

**JOINT REGIONAL PLANNING PANEL
Sydney East Region**

JRPP No	JRPP Reference Number
DA Number	
Local Government Area	
Proposed Development	
Street Address	
Applicant/Owner	
Number of Submissions	
Recommendation	Approval with Conditions/Refusal/Deferred
Report by	Name, Deputy General Manager Environment

Assessment Report and Recommendation

Planner: Luke Perry
Application Lodged: 17/07/2015
Plans Reference:
Amended Plans:
Owner: Mount Pritchard & District Community Club Ltd

Locality: ERROR No Attribute – DO NOT ISSUE – Fix and Re-Issue

Category:
Draft WLEP 2009 Permissible or Prohibited Land use:
Variations to Controls (CI.20/CI.18(3)):
Referred to WDAP:

Land and Environment Court Action:

SUMMARY

Submission Issues:

Assessment Issues:

Attachments:

LOCALITY PLAN (not to scale)



#INSERT MAP#

Subject Site: Lot 12 DP 1197725,

Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to # adjoining land owners and occupiers and to # persons who made a submission to the original development application (notice was sent to last known address) for a period of # calendar days commencing on # and being finalised on #, furthermore, the application has been advertised within the Manly Daily on # and a notice was placed upon the site.

SITE DESCRIPTION

SITE HISTORY

PROPOSED DEVELOPMENT

AMENDMENTS TO THE SUBJECT APPLICATION

STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- b) Environmental Planning and Assessment Regulations 2000.

PUBLIC EXHIBITION

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan (adopted 13 December 2005). As a result, the application was notified to # adjoining land owners and occupiers and to # persons who made a submission to the original development application (notice was sent to last known address) for a period of # calendar days commencing on # and being finalised on #, furthermore, the application has been advertised within the Manly Daily on # and a notice was placed upon the site.

As a result of the public exhibition process submissions have been received from:

#

The matters raised within the submissions are addressed hereunder:

#

MEDIATION

Has mediation been requested by the objectors? Yes / No

Has the applicant agreed to mediation? Yes / No

Has mediation been conducted? Yes / No

As a result of the public exhibition period Council received # request for mediation from #, a review of the application indicated that mediation would be beneficial to the processing of the application and was subsequent conducted between the objectors and the developers.

Invitations to attend the public facilitation meeting and mediation (detailed below) were extended to all persons who made submission.

On # Council conducted a facilitation meeting for the benefit of the people who made submissions in the interpretation of State and Council policy, codes and statutory provisions and to help with the interpretation of plans only, Council records indicate that # in addition to Council's Assessment Officer and Mediation Officer were present for the meeting.

On # mediation was conducted, Council records indicate that # and the mediator were present for the meeting.

As a result of the mediation meeting the parties agreed on the matters detailed as follows:

- #;
- #

Comment:

OR

As a result of the public exhibition period Council received # request for mediation from #.

Mediation was requested due to:

- #;
- #.

It is considered inappropriate by Council to pursue mediation for this request for the reasons detailed as follows:

- #;
- #.

LAND AND ENVIRONMENT COURT ACTION

REFERRALS

External Referrals

Internal Referrals

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.

Section 79C 'Matters for Consideration'	Comments
<p>Section 79C (1) (a)(iv) – Provisions of the regulations</p>	<p>The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.</p> <p>Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent.</p> <p>Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This matter has been address via a condition of consent.</p> <p>Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.</p> <p>Clause 54 and 109 of the EPA Regulations 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations.</p> <p>Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered worthy of approval.</p>
<p>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will / will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) The proposed development will / will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 79C (1) (c) – the suitability of the site for the development</p>	<p>The site is considered un/suitable for the proposed development.</p>
<p>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Public Exhibition” in this report.</p>
<p>Section 79C (1) (e) – the public interest</p>	<p>No matters have arisen that would justify the refusal of the application in the public interest.</p>

Section 79C 'Matters for Consideration'	Comments

Refusal Variation

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and results in unreasonable impacts on surrounding, adjoining, adjacent and nearby properties.

Approval Variation

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition:

Land Use Zone:

Permissible or Prohibited:

Additional Permitted used for particular land – Refer to Schedule 1:

Principal Development Standards:

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Minimum Subdivision Lot Size:				
Rural Subdivision:				
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:				
Height of Buildings:				

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

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

OR

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated and if the land is contaminated further consideration is required under Clauses 7(1)(b) and 7(1)(c) of the SEPP.

In response to the above requirements of SEPP 55, the applicant submitted to Council a Phase 1 Environmental Site Assessment dated # prepared by #.

The Phase 1 report provided comment on #. Based on the assessment factors detailed within the report, Section # (being Conclusions / Recommendations) Council was not satisfied with regard to site contamination and determined that a Phase 2 contamination report was required to be submitted for assessment.

Therefore the applicant submitted a Detailed Environmental Assessment - Phase 2 Contamination Report, prepared by # dated #.

The Phase 2 Environmental Assessment report is based on # sampling locations (# hectares of land) which has adopted based on #.

The Phase 2 report provided comment on #. As a direct result of the further investigation detailed by the report Section # (Conclusions and Recommendations) stipulates:

“#”

As a result of the further investigation of the site's contamination. It is considered that the subject site is suitable for the proposed development/land use and appropriate conditions regarding requirements to notify of further contamination, remediation action plans to be prepared and implemented and certification to be provided that all site remediation works have been completed by an appropriately qualified person (EPA Registered).

SEPP No. 64 – Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?		
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?		
3. Views and vistas Does the proposal obscure or compromise important views?		
Does the proposal dominate the skyline and reduce the quality of vistas?		
Does the proposal respect the viewing rights of other advertisers?		
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?		
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?		
Does the proposal reduce clutter by rationalising and simplifying existing advertising?		
Does the proposal screen unsightliness?		
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?		
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?		
Does the proposal respect important features of the site or building, or both?		
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		

<p>6. Associated devices and logos with advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>		
<p>7. Illumination</p> <p>Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?</p>		
<p>Can the intensity of the illumination be adjusted, if necessary?</p>		
<p>Is the illumination subject to a curfew?</p>		
<p>8. Safety</p> <p>Would the proposal reduce the safety for any public road, pedestrians or bicyclists?</p>		
<p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>		

Clause 14 of SEPP 64 stipulates that consent for signage is to expire 15 years after the date of consent. This matter is addressed via condition.

Accordingly, the proposed signage is considered or is not considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent or inconsistent with the provision of the SEPP and its underlying objectives.

State Environmental Planning Policy - BASIX

A BASIX certificate has been submitted with the application. All required BASIX commitments have been noted on the application plans. Furthermore a condition of consent has been imposed requiring compliance with the requirements of the applicable BASIX certificate.

OR

A BASIX certificate is not required to be submitted with the subject application.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

OR

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out as a result the application was referred to Energy Australia who provided the following;

State Environmental Planning Policy No 65 – Design Quality for Residential Flat Development (SEPP 65)

SEPP 65 applies to new residential flat buildings, substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

As previously outlined the proposed development is for the erection of a ## storey residential flat ‘housing’ development plus basement car parking for the provisions of # self-contained dwellings.

As per the definition of a ‘Residential Flat Building’ and the provisions of Clause 4 outlining the application of the policy, the provisions of SEPP 65 are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This documentation has been submitted.

The SEPP requires the assessment of any development application for residential flat development against 10 principles contained in Clauses 9-18 and Council is required to consider the matters contained in the publication “Residential Flat Design Code”.

As such, the following consideration has been given to the requirements of the SEPP and Design Code:

The 10 principles are outlined as follows:

1.1 Principle 1: Context

The provisions of SEPP 65 provide that:

“Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the Desired Future Character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area”.

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 1 of SEPP 65.

Comment:

- i) Principle 2: Scale

The provisions of SEPP 65 provide that:

“Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the Desired Future Character of the area”.

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 2 of SEPP 65.

Comment:

Principle 3: Built Form

The provisions of SEPP 65 provide that:

“Good design achieves an appropriate Built Form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate Built Form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 3 of SEPP 65.

Comment:

Principle 4: Density

The provisions of SEPP 65 provide that:

“Good design has a density appropriate for a site and its context; in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality”.

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 4 of SEPP 65.

Comment:

Principle 5 – Resource, energy and water efficiency.

The provisions of SEPP 65 provide that

“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and Built Form, passive solar design principles, efficient appliances and mechanical and mechanical services, soil zones for vegetation and reuse of water”.

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 5 of SEPP 65:

Comment:

Principle 6: Landscape

The provisions of SEPP 65 provide that:

“Good design recognises that together Landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site’s natural and cultural features in responsible and creative ways. It enhances the development’s natural environmental performance by co-ordinating water and soil management, solar access, microclimate, and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character or Desired Future Character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity and provide for practical establishment and long-term management."

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 6 of SEPP 65.

"

Comment:

Principle 7: Amenity

The provisions of SEPP 65 provide that:

"Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility".

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 7 of SEPP 65.

"

Comment:

Principle 8 Safety and Security

The provisions of SEPP 65 provide that:

"Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces."

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 8 of SEPP 65.

"..."

Comment:

Principle 9

The provisions of SEPP 65 provide that:

“Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community”.

Detail within the original submitted Statement of Environmental Effects provides the following response to Principle 9 of SEPP 65.

“.....”

Comment:

Principle 10 Aesthetics

The provision of SEPP65 provide that:

“Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the Desired Future Character of the area”.

Detail within the original submitted Statement of Environmental Effects of the proposed structure provides the following response to Principle 10 of SEPP 65.

“....”

Comment:

Residential Flat Design Code Compliance Table

The following table is a general consideration against the criteria of the ‘Residential Flat Design Code’ as required by SEPP 65.

PART 01 LOCAL CONTEXT	
General Comments	

PART 01 LOCAL CONTEXT							
Primary Development Controls							
<i>Building Height</i>	Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit						
	<p>Test heights against the number of storey's and the minimum ceiling heights required for the desired building use. (2.7 for habitable rooms, 2.4 non-habitable rooms and 1.5 for attics)</p> <p>(Habitable Rooms include: any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sub room and play room)</p>						
<i>Building Depth</i>	Resolve building depth controls in plan, section and elevation.						
	In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.						
<i>Building Separation</i>	<p>Design and test building separation controls in plan and section.</p> <p>five to eight storeys/up to 25 metres</p> <table border="1"> <tbody> <tr> <td>18 metres</td> <td>Habitable rooms & balconies</td> </tr> <tr> <td>13 metres</td> <td>between habitable rooms/balconies and non habitable rooms</td> </tr> <tr> <td>9 metres</td> <td>between non habitable rooms</td> </tr> </tbody> </table> <p>*Habitable room any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room and play room</p> <p>**Non-habitable room</p>	18 metres	Habitable rooms & balconies	13 metres	between habitable rooms/balconies and non habitable rooms	9 metres	between non habitable rooms
18 metres	Habitable rooms & balconies						
13 metres	between habitable rooms/balconies and non habitable rooms						
9 metres	between non habitable rooms						

PART 01 LOCAL CONTEXT		
	spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.	
	Test building separation controls for daylight access to buildings and open spaces.	
<i>Street Setbacks</i>	Identify the Desired Streetscape Character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.	
	Test street setbacks with building envelopes and street sections.	
<i>Side + rear setbacks</i>	Relate side setbacks to existing streetscape patterns.	
<i>Floor space ratio</i>	Test the desired Built Form outcome against proposed floor space ratio to ensure consistency with building height- building footprint the three dimensional building envelope open space requirements.	
PART 02 SITE DESIGN		
<i>General Comments</i>		
Site Configuration		
<i>Deep Soil Zones</i>	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, Stormwater treatment measures must be integrated with the design of the residential flat building.	
	Where developments are unable to achieve the recommended communal open space, such as those	

PART 01 LOCAL CONTEXT		
	in dense urban areas, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25sqm; the minimum preferred dimension in one direction is 4 metres. (see Balconies for other private open space requirements)	
<i>Safety</i>	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	
Visual Privacy	Refer to Building Separation minimum standards	
<i>Pedestrian access</i>	Identify the access requirements from the street or car parking area to the apartment entrance.	
	Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.	
	Provide barrier free access to at least 20 percent of dwellings in the development.	
<i>Vehicle access</i>	Generally limit the width of driveways to a maximum of six metres.	
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	
PART 03 BUILDING DESIGN		
General Comments		
Building Configuration		
<i>Apartment layout</i>	Single-aspect apartments should be limited in depth to 8 metres from a window.	
	The back of a kitchen should be no more than 8 metres from a window.	
	Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting	

PART 01 LOCAL CONTEXT		
	and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).	
	If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability) - 1 bedroom apartment 50sqm - 2 bedroom apartment 70sqm - 3 bedroom apartment 95sqm	
<i>Apartment Mix</i>		
<i>Balconies</i>	Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.	
<i>Ceiling Heights minimum wall height at edge</i>	The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired. <i>2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. attic spaces, 1.5 metre minimum wall height at edge of room with a 30 degree minimum - ceiling slope.</i>	
<i>Ground Floor Apartments</i>	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape	

PART 01 LOCAL CONTEXT		
	and topography of the site.	
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	
<i>Internal Circulation</i>	<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:</p> <ul style="list-style-type: none"> • for adaptive reuse buildings • where developments can demonstrate the achievement of the desired streetscape character and entry response <p>where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).</p>	
<i>Storage</i>	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • studio apartments 6m³ • one-bedroom apartments 6m³ • two-bedroom apartments 8m³ • three plus bedroom apartments 10m³ 	
Building Amenity		
<i>Daylight Access</i>	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.	
	Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate	

PART 01 LOCAL CONTEXT		
	how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	
Natural Ventilation	Building depths, which support natural ventilation typically range from 10 to 18 metres.	
	Sixty percent (60%) of residential units should be naturally cross ventilated.	
Building Form	<i>No rules of thumb</i>	
Building Performance		
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	
Water Conservation	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

FOR DA's LODGED UNDER WLEP 2000

The subject application has been lodged under the provisions of WLEP 2000 not the former SEPP 5 or the current gazetted SEPP SL.

SEPP SL applies to all land within the State of NSW. As such, SEPP SL is relevant to the assessment of this Development Application. However, any clauses in SEPP SL which are prefaced for their operation with the words '*development application made pursuant to this chapter*' would not be relevant to the application as per the NSW Land and Environment Court decision of Talbot J on 31 May 2004, in *Mete v Warringah Council* (2004 NSWLEC 273).

In accordance with Section 79C of the EPA Act 1979, the assessment of this application has taken into consideration the relevant provisions of SEPP SL as per as per the above noted NSW LEC decision. As SEPP SL does apply (in part) to Warringah Council, an assessment is provided with regard to the relevant provisions of SEPP SL, outlined as follows:

Chapter 1 – Preliminary

The proposed development is considered to be consistent with the aims of the policy, in that the proposed development will increase the supply and diversity of residences to meet the needs of seniors or people with a disability, the development will make efficient use of existing infrastructure and services available to the site and in the locality, and the proposed development is considered to be of satisfactory design.

The proposed development is considered to be consistent with the definitions contained in this policy, the policy applies to land within Warringah and there are no agreements or covenants that require suspension.

Accordingly, on this basis, it is considered that the proposed development is consistent with the provisions outlined under Chapter 1 of SEPP SL.

Chapter 2 – Key concepts

The proposed development is consistent with the key concepts contained within SEPP SL. The proposed development comprises of five (5) self-contained dwellings, which are to be occupied by seniors, people with a disability, or other persons permitted by the SEPP. Appropriate conditions are recommended to be placed on the development consent to restrict occupation of this building in accordance with the definitions outlined under the SEPP.

Accordingly, on this basis, it is considered that the proposed development is consistent with the provisions outlined under Chapter 2 of SEPP SL.

Chapter 3 – Development for seniors housing

Chapter 3 of SEPP SL contains a number of development standards that are applicable only to development applications made pursuant to SEPP SL. However, as the development application was made pursuant to WLEP 2000, the specific provisions prefaced for their operation with the words “made pursuant to this chapter” of Chapter 3 do not apply. There are no relevant provisions of Chapter 3 applicable to this development application.

Accordingly, the provisions outlined under Chapter 3 of the SEPP are not applicable to the assessment of this application.

Chapter 4 – Miscellaneous

The proposed development is not inconsistent with the provisions contained in Chapter 4. The site is not on environmentally sensitive land, is not affected by amendments to other SEPPs, and the special provisions do not apply to this land.

Accordingly, no further assessment of the application is required under Chapter 4 of the SEPP.

Regional Environment Plans (REPs)

#

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

2 Desired Future Character (DFC)

The subject site is located in the # Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“#”

The proposed development is defined as “#” under the WLEP 2000 dictionary. “#” are identified as Category # development in this locality.

CATEGORY 1 DEVELOPMENT (ONLY) – DELETE HEADING DURING ASSESSMENT

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality’s DFC statement.

The proposed development has been considered against the locality’s DFC statement and it is considered that the proposed land use is generally consistent with the provisions.

OR

CATEGORY 1 DEVELOPMENT WITH A VARIATION TO A BUILT FORM CONTROL – DELETE HEADING DURING ASSESSMENT

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, the proposed development results in non-compliances with the # Built Form Control, as such pursuant to Clause 20(1) a higher test, i.e. a test of consistency against the Locality’s DFC is required.

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

Requirement: “..”

Comment:

Requirement: “..”

Comment:

Requirement: “..”

Comment:

Requirement: “..”

Comment:

As detailed above the proposed development is considered to be consistent / inconsistent with the Locality’s DFC statement.

OR

- i) **CATEGORY 2/3 DEVELOPMENT – DELETE HEADING DURING ASSESSMENT**

Clause 12(3)(a) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality's DFC statement.

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

Requirement: “..”

Comment:

Requirement: “..”

Comment:

Requirement: “..”

Comment:

Requirement: “..”

Comment:

As detailed above the proposed development is considered to be consistent / inconsistent with the Locality's DFC statement.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table				
Built Form Standard	Required	Approved Development	Proposed Modification	Compliance

The proposed development is considered to satisfy the Locality's Built Form Controls, accordingly, no further assessment will be provided in this regard.

OR

The proposed development is considered to fails satisfy the Locality's # Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

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 development fails consistency with Clause/s # of the General Principles of Development Control and accordingly, qualifies / fails to qualify 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 development fails consistency with the Locality’s Desired Future Character Statement and accordingly, qualifies / fails to qualify 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 / inconsistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies / fails to qualify to be considered for a variation to the development standards, under the provisions of Clause 20(1).

Description of variations sought and reasons provided:

Built Form Control

Required:

Proposed:

Response:

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the # Built Form Control. Accordingly, compliance with the objectives are addressed below:

Objective: #

Comment: #

Objective: #

Comment: #

As detailed above the proposed development is considered to satisfy / fail to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent / inconsistent with the underlying objectives of the # Built Form Control. It is for these reasons that the variation to the # Built Form Control (Development Standard) pursuant to Clause 20(1) is Supported / Not Supported.

3 General Principles Of Development Control

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL38 Glare & reflections			
CL39 Local retail centres			
CL40 Housing for Older People and People with Disabilities			
CL41 Brothels			
CL42 Construction Sites			
CL43 Noise			
CL44 Pollutants			
CL45 Hazardous Uses			
CL46 Radiation Emission Levels			
CL47 Flood Affected Land			
CL48 Potentially Contaminated Land			
CL49 Remediation of Contaminated Land			
CL49a Acid Sulfate Soils			
CL50 Safety & Security			
CL51 Front Fences and Walls			
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces			
CL53 Signs			
CL54 Provision and Location of Utility Services			
CL55 Site Consolidation in 'Medium Density Areas'			
CL56 Retaining Unique Environmental			

General Principles	Applies	Comments	Complies
Features on Site			
CL57 Development on Sloping Land			
CL58 Protection of Existing Flora			
CL59 Koala Habitat Protection			
CL60 Watercourses & Aquatic Habitats			
CL61 Views		<p>Clause 61 stipulates 'Development is to allow for the reasonable sharing of views'.</p> <p>Council has received an objection from the occupant / owner of No.# #. In particular the objector has raised concern to the loss of valley views to the horizon from their eastern boundary.</p> <p>On # Council's Development Assessment Officer conducted a site inspection from # including within the surrounding properties and the adjoining and nearby Council road reserve. The site inspection revealed that no property will experience any significant view loss as a result of the proposed development, due to the location and height of the existing dwelling on No 9 The Esplanade and level of residential development within the vicinity of the site and the subdivision layout (site and building orientation).</p> <p>In determining significant view loss the principles outlined within the Land and Environment Court Case <i>Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140</i>, have been used.</p> <p>In <i>Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140</i> the Land and Environment Court provided a four (4) planning principles to be used in the assessment of view loss.</p> <p>These principles and an assessment of the proposed development against the principles are outlined as follows:</p> <ul style="list-style-type: none"> ▸ The first step is to assess the nature of the views to be affected, water views are valued more highly than land views, iconic views (such as of the Opera House, the Sydney Harbour Bridge or North Head) are valued more highly than views without those icons, and whole views are valued more highly than partial views. For example, a water view in which the interface between the water and the land is visible is more valuable than one in 	

General Principles	Applies	Comments	Complies
		<p>which it is obscured.</p> <p>Comment:</p> <p>####</p> <p>View from public places:</p> <p>The surrounding street networks are relatively flat with a slight fall to the east. However, there are no views present from any part of the surround street network.</p> <ul style="list-style-type: none"> ▸ The second step is to consider from what part of the property affected the views are obtained. In this regard it is more difficult to protect views obtained across side boundaries than the protection of views from front and rear boundaries. Also, whether the view is obtained from a standing or sitting position may also be relevant. Sitting views being more difficult to protect. The Senior Commissioner noted that the expectation to retain side or sitting views is often unrealistic. <p>Comment:</p> <p>####</p> <ul style="list-style-type: none"> ▸ The third step is to assess the extent of the impact. This needs to be done for the whole of the property, and not just to that part of it from where the views are affected. The views from living areas (including kitchen areas) are more significant than from bedrooms or service areas. Whilst the impact could be assessed quantitatively, it is more useful to look at the issue in a qualitative sense and ask whether the view loss is negligible, minor, moderate, severe or devastating. <p>Comment:</p> <p>####</p> <ul style="list-style-type: none"> ▸ The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all relevant planning controls would be considered more reasonable than one that breaches them. Importantly, the Senior Commissioner said that “where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable”. Where a development complies with the planning controls, the question is whether a more skilfully designed proposal could provide the 	

General Principles	Applies	Comments	Complies
		<p>same development potential whilst reducing the impact to neighbours. In that situation the view impact of a complying development would probably be considered acceptable, and the view sharing reasonable.</p> <p>Comment:</p> <p>#####</p>	
CL62 Access to sunlight			
CL63 Landscaped Open Space			
CL63A Rear Building Setback			
CL64 Private open space			
CL65 Privacy			
CL66 Building bulk			
CL67 Roofs			
CL68 Conservation of Energy and Water			
CL69 Accessibility – Public and Semi-Public Buildings			
CL70 Site facilities			
CL71 Parking facilities (visual impact)			
CL72 Traffic access & safety			
CL73 On-site Loading and Unloading			
CL74 Provision of Carparking			
CL75 Design of Carparking Areas			
CL76 Management of Stormwater			
CL77 Landfill			
CL78 Erosion & Sedimentation			
CL79 Heritage Control			
CL80 Notice to Metropolitan Aboriginal			

General Principles	Applies	Comments	Complies
Land Council and the National Parks and Wildlife Service			
CL81 Notice to Heritage Council			
CL82 Development in the Vicinity of Heritage Items			
CL83 Development of Known or Potential Archaeological Sites			

Other Relevant WLEP 2000 Clauses

Clause 21

Clause 21 provides that land can be subdivided with consent subject to the qualifying statements addressed as follows:

Requirement	Assessment Comment
1.(a) Can the resulting allotments be developed in accordance with the requirements of WLEP 2000? Or (b).Will the resulting allotments contain buildings of works lawfully created or approved? (Note: Part (b) does not apply to Locality's A2, A4, A5, A7, B9, B2, C8 or C10.)	
Assessment under Schedule 7.	See discussion on "Schedules – Schedule 7" in this report for consideration

Clause 29

The proposal has been assessed against the provisions of Clause 29 as follows:

Standard	Required	Proposed	Complies
Building Height	8m or less (Measured vertically from ceiling of topmost floor to ground level immediately below.)		
Density and Scale	0.5:1		
Landscaped Area	35m ² per dwelling =70sqm		
Parking	0.5 spaces per bedroom		
Visitor Parking	None required if less than		

Standard	Required	Proposed	Complies
	8 dwellings		
Landscaped Area	Width x 15% of length = 105.6m ²		
Private Open Space	To be not less than 3m x 3m accessible from living area on ground floor		
- Dwelling A	15m ² per dwelling		
- Dwelling B	15m ² per dwelling		

SCHEDULES

Schedule 4 - Prohibited Signs

Prohibited Signs

Schedule 5 - State Policies

Bushland In Urban
Areas

Caravan Parks

Extractive Industries

Group Homes

Hazardous and
Offensive Development

Housing for Older
People or People with a
Disability

Koala Habitat
Protection

Maintenance Dredging
of Tidal Waterways

Permissibility of Mining

Surplus Public Land

Schedule 6 - Preservation of Bushland

Preservation of
Bushland

Schedule 7 - Matters of consideration in a subdivision of land

Schedule 7 of WLEP 2000 requires the consent authority to consider matter relating to environmentally sensitive/constrained land, drainage, general site restrictions, access, design, construction and lot dimensions. The specific matters raised under Schedule 7 are addressed as follows:

Control	Comments	Compliance
<p>a) Environmentally sensitive/constrained land</p> <p>(Schedule 7 stipulates that in areas subject to constraints (flooding, tidal inundation, subsidence, slip, bushfire or any other risk) an adequate safe area for development is to be provided within an allotment where the risk from hazard is minimal.</p>		
<p>b) Drainage</p> <p>(The provisions of Schedule 7 adequate drainage for subdivisions)</p>		
<p>Restrictions</p> <p>(Schedule 7 requires that the consent authority be nominated in any easement, right-of-way, or other restriction that is placed on the title.)</p>		
<p>Access</p> <p><i>(Schedule 7 stipulates that adequate access for motor vehicles is required on each allotment of residential land with particular specifications.)</i></p>		
<p>Bushfire</p> <p>(Schedule 7 provides that new subdivisions should be designed to minimise the risk of potential bushfire)</p>		
<p>Design and Construction</p> <p>(Schedule 7 provides that all design and construction is to be in accordance with the Council's Specification for Engineering Works and on site stormwater detention policy and technical specification.)</p>		

Schedule 8 - Site analysis

Site Analysis	
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Schedule 9 - Notification requirements for remediation work

Notification requirements for remediation work	
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Schedule 10 - Traffic Generating Development

Traffic Generating Development	
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Schedule 11 - Koala Feed Tree Species and Plans of Management

Koala Feed Tree Species and Plans of Management	
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Schedule 13 - Development Guidelines for Collaroy/Narrabeen Beach

Development Guidelines for Collaroy/Narrabeen Beach	
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Schedule 14 - Guiding Principles for Development near Middle Harbour

Consideration of the Matters under Schedule 14 of WLEP 2000	
(a) the desirability of increasing public access to, and use of, land on the foreshore,	
(b) the retention, management and use of land made available for public access or the use of other appropriate tenure mechanisms where public ownership is not possible,	
(c) the retention and enhancement of public access links between existing foreshore open space areas,	
(d) the conservation of significant bushland and other natural features along the foreshore, where consistent with conservation principles, and their availability for public use and enjoyment,	
(e) the suitability of the site or part of the site for significant open space that will enhance the open space network existing along the Harbour foreshores,	
(f) the protection of significant natural and cultural heritage values, including marine ecological values,	
(g) the protection and improvement of unique visual	

Consideration of the Matters under Schedule 14 of WLEP 2000	
qualities of the Harbour, its foreshores and tributaries,	
(h) the relationship between use of the water and foreshore activities,	
(i) the conservation of items of heritage significance identified in an environmental planning instrument or subject to an order under the Heritage Act 1977 ,	
(j) the scale and character of any development, derived from an analysis of the context of the site,	
(k) the character of any development as viewed from the water and its compatibility and sympathy with the character of the surrounding foreshores,	
(l) the application of ecologically sustainable development principles,	
(m) the maintenance of a working-harbour character and functions by the retention of key waterfront industrial sites or, at a minimum, the integration of facilities for maritime activities into development and, wherever possible, the provision of public access through these sites to the foreshore,	
(n) the feasibility and compatibility of uses and, if necessary, appropriate measures to ensure co-existence of different land uses,	
(o) increasing opportunities for water-based public transport	

Schedule 15 - Statement of Environmental Effects

Clause 15(1) of Warringah Local Environmental Plan 2000 requires that the consent authority must consider a Statement of Environmental Effects prepared in accordance with the criteria listed in Schedule 15. In addition, Clause 15(2) requires the consent authority to consider the findings of an independent public hearing prior to the determination of the application.

The applicant has submitted a Statement of Environmental Effects, prepared by #, which addresses Schedule 15 of WLEP 2000. The following is provided having regard to these provisions:

Consideration	Proposed
(1) Summary of the Statement of Environmental Effects (SEE)	<p>With regard to Point 1 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(2) Consistency of the proposal with the desired future character statement and general principles of development control established by the plan.	<p>With regard to Point 2 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(3) Objectives of the proposed development.	<p>With regard to Point 3 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(4) An analysis of feasible alternatives. (including (a) Consequences of not carrying out the development and (b) Justification for the development)	<p>With regard to Point 4 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(5) Development and context analysis.	<p>With regard to Point 5 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(6) Biophysical, economic and social considerations and the principles of ecologically sustainable development.	<p>With regard to Point 6 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(7) Measures to mitigate any adverse effects of the development on the environment	<p>With regard to Point 7 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>
(8) Other approvals required	<p>With regard to Point 7 of Schedule 15 the applicant has provided the following:</p> <p>“...”</p> <p><u>Comment:</u></p>

It is considered that the submitted Statement of Environmental Effects prepared by # dated # and in response to the provisions of Clause 15/Schedule 15 adequately / inadequately addresses the compatibility of the of the development with the Locality and the DFC.

Schedule 16 - Principles and Standards for Housing for Older People or People with Disabilities

The following is an assessment of the requirement outlined under Schedule 16 of WLEP 2000

Standard	Required	Proposed	Complies
1. Identification	If more than one (1) street, street signage incorporating house numbers at each intersection		
2. Security	Pathway lighting to be positioned at a low height and to be a minimum of 50 lux		
3. Letterboxes in multi-dwelling developments	Must be lockable, located together in a central location adjacent to the street entry and be situated on a hard standing area with wheelchair access.		
4. Private car accommodation	Spaces are to be not less than 6m x 3.2m and garages are to have an internal clearance of 2.5m and must have a power operated roller door.		
5. Accessible entry	All entries must have a slope that does not exceed 1: 40 and must comply with Clauses 4.3.1 and 4.3.2 of AS4299 and must have an entry door handle and other hardware that complies with AS 1428		
6. Exterior – general	All external doors to any one (1) dwelling must be keyed alike.		
7. Interior general	Internal doors must have a clearance of at least 820mm and internal corridors must have a width of at least 1000mm and the width		

Standard	Required	Proposed	Complies
	of internal door approaches must be at least 1200mm.		
8. Living & dining room	A living room must have a circulation space of at least 2250mm in diameter and as set out in Clause 4.7 of AS 4299 and a telephone adjacent to a general power outlet. Also a living and dining room must have a potential illumination level of at least 300 lux.		
9. Kitchen	A kitchen in a self-contained dwelling must have a width of at least 2.7m and a clear space between benches of at least 1450mm, and additional requirements as specified in the schedule (see schedule 16).		
10. Main bedroom	The main bedroom must have an area sufficient to accommodate a wardrobe and a queen size bed and a minimum of 1200mm clear space at the foot of the bed, etc (see schedule)		
11. Bathroom	A bathroom must have an area in compliance with AS 1428 and a slip resistant floor surface and a shower complying with requirements of schedule 16, etc (see schedule)		
12. Toilet	A dwelling must have a toilet that is a visitable toilet within the meaning of Clause 1.4.12 of AS 4299, with a slip resistant floor surface, and additional requirements as per the schedule (see schedule 16).		
13. Access to	Kitchen, main bedroom,		

Standard	Required	Proposed	Complies
kitchen, main bedroom, bathroom & toilet	bathroom and toilet must be located on the ground floor, etc (see schedule 16).		
14. Laundry	A self contained dwelling must have a laundry that has provision for the installation of an automatic washing machine, etc (see schedule 16)		
15. Storage	Dwelling must have a linen cupboard that is at least 600mm wide and has adjustable shelving.		
16. Doors	Door hardware provided as the means for opening doors must be able to be operated with one (1) hand and located between 900mm and 1100mm above floor level.		
17. Surface finishes	Balconies and external paved areas must have slip resistant surfaces.		
18. Ancillary items	Switches must be located between 900mm and 1100mm above floor level and general purpose outlets must be located at least 600mm above floor level.		
19. Garbage	An outside garbage storage area must be provided in an accessible location.		
20. Applications by certain housing providers	Clause 40 of the Warringah Local Environmental Plan 2000 and Clauses 7 – 19 of schedule 16 of Warringah Local Environmental Plan 2000 can be varied if the DA is made by the Department of housing, or a local government or community housing provider.		

Standard	Required	Proposed	Complies
21. Neighbourhood amenity and streetscape	a. Contribute to an attractive residential environment with clear character and identity.		
	b. Where possible, retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan,		
	c. Where possible, maintain reasonable neighbour amenity and appropriate residential character by providing building setbacks that progressively increase as wall heights increase to reduce bulk and overshadowing,		
	d. Where possible, maintain reasonable neighbour amenity and appropriate residential character by using building form and siting that relates to the site's land form,		
	e. Where possible, maintain reasonable neighbour amenity and appropriate residential character by adopting building heights at the street frontage that are compatible in scale with adjacent development,		
	f. Where possible, maintain reasonable neighbour amenity and appropriate residential character by considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours,		

Standard	Required	Proposed	Complies
	g. Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,		
	h. Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape.		

Schedule 17 - Carparking Provision

Carparking Provision	
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DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The applicable draft environmental planning instruments are as follows:

- #####

The above Draft Instruments and policy have been considered with regard to the proposed works. The proposal is considered and no matters have arisen in this regard that justify the refusal of the application with regard to the draft EPI's.

POLICY CONTROLS

Warringah Section 94 Development Contribution Plan 2001

Warringah Section 94A Development Contribution Plan (adopted 14 November 2006)

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

As the estimated cost of works is less than \$100,000.00 the policy is not applicable to the assessment of this application.

OR

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006.

The following monetary contributions are applicable:

OTHER MATTERS FOR CONSIDERATION

Assessment for Significant effect on threatened species, populations or ecological communities, or their habitats (Section 5A EPA Act 1979)

For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:

Matter for consideration	Assessment Comments
(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction	
(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction	
(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed: <ul style="list-style-type: none"> <li data-bbox="236 1294 584 1462">(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or <li data-bbox="236 1487 584 1682">(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction, 	
(d) in relation to the habitat of a threatened species, population or ecological community: <ul style="list-style-type: none"> <li data-bbox="264 1839 587 1951">(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and <li data-bbox="264 1975 512 2016">(ii) whether an area of habitat is likely to 	

Matter for consideration	Assessment Comments
<p>become fragmented or isolated from other areas of habitat as a result of the proposed action, and</p> <p>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</p>	
(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),	
(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,	
(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.	
<ul style="list-style-type: none"> ▪ any assessment guidelines. <p>(assessment guidelines means assessment guidelines issued and in force under section 94A of the Threatened Species Conservation Act 1995 or, subject to section 5C, section 220ZZA of the Fisheries Management Act 1994.)</p>	

As a result of the assessment provided above it is considered that the proposed development would not result in any significant effect on threatened species, populations or ecological communities, or their habitats

Or

As a result of the assessment provided above it is considered that the proposed development would result in a significant effect on – CHOOSE WHAT WILL BE IMPACTED UPON threatened species, populations or ecological communities, or their habitats, specifically the development is considered to impact upon – LIST THE SPECIES/POPULATION/ECOLOGICAL COMMUNITIES, OR HABITATS for the reasons detailed as follows:

- ; and
- ; and
- ; and

In this regard, pursuant to Section 7B(8) of the EPA Act 1979 the application is on land that is, or is a part of, critical habitat or is likely to significantly affect threatened species, populations or ecological communities, or their habitats. The applicant is required to provide Council with a species impact statement prepared in accordance with Division 2 of Part 6 of the [Threatened Species Conservation Act 1995](#).

Note. Part 7A of the [Threatened Species Conservation Act 1995](#) provides for certain circumstances in which development is taken not to significantly affect threatened species, populations or ecological communities, or their habitats – CALM is to review and advise PAS in this regard.

PAS is advised that development consent is not to be granted to any application unless the NSW Department of Environment and Conservation

CONCLUSION

Refusal Variation

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and results in unreasonable impacts on surrounding, adjoining, adjacent and nearby properties.

Approval Variation

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

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

[Summarise issues & draw conclusions]

It is considered that the proposed development satisfies / does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

As a direct result of the application and the consideration of the matters detailed within this report it considered that Council as the consent authority grant / refuse approval to modify the Notice of Determination as / for the reasons detailed within the "Recommendation" section of this report.

RECOMMENDATION -

DEFERRED COMMENCEMENT APPROVAL

- A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to the time frames for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DAMod2015/0152 for Modification of Development Consent DA2014/0875 granted for Demolition and Excavation works and Construction of Seniors Housing, Registered Club, Childcare Centre and associated carparking and landscaping (Harbord Diggers Club) on land at 80 Evans Street FRESHWATER NSW 2096 subject to the conditions printed below:
- B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time framed detailed within Part C of this recommendation.
- C. That pursuant to Section 95(2) of the Environmental Planning Assessment Act 1979, the Council vary the provisions of Section 95(1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.

APPROVAL

THAT Council as the consent authority grant Development Consent to DAMod2015/0152 for Modification of Development Consent DA2014/0875 granted for Demolition and Excavation works and Construction of Seniors Housing, Registered Club, Childcare Centre and associated carparking and landscaping (Harbord Diggers Club) on land at 80 Evans Street FRESHWATER NSW 2096 subject to the conditions printed below:

REFUSAL

THAT Council, as the consent authority REFUSE Development Consent to Development Application No Mod2015/0152 for the Modification of Development Consent DA2014/0875 granted for Demolition and Excavation works and Construction of Seniors Housing, Registered Club, Childcare Centre and associated carparking and landscaping (Harbord Diggers Club) on land at 80 Evans Street FRESHWATER NSW 2096 subject to the reasons outlined as follows:

1. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is considered to be inconsistent with the provisions of State Environmental Planning Policy No # – # in that:
 - #;
 - #;
 - #;
 - #; and
 - #.
2. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is considered to be inconsistent with the provisions of Clause 12(3)(b) of Warringah Local Environment Plan 2000 (as amended), in that the proposed development is inconsistent with the Desired Future Character Statement for subject site in regards to # within the # locality.
3. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(2)(b) and fails Clause

20(1) of Warringah Local Environment Plan 2000 (as amended) in that a portion of the proposed development **(detail area of non-compliance)** are inconsistent with the #, #, # development standards detailed under the applicable Built Form Controls for the # Locality. In this regard it is considered that the failure to comply with the development standard will:

- Cause an undesirable precedent of development;
 - #;
 - #;
 - #; and
 - #.
4. Pursuant to Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 12(1)(a) and Clause 18(1) of Warringah Local Environment Plan 2000 (as amended) in that portions of the proposed development are inconsistent with the General Principles outlined under Part 4 of WLEP 2000 as follows:
- #;
 - #;
 - #;
 - #; and
 - #.
5. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to have an adverse environmental impact upon the natural and/or built environment in that:
- #;
 - #;
 - #;
 - #; and
 - #.
6. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to have an adverse social impact upon the surrounding natural and/or built environment in that:
- #;
 - #;
 - #;
 - #; and
 - #.
7. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to have an adverse economic impact upon the surrounding natural and/or built environment in that:
- #;
 - #;
 - #;
 - #; and
 - #.

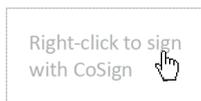
8. Pursuant to Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 the subject site is considered to be unsuitable for the proposed development in that:

- #;
- #;
- #;
- #; and
- #.

9. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 the proposed development is not in the public interest in that:

- #;
- #;
- #;
- #; and
- #.

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



Date

Luke Perry, Planner



Date

, Planning Assessment Manager