  
inspection that would require  
any additional assessment to be  
undertaken?

☐ Yes ☒ No

If yes provide detail:

Signed

Date 3 August 2010

---

**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 96(1A) and Section 79C of the Environmental Planning and Assessment Act 1979, Warringah Local Environmental Plan 2000, Warringah Development Control Plan and the relevant codes and policies of Council. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

The proposed modification seeks consent for an amendment to the on site detention system for the approved alterations and additions to the existing dwelling and new swimming pool. After viewing the site the proposed modifications are deemed reasonable and it is deemed that the proposed modification can be supported. Accordingly, it is recommended that the application be determined by way of approval, with Condition No. 1 Approved Plans and Supporting Documentation being amended and Condition No. 2 Compliance with External Department, Authority or Service Requirements also being amended as detailed below.

**1. Approved Plans And Supporting Documentation**

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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA-01 (Revision A)	21/05/09	Team 2
DA-02 (Revision A)	21/05/09	Team 2
DA-03 (Revision A)	21/05/09	Team 2
DA-04 (Revision A)	21/05/09	Team 2
DA-05 (Revision A)	11/05/09	Team 2
DA-06 (Revision A)	11/05/09	Team 2
DA-07 (Revision A)	11/05/09	Team 2
DA-08 (Revision A)	11/05/09	Team 2
DA-09 (Revision A)	11/05/09	Team 2
DA-10 (Revision A)	11/05/09	Team 2
DA-11 (Revision A)	11/05/09	Team 2
DA-12 (Revision A)	11/05/09	Team 2



Warringah Council

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
D01	February 2010	Northern Beaches Consulting Engineers Pty Ltd
D02	09/06/2010	Northern Beaches Consulting Engineers Pty Ltd
D03	09/06/2010	Northern Beaches Consulting Engineers Pty Ltd

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

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

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

## 2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service name	Letter Reference	Dated
Energy Australia	G:\Planning\Correspondence\CJP	19 July 2010

(NOTE: For a copy of the above referenced document/s, please see Council's E-Services system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) <<http://www.warringah.nsw.gov.au>>)

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Body's. (DACPLB02)

It is considered that the proposed modification application (as amended) satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

## RECOMMENDATION (SECTION 96 APPROVAL)

That the Section 96(1A) Application No. MOD2010/0146 to Modification of Consent No: DA2009/0896 for "alterations and additions to the existing dwelling and new swimming pool" on land at Lot 64, DP 12072, No. 29 Waratah Street, Freshwater be approved in accordance with the following:

**Condition 1 & 2 be amended as follows:**

### 1. Approved Plans And Supporting Documentation

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

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA-01 (Revision A)	21/05/09	Team 2
DA-02 (Revision A)	21/05/09	Team 2
DA-03 (Revision A)	21/05/09	Team 2
DA-04 (Revision A)	21/05/09	Team 2
DA-05 (Revision A)	11/05/09	Team 2
DA-06 (Revision A)	11/05/09	Team 2
DA-07 (Revision A)	11/05/09	Team 2
DA-08 (Revision A)	11/05/09	Team 2
DA-09 (Revision A)	11/05/09	Team 2
DA-10 (Revision A)	11/05/09	Team 2
DA-11 (Revision A)	11/05/09	Team 2
DA-12 (Revision A)	11/05/09	Team 2





Warringah Council

Engineering Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
D01	February 2010	Northern Beaches Consulting Engineers Pty Ltd
D02	09/06/2010	Northern Beaches Consulting Engineers Pty Ltd
D03	09/06/2010	Northern Beaches Consulting Engineers Pty Ltd

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

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

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

## 2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service name	Letter Reference	Dated
Energy Australia	G:\Planning\Correspondence\CJP	19 July 2010

(NOTE: For a copy of the above referenced document/s, please see Council's E-Services system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) <<http://www.warringah.nsw.gov.au>>)

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Body's. (DACPLB02)

"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 3 August 2010

---

**Phil Lane, Senior Development Assessment Officer**

The application is determined under the delegated authority of:

Signed

Date 3 August 2010

---

**Rodney Piggott, Team Leader, Development Assessment**