



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0224

Assessment Officer: Adrian Melo

Property Address: Lot 11 DP 25959

Proposal Description: Alterations and Additions to existing dwelling and a swimming pool, 5 Lalchere Street CURL CURL NSW 2096

Plan Reference: Drawing 101 2, 100 2, 200 2.

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: \$ 122,100

Are S94A Contributions Applicable?

☒ Yes ☐ No

Warringah Section 94A Development Contributions Plan

Contribution based on total development cost of \$ 122,100.00

Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$549	6923
S94A Planning and Administration	0.05%	\$61	6924
Total	0.5%	\$611	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

No. of Submissions: 1

☒ Yes ☐ No

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: F5 Curl Curl

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

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

Desired Future Character:



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☐ 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: 3m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Building Height (underside of upper most ceiling):</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 7.2m</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Front Setback:</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 6.5m</p> <p><input type="checkbox"/> Other</p> <p>Is the Corner Allotment / Secondary Street Frontage control applicable?:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 3.5m</p> <p><input type="checkbox"/> Other</p>	<p><input checked="" type="checkbox"/> Existing and unchanged (all proposed works occur behind the existing established front building line of the dwelling present on the subject site)</p> <p>Proposed: ...m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Corner Allotment:</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed:m</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>



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<p>Housing Density:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 1 dwelling per 450sqm</p> <p><input type="checkbox"/> 1 dwelling per 600sqm</p> <p><input type="checkbox"/> Other</p>	<p><input checked="" type="checkbox"/> Existing and unchanged</p> <p>Proposed:dwelling / persqm</p> <p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Landscape Open Space:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> 40% (232sqm)</p> <p><input type="checkbox"/> 50% (.....sqm)</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 38% (215sqm)</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Rear Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 6.0m</p> <p><input type="checkbox"/> Other</p> <p>Outbuildings:</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 50% of rear setback</p> <p><input type="checkbox"/> Other</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 1.5m</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Outbuildings:</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 32%</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Side Boundary Envelope:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 4m / 45 degrees</p> <p><input checked="" type="checkbox"/> 5m / 45 degrees</p> <p><input type="checkbox"/> Other</p>	<p>Boundary: <input checked="" type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst</p> <p><input type="checkbox"/> Existing and unchanged</p> <p>or</p> <p>Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Minor Breach: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>



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	Boundary: <input type="checkbox"/> Nth <input checked="" type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Minor Breach: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Setbacks: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 900mm <input type="checkbox"/> 4.5m <input type="checkbox"/> Other	Boundary <input checked="" type="checkbox"/> Nth <input type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Proposed: 0.9m Complies: <input type="checkbox"/> Yes <input type="checkbox"/> No Boundary <input type="checkbox"/> Nth <input checked="" type="checkbox"/> Sth <input type="checkbox"/> Est <input type="checkbox"/> Wst <input type="checkbox"/> Existing and unchanged or Proposed: 8.2m to new structures, Approx 1.2 to existing Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other:	

General Principles of Development Control:

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



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CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL44 Pollutants Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL45 Hazardous Uses Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL46 Radiation Emission Levels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL47 Flood Affected Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL48 Potentially Contaminated Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the site suitable for the proposed land use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
CL49 Remediation of Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL49a Acid Sulfate Soils Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Although the subject site is identified as being Class 5 Acid Sulfate soils and includes excavation for the proposed pool, it is not considered that the proposed work is likely to lower the watertable below 1 metre AHD on adjacent Class 1,2, 3, or 4 land.
CL50 Safety & Security Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<p>CL51 Front Fences and Walls</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Although the proposal includes a front fence 1.5m in height it is to be constructed of timber battens and is to be 30% transparency. This ensures adequate passive surveillance of the streetscape will be achieved. Generally it is also considered that the front fence is in keeping with the streetscape.</p> <p>Accordingly it is considered that the requirements of this General Principle are fulfilled by the proposal.</p>
<p>CL52 Development Near Parks, Bushland Reserves & other public Open Spaces</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL53 Signs</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL54 Provision and Location of Utility Services</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL55 Site Consolidation in 'Medium Density</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL56 Retaining Unique Environmental Features on Site</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL57 Development on Sloping Land</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL58 Protection of Existing Flora</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL59 Koala Habitat Protection</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL60 Watercourses & Aquatic Habitats</p> <p>Applicable:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>



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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 <p>Although the proposal complies with the side boundary setback built form controls, it is noted that it seeks approval for a raised deck area along the side boundary. The maximum height of the proposed deck area is approximately 1.2m</p> <p>It must be noted that this General Principle makes specific reference to '...unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.'. In this regard it must be established whether the proposal in its current form results in unreasonable direct overlooking of habitable rooms and principal private open spaces. In this regard it is noted that the principal private open space for the adjoining (north) property is located at the rear of the dwelling. Accordingly it is not considered that the proposal will allow for direct overlooking of the adjoining properties principal private open space.</p> <p>With regards to habitable rooms, it is noted that the Plans for DA2003/0810 indicate that the windows located on the southern elevation of the adjoining property are Bedroom windows. In this regard it is considered that direct overlooking of these windows given the height of the proposed deck is possible.</p> <p>However, it is noted that the proposal seeks consent to plant bamboo along the shared boundary totalling 3m in height at maturity. Although this cannot be relied upon to negate overlooking, it will reduce the potential for direct overlooking. With regards to the deck area, it must be noted that only the area immediately adjacent to the living room area will most likely be used for external entertaining, with the areas to the south serving primarily as a thoroughfare to access the pool and rear yard area. Accordingly subject to a condition of consent requiring the erection of a privacy screen along the northern boundary of the deck area it is considered that the proposal is acceptable.</p>



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<p>CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>With regards to the proposed privacy screen to be applied through a condition of consent mentioned in the above section, it must be noted that the deck area complies with the minimum side setback area and would be softened by landscaping, reducing potential building bulk resulting from the privacy screen.</p> <p>Accordingly the proposal, including the amendments made as conditions of consent, is considered acceptable with regards to this General Principle.</p>
<p>CL67 Roofs Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL68 Conservation of Energy and Water Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Standard BASIX condition included.</p>
<p>CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL71 Parking facilities (visual impact) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL72 Traffic access & safety Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL73 On-site Loading and Unloading Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p>
<p>CL74 Provision of Carparking Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>It is noted that the existing dwelling located on the subject site allows for 1 carparking space, resulting in a non-compliance with the required carparking spaces. Notwithstanding the above, this is an existing carparking situation that is unchanged by the proposal. Accordingly it is deemed acceptable.</p>



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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 checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL77 Landfill Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL78 Erosion & Sedimentation Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL79 Heritage Control Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL81 Notice to Heritage Council	Repealed
CL82 Development in the Vicinity of Heritage Items Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL83 Development of Known or Potential Archaeological Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

Schedules:

Schedule 5 State policies Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 6 Preservation of bushland Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 7 Matters for consideration in a subdivision of land Applicable:	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No



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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Schedule 8 Site analysis Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 9 Notification requirements for remediation work Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 10 Traffic generating development Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 11 Koala feed tree species and plans of management Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
Schedule 12 Requirements for complying development Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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 checked="" type="checkbox"/> No however justified under Clause 74

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☒ Yes ☐ No

If yes: Has the applicant provided Basix Certification?



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☒ Yes ☐ No

SEPP 55 Applicable?

☒ Yes ☐ No

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

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

Is the proposal for a swimming pool:

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No



REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:

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

REFERRALS

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



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Catchment Management	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Aboriginal Heritage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Env. Health and Protection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
NSW Rural Fire Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory, subject to condition <input type="checkbox"/> Unsatisfactory
Energy Australia	<input 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 checked="" type="checkbox"/> SEPP No. 55 – Remediation of Land |
| <input checked="" type="checkbox"/> EPA Regulations 2000 | <input type="checkbox"/> SEPP No. 71 – Coastal Protection |
| <input type="checkbox"/> Disability Discrimination Act 1992 | <input checked="" type="checkbox"/> SEPP BASIX |
| <input type="checkbox"/> Local Government Act 1993 | <input checked="" type="checkbox"/> SEPP Infrastructure |
| <input type="checkbox"/> Roads Act 1993 | <input checked="" type="checkbox"/> WLEP 2000 |
| <input type="checkbox"/> Rural Fires Act 1997 | <input checked="" type="checkbox"/> WDCP |
| <input type="checkbox"/> RFI Act 1948 | <input type="checkbox"/> S94 Development Contributions Plan |
| <input type="checkbox"/> Water Management Act 2000 | <input checked="" type="checkbox"/> S94A Development Contributions Plan |
| <input type="checkbox"/> Water Act 1912 | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation) |
| <input checked="" type="checkbox"/> Swimming Pools Act 1992; | <input type="checkbox"/> Other |

SECTION 79C EPA ACT 1979



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Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (c) – Is the site suitable for the development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Section 79C (1) (e) – Is the proposal in the public interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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
Jan Schoots	7 Lalchere Street

The following issues were raised in the submissions:

- Noise

The matters raised within the submissions are addressed as follows:

- Noise

Comment: It is noted that the only concern raised in the submission received by Council relates to the potential for negative acoustic impacts upon the adjoining property. Although this is a valid concern, given the residential nature of the site and that any noise resulting from the use of the property would be residential noise, it is considered that this noise is to be expected within a residential area. Accordingly this concern does not have any determining weight.

Notwithstanding the above, in order to preserve privacy between the dwellings a condition of consent is recommended requiring the extension of the propose privacy screen along the northern boundary for the majority of the proposed deck area. Although this will not reduce noise completely it will alleviate the situation.

MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No

WLEP 2000

DESIRED FUTURE CHARACTER

The Curl Curl 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. The land containing the existing Bowling Club at Lot 2682 DP 752038 on Abbott Road and the land containing the existing Harbord Bowling Club at Lot 4 DP 601758 on Stirgess Avenue will continue to be used only for recreation facilities.

Future development will maintain the visual pattern and predominant scale of detached style housing in the locality. The streets are to be characterised by landscaped front gardens and front building setbacks which are consistent with surrounding development. The exposed natural sandstone rock outcrops throughout the locality will be maintained. Development on prominent hillsides or hilltops must be designed to integrate with the landscape, topography and long distance views of the hill. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality.

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

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 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:

- The proposal will retain the existing detached style dwelling in landscaped settings located on the subject site.
- Given the relatively minimal extent of the proposed alterations and additions the exiting visual pattern and predominant scale of the detached style dwelling will be maintained.
- The existing front garden and front building setback will be retained by the proposal. These features are considered to be consistent with surrounding development.
- The subject site is not located on a rock outcrop, hillside, hilltop, or retail centre.

BUILT FORM CONTROLS

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

Description of variations sought and reasons provided:

Landscape 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% (232sqm)</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 37% (215sqm)</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<input type="checkbox"/> 50% (.....sqm)	
<input type="checkbox"/> Other	

Merit Consideration of Non-compliance: Due to the relatively minor nature of the proposed non-compliance, it is considered that the proposal will have minimal impact upon the streetscape and the adjoining properties. This is largely due to the minor nature of the proposed non-compliance and that the proposal will retain a large landscaped area at the front and rear of the dwelling.

The total amount of proposed non-compliance is 2%, which equates to approximately 11.6sqm. The proposal will result in landscaped open space areas at the front and rear of the existing dwelling which are substantial in size. The front garden area is 95.6sqm, whilst the rear garden area will be 104sqm. It can be seen that substantial areas of landscaped open space will be located on the site that will retain the existing amenity of the area.

Given the above it is considered that the proposal is eligible for a Clause 20 variation to this Built Form Control subject to meeting the requirements of the General Principles, Desired Future Character Statement, and State Environmental Planning Policies.

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

(ii) Desired Future Character of the Locality

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

(iii) Relevant State Environmental Planning Policies

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

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Landscaped Open Space Built Form Control (Development Standard) pursuant to Clause 20(1) is Supported / Not Supported.



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area 580sqm

Detail existing onsite structures:

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

Site Features:

- ☐ None
- ☒ Trees
- ☐ Under Storey Vegetation
- ☐ Rock Outcrops
- ☐ Caves
- ☐ Overhangs

- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☐ Yes ☐ No

If Yes where from (in relation to site):

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

View of:

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



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Bushland

☐ Yes ☐ No

Other:

Bushfire Prone?

☐ Yes ☒ No

☒ Yes ☐ No

Flood Prone?

☐ Yes ☒ No

Does the proposal impact upon any easements / Rights of Way?

☐ 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?



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Site Inspection / Desktop Assessment Undertaken by:

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

Signed

Date

Adrian Melo, Development Assessment Officer



SECTION 4 – APPLICATION DETERMINATION

Conclusion:

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

- ☒ Satisfactory
- ☐ Unsatisfactory

Recommendation:

That Council as the consent authority

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

Signed _____ Date _____

Adrian Melo, Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date _____

Ailsa Prendergast, Team Leader Development Assessment