



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0367

Assessment Officer: Michael Edwards

Property Address: Lot 15 in DP 8502

**Proposal Description: First floor addition to existing dwelling, 54 Wyndora Avenue
FRESHWATER NSW 2096**

Plan Reference: 0902 DA01-DA04

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: \$127,600.00

Are S94A Contributions Applicable?

Yes No

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$ 127,600.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$574.00	6923
S94A Planning and Administration	0.05%	\$64.00	6924
Total	0.5%	\$638.00	

Notification Required?

Yes No

Period of Public Exhibition?

14 days 21 days 30 days N/A

Submissions Received?

Yes No

No. of Submissions: 1

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: H1 Freshwater Beach



Warringah Council

Development Definition: Housing Ancillary Development to Housing Other

Category of Development: Category 1 Category 2 Category 3

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 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: 8.8m</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" 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: 6.8m</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"/> Existing and unchanged</p> <p>Proposed: 6.5m</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>



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<input type="checkbox"/> 3.5m <input type="checkbox"/> Other	Complies: <input type="checkbox"/> Yes <input 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 checked="" 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% (196.2sqm) <input type="checkbox"/> 50% (.....sqm) <input type="checkbox"/> Other	<input type="checkbox"/> Existing and unchanged Proposed: 35.7% (175.0sqm) Complies: <input type="checkbox"/> Yes <input checked="" 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: 18.6m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Minor Breach: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



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<input type="checkbox"/> Other	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Boundary: <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input checked="" type="checkbox"/> Wst</p> <p><input type="checkbox"/> Existing and unchanged 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The H1 Freshwater Beach Locality Statement under WLEP 2000 gives concession to the Side Boundary Envelope Control where development is for the addition of a second storey to an existing dwelling.</p> <p>Accordingly, as the increased non-compliance with the Side Boundary Envelope Control is considered minor in extent, and does not contribute to an unreasonable sense of building bulk, nor have any significant impact to the amenity to surrounding allotments, it is considered that the concession under WLEP 2000 is applicable and therefore satisfactory in this regard.</p>
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<p>Side Setbacks:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 900mm</p> <p><input type="checkbox"/> 4.5m</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 or</p> <p>Proposed: 2600mm</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Boundary <input type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input checked="" type="checkbox"/> Wst</p> <p><input type="checkbox"/> Existing and unchanged or</p> <p>Proposed: 1100mm</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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General Principles of Development Control:

<p>CL38 Glare & reflections</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>The imposition of standard conditions will ensure the materials selected for the roof have a medium to dark colour range so as to reduce excessive solar reflections and glare.</p>
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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: <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 The imposition of standard conditions will ensure the satisfactory management of the site during demolition and construction works.
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 The imposition of standard conditions will ensure the satisfactory management of the site with regard to noise emissions during both the demolition and construction phase.
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



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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 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
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL58 Protection of Existing Flora 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
CL59 Koala Habitat Protection Applicable:	Complies:



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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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
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 It is considered that there are opportunities for unreasonable overlooking from the rear upper storey balcony to the private open spaces of the adjoining dwellings. In this regard, it is recommended that a condition of consent be imposed requiring the provision of a privacy screening device.
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 The imposition of standard conditions will ensure that the roof finish utilises materials that have a medium to dark colour range so as to reduce excessive solar reflections and glare.
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 The imposition of standard conditions will ensure that the commitments made in the BASIX certificate to meet energy and water conservation requirements are implemented in the development prior to the issue of an Occupation



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	Certificate.
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 type="checkbox"/> Yes <input checked="" 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 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
CL75 Design of Carparking Areas 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
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 The imposition of standard conditions will ensure the satisfactory management of the site with regard to stormwater disposal.
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 The imposition of standard conditions will ensure the satisfactory management of the site during both the demolition and construction phase to prevent erosion and sedimentation.
CL79 Heritage Control	Complies:



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Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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
CL82 Development in the Vicinity of Heritage Items 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
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



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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 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?



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Yes No

Is the proposal for a swimming pool: NO

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:

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

REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory



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Landscape Assessment	<input type="checkbox"/> Yes <input checked="" 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 <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
Heritage	<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
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input 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 type="checkbox"/> Rural Fires Act 1997 |
| <input checked="" type="checkbox"/> EPA Regulations 2000 | <input type="checkbox"/> RFI Act 1948 |
| <input type="checkbox"/> Disability Discrimination Act 1992 | <input type="checkbox"/> Water Management Act 2000 |
| <input type="checkbox"/> Local Government Act 1993 | <input type="checkbox"/> Water Act 1912 |
| <input type="checkbox"/> Roads Act 1993 | <input type="checkbox"/> Swimming Pools Act 1992; |
| | <input checked="" type="checkbox"/> SEPP No. 55 – Remediation of Land |



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- | | |
|---|---|
| <input type="checkbox"/> SEPP No. 71 – Coastal Protection | <input type="checkbox"/> S94 Development Contributions Plan |
| <input checked="" type="checkbox"/> SEPP BASIX | <input checked="" type="checkbox"/> S94A Development Contributions Plan |
| <input checked="" type="checkbox"/> SEPP Infrastructure | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation) |
| <input checked="" type="checkbox"/> WLEP 2000 | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> WDCP | |

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 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

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
Robert Jarvis and Norma Campey	52 Wyndora Avenue, Freshwater

The matters raised within the submissions are addressed as follows:

- Impact to visual privacy;

Comment: Concern is raised in relation to the rear upper storey balcony in that the balcony will result in opportunities for unreasonable overlooking to the private open space of No.52 Wyndora Avenue. In addition, the location of windows along the eastern elevation will allow opportunities for overlooking to No.52 Wyndora Avenue.



Warringah Council

It is considered that there are opportunities for unreasonable overlooking to the private open spaces of both adjoining dwellings given the narrow allotment width and elevation of the balcony. In this regard, it is recommended that a condition of consent be imposed requiring the provision of a privacy screening device to both side elevations.

With the exception of the large window opening towards the front of the dwelling (which serves the internal stairwell) the windows serving the sitting room are 'highlights' and will not result in any unreasonable impact to privacy. While it is expected that there will be high volumes of pedestrian traffic on the stairwell, the time spent in this location is generally in transit between two floors and in this regard, there will be no unreasonable impact to visual privacy.

- Loss of solar access;

Comment: Concern is raised in relation to the overshadowing to the private open space of No.52 Wyndora Avenue from the increased shadows cast from the upper storey addition.

The shadow diagrams submitted with this application demonstrate an increase in the shadows cast from the upper storey addition, however maintaining a minimum of 2 hours of sunlight to the private open spaces of the adjoining dwellings on 21 June between the hours of 9:00am and 3:00pm. In this regard, the increase in overshadowing is considered acceptable.

MEDIATION

Has mediation been requested by the objectors?

Yes / No

WLEP 2000

DESIRED FUTURE CHARACTER

'The Freshwater Beach locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing and a range of complementary and compatible uses.

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

The locality contains hillsides and elevated landforms, prominent coastal headlands and cliffs and remnant vegetation. These elements will be protected from development that would detract from their visual and natural qualities, presenting in some parts of the locality a constraint to further development.

The Harbord Diggers Club will continue to cater for the recreational and leisure needs of the community. If the existing approved building and carparking areas are to be expanded, regard must be had to any approved and detailed masterplan for the site. Such a masterplan is to address issues such as views, visual impact, natural features, management of traffic and impact upon the amenity of the locality.

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

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 Building Height and Landscaped Open Space 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:



Warringah Council

- The proposed upper storey addition maintains the character of detached style housing, providing a positive contribution to the streetscape through the consistent pattern of development, with an overall building bulk and scale that provides visual interest and maintains a landscaped front garden.

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Building Height and Landscaped Open Space Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Building Height Built Form Control

Requirement:

<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"/> Existing and unchanged</p> <p>Proposed: 8.8m</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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Area of inconsistency with control:

The proposed upper storey addition provides a finished height of 8.8m.

Merit Consideration of Non-compliance:

The subject site has a low grade fall, falling towards the rear. When viewed from the streetscape, the dwelling numerically complies with the control and comfortably fits within the building envelope. The non-compliance is contained to the rear of the dwelling. In this location, the design of the upper storey provides a balcony with open sides, breaking up the visual bulk. With this sense of openness, the roof form is severed from the bulk of the dwelling below and does not present as a sense of excessive building bulk or scale.

The non-complying element of the roof form does not significantly contribute to the increased overshadowing to the adjoining allotments.

Landscaped Open Space Built Form Control

Requirement:

<p>Landscape Open Space:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 40% (196.2sqm)</p> <p><input type="checkbox"/> 50% (.....sqm)</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 35.7% (175.0sqm)</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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Area of inconsistency with control:

The proposed landscaped open space equates to 35.7% of the site area and is deficient by 21.2sqm.



Merit Consideration of Non-compliance:

The proposed works are predominantly contained over the existing footprint of the dwelling with the exception of the front verandah which has an area of 6.9sqm.

The reduction of the existing landscaped open space area by 6.9sqm, is considered to still maintain areas sufficient in dimension for the establishment of landscape plantings, together with providing a functional area for recreation and relaxation uses. The reduction of the soft landscaping within the front of the dwelling still maintains a landscaped front setting. In this regard, there will be no substantial departure from the existing situation on site.

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 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 Building Height and Landscaped Open Space Built Form Controls (Development Standards) pursuant to Clause 20(1) are supported.



Warringah Council

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 490.5sqm

Detail existing onsite structures:

- None
- Dwelling
- Detached Garage
- Detached carport
- 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:



Warringah Council

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:

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

Signed

Date 20 APRIL 2009

Michael Edwards, Development Assessment Officer



Warringah Council

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

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

- Satisfactory
 Unsatisfactory

Recommendation:

That Council as the consent authority

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

Signed

Date 20 APRIL 2009

Michael Edwards, Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 20 APRIL 2009

Ryan Cole, Team Leader, Development Assessment