

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2020/0556 |
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| Responsible Officer: | Nick England |
| Land to be developed (Address): | Lot B1 DP 401979, 12 Wyndora Avenue FRESHWATER NSW 2096 |
| Proposed Development: | Alteration and addition to a dwelling house |
| Zoning: | Warringah LEP2011 - Land zoned R2 Low Density Residential |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Adam Edward Furness Sophia Leventis Furness |
| Applicant: | Adam Edward Furness Sophia Leventis Furness |

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| Application Lodged: | 29/05/2020 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Residential - Alterations and additions |
| Notified: | 08/06/2020 to 22/06/2020 |
| Advertised: | Not Advertised |
| Submissions Received: | 0 |
| Clause 4.6 Variation: | Nil |
| Recommendation: | Refusal |

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| Estimated Cost of Works: | \$ 610,000.00 |
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PROPOSED DEVELOPMENT IN DETAIL

The application proposes significant alterations and additions to the existing dwelling house, consisting of:

- demolition of the existing garage and replacement with laundry, part of outdoor entertaining area, storage and connection to proposed studio;
- additions to ground floor for lounge room, covered entertaining area and studio;
- alterations to ground floor to relocate entry door, new courtyard and storage area;
- carport for two (2) vehicles 1.2m from the front boundary;
- new gazebo to existing pool approximately 1m from the rear boundary; and

- minor 1st floor additions adjoining west boundary and internal alterations to same level.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B5 Side Boundary Setbacks
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B9 Rear Boundary Setbacks
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting

SITE DESCRIPTION

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| Property Description: | Lot B1 DP 401979 , 12 Wyndora Avenue FRESHWATER NSW 2096 |
| Detailed Site Description: | <p>The subject site consists of one (1) allotment located on the southern side of Wyndora Avenue.</p> <p>The site is regular in shape with a surveyed area of 689.9m².</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling house, detached garage and swimming pool.</p> <p>Adjoining and surrounding development is characterised by dwellings to the east, west and north. To the south is medium density housing.</p> |

Map:



SITE HISTORY

The land has been used for residential purposes for an extended period of time. A search of Council's available records has revealed the following relevant history:

Subdivision Certificate No.4120: The allotment of land (Lot B1 in DP 401979) was created on 8 July 1957.

BA1192/98: Building application for 1st floor additions to the existing dwelling approved on 23 July 1998. This consent shows approval for two (2) car spaces, with 1 space located in the existing detached garage behind the existing house and 1 space adjacent the western boundary and behind the front building line.

DA2001/0859: Consent granted for an in-ground swimming pool on 24 July 2001. The area of landscaped open space provided as part of this approval is estimated at 279m², or 40.4%, of the area of the land.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

| Section 4.15 Matters for Consideration' | Comments |
|---|--|
| Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning | Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April |

| Section 4.15 Matters for Consideration' | Comments |
|---|--|
| instrument | 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk. |
| Section 4.15 (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan 2011 applies to this proposal. |
| Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) | <p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters could be addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter could be addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter could be addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p> |
| Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the | <p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact</p> |

| Section 4.15 Matters for Consideration' | Comments |
|--|---|
| locality | <p>The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| Section 4.15 (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Notification & Submissions Received” in this report. |
| Section 4.15 (1) (e) – the public interest | <p>This assessment has found the proposal to be contrary to the relevant requirement(s) of the WDCP 2011, specifically the provisions that relate to: front setbacks, rear setbacks and landscaped open space. This will result in a development which will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be in the public interest.</p> |

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 08/06/2020 to 22/06/2020 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

| Internal Referral Body | Comments |
|--------------------------------|--|
| Landscape Officer | The plans indicate that no significant landscape features are affected by the proposed works. Several small palms (exempt species under WDCP) are to be removed. No objections are raised subject to conditions. |
| NECC (Development Engineering) | No objection to approval, subject to conditions as recommended. |

| External Referral Body | Comments |
|------------------------|--|
| Ausgrid: (SEPP Infra.) | Ausgrid have advised they have no objection to the proposal, subject to condition. |

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 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.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No.A377793 dated 22 May 2020). The certificate indicates that the development will achieve the sustainability requirements of the SEPP.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP 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 5.0m 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 5.0m of an overhead electricity power line.

Comment: Ausgrid have advised they have no objection to the proposal, subject to condition.

Warringah Local Environmental Plan 2011

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| Is the development permissible? | Yes |
| After consideration of the merits of the proposal, is the development consistent with: | |
| aims of the LEP? | Yes |
| zone objectives of the LEP? | Yes |

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|----------------------|-------------|----------|-------------|----------|
| Height of Buildings: | 8.5m | 8.5m | N/A | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|---------------------------------|------------------------------|
| 4.3 Height of buildings | Yes |
| 6.2 Earthworks | Yes |
| 6.4 Development on sloping land | Yes |

Warringah Development Control Plan

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation* | Complies |
|---|-------------|-----------------|--------------|----------|
| B1 Wall height | 7.2m | 6.3m | N/A | Yes |
| B3 Side Boundary Envelope | 5m (east) | Within envelope | N/A | Yes |
| | 5m (west) | Within envelope | N/A | Yes |
| B5 Side Boundary Setbacks | 0.9m (east) | 1.3m | N/A | Yes |
| | 0.9m (west) | 0.15m | 83 | No |
| B7 Front Boundary Setbacks | 6.5m | Nil | 100 | No |
| B9 Rear Boundary Setbacks | 6m | 1.2m | 82 | No |
| D1 Landscaped Open Space (LOS) and Bushland Setting | 40% | 31% | 23 | No |

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A.5 Objectives | Yes | Yes |
| B1 Wall Heights | Yes | Yes |
| B3 Side Boundary Envelope | Yes | Yes |
| B5 Side Boundary Setbacks | No | No |
| B7 Front Boundary Setbacks | No | No |
| B9 Rear Boundary Setbacks | No | No |
| C2 Traffic, Access and Safety | No | No |
| C3 Parking Facilities | Yes | Yes |
| C4 Stormwater | Yes | Yes |
| C5 Erosion and Sedimentation | Yes | Yes |
| C7 Excavation and Landfill | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| C9 Waste Management | Yes | Yes |
| D1 Landscaped Open Space and Bushland Setting | No | No |
| D2 Private Open Space | Yes | Yes |
| D3 Noise | Yes | Yes |
| D6 Access to Sunlight | Yes | Yes |
| D7 Views | Yes | Yes |
| D8 Privacy | Yes | Yes |
| D9 Building Bulk | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D14 Site Facilities | Yes | Yes |
| D20 Safety and Security | Yes | Yes |
| E1 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

Detailed Assessment

B5 Side Boundary Setbacks

Description of non-compliance

The proposed carport is located 0.15m from the side boundary. This represents an 83% variation with the control.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

Comment: The proposed carport will remove existing landscaped open space on the frontage. Hence, the proposal fails this control.

- *To ensure that development does not become visually dominant.*

Comment: The proposed carport is not only inconsistent with the side setback control, it is also forward of the front setback. This compounds the visual impact and the proposal is not consistent with this control.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment: The location of the carport forward of the front setback makes no reasonable attempt to minimise the bulk and scale of the proposal. Hence, this objective is not achieved.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment: No adequate separation is provided from the prominent car port and the western boundary.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment: Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP 2011 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed carport is located 1.2m from the front boundary, which is a 82% variation with the control.

The applicant has provided further information to justify the non-compliance, which in summary is based upon:

- data to show that the existing garage is not accessible, based on its location and the narrow distance between the house and the south side boundary; and
- safety concerns related on the vehicles movements required to accommodate the existing tandem parking arrangements.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense of openness.*

Comment: The proposed carport is a 6.1m wide structure, located at a close distance to the frontage of Wyndora Avenue. It has a dominant physical presence and will not contribute to a sense of openness on Wyndora Avenue as currently exists on properties both adjacent and in close proximity to the site. The proposal fails this objective.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment: Properties adjoining the site on the south side of Wyndora Avenue, comply with the front setback. Further, the properties in Wyndora Avenue between Ronald Avenue and Loch Street generally are consistent with the front setback. Instances of non-compliance in the vicinity are isolated and uncommon and in no reasonable way could be selected as a type of visual continuity that would justify Council dispensing with its front setback control for this application. Landscaped open space on the frontage of the site would be lost. Hence, the proposal fails this objective.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment: The proposed carport would be adverse loss of visual quality in the local streetscape and fails this objective.

- *To achieve reasonable view sharing.*

Comment: Not applicable.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP 2011 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979.

The information provided by the applicant has been considered and are not considered valid reasons to vary the Council control, particularly in relation to the safety issue. For this matter to be established, further technical investigation would be required from a traffic engineer.

Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

B9 Rear Boundary Setbacks

Description of non-compliance

The proposed pool cabana is setback approximately 1m from the rear setback, which represents an 83% variation with the control.

The south elevation of the architectural plans do not show this outbuilding.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment: The setback of the cabana from the rear (south) elevation is insufficient in dimension (only 964mm) to allow any substantial vegetation to be provided. Hence, the development fails this objective.

- *To create a sense of openness in rear yards.*

Comment: The site adjoins medium-density housing to the south (No.16A) and is elevated at least 2m above the existing ground level, making the proposed outbuilding visually prominent. The setback proposed is insufficient to create an adequate sense of openness and the application fails this objective.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment: The proximity of the cabana to the southern boundary and the lack of detail on the elevations do not determine if the visual impact of the proposal will be acceptable. Hence, there is insufficient information to determine if the proposed development will meet this objective.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment: The loss of landscaped open space and vegetation as a result of the proposed cabana will not achieve this objective.

- *To provide opportunities to maintain privacy between dwellings.*

Comment: As no south elevation of the cabana is not shown on the architectural plans, there is insufficient information to determine if this objective can be achieved.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP 2011 and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Further, as no south elevation of the cabana is provided, there is insufficient information to determine if the impact is acceptable. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C2 Traffic, Access and Safety

The proposed carport is located in close proximity to the front boundary of the site, with two (2) car spaces in a tandem arrangement. The plans provided do not indicate that the existing 3.4m wide vehicle crossing to Wyndora Parade will be amended. No detail has been provided to demonstrate that there is adequate maneuvering area allow both vehicles to access the proposed spaces independently.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise traffic hazards.*

Comment: A potential traffic hazard may occur if multiple vehicles need to enter / exit the site to allow another vehicle to park. Hence, there is insufficient information to demonstrate that this objective can be achieved.

- *To minimise vehicles queuing on public roads.*

Comment: As stated above, if independent access for each vehicle cannot be achieved, queuing may occur on Wyndora Avenue. This would be an unnecessary impact on a public road. Hence, there is insufficient information to demonstrate that this objective can be achieved.

- *To minimise the number of vehicle crossings in a street.*

Comment: Not applicable.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment: If independent access for each vehicle cannot be achieved, queuing may occur on Wyndora Avenue, which may result in conflict between road users. This would be an unnecessary impact on a public road. Hence, there is insufficient information to demonstrate that this objective can be achieved.

- *To minimise interference with public transport facilities.*

Comment: Not applicable.

- *To minimise the loss of "on street" kerbside parking.*

Comment: If the applicant sought to widen the existing vehicular crossing on Wyndora Avenue post-consent, this may lead to a loss of public parking on Wyndora Avenue. Hence, there is insufficient information to demonstrate that this objective can be achieved.

Having regard to the above assessment, it is concluded that there is insufficient information to demonstrate that the proposed development is consistent with the relevant objectives of WDCP 2011 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

An estimated 31% of site is set aside as landscaped open space. This represents a 23% variation to the control.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment: There will be a loss of landscape open space on the frontage of the site, to accommodate the proposed carport. The proposed non-compliance, in the context of a site that currently complies, is not reasonable and the proposal fails this objective.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment: Not applicable.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment: There are not sufficient areas of landscaped open space on the site to mitigate the visual impact of the proposal, particularly those parts of the proposal that do not comply with the other controls of the plan.

- *To enhance privacy between buildings.*

Comment: Insufficient landscaping is provided adjoining the pool cabana, to achieve this objective.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment: Sufficient area is provided to achieve this objective.

- *To provide space for service functions, including clothes drying.*

Comment: Sufficient area is provided to achieve this objective.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment: Sufficient area is provided to achieve this objective.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WDCP 2011 and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Inconsistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2020/0556 for the Alteration and addition to a dwelling house on land at Lot B1 DP 401979, 12 Wyndora Avenue, FRESHWATER, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part B5 Side Boundary Setbacks of the Warringah Development Control Plan 2011.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part B7 Front Boundary Setbacks of the Warringah Development Control Plan 2011.
4. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part B9 Rear Boundary Setbacks of the Warringah Development Control Plan 2011.
5. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part C2 Traffic, Access and Safety of the Warringah Development Control Plan 2011.
6. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part D1 Landscaped Open Space and Bushland Setting of the Warringah Development Control Plan 2011.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Nick England, Planner

The application is determined on 07/10/2020, under the delegated authority of:



Anna Williams, Manager Development Assessments