

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2010/1372

Assessment Officer: Phil Lane

Property Address: Lot B, DP 312655, No. 1196 Pittwater Road, Narrabeen

Proposal Description: Demolition works and construction of a dwelling house and alterations to existing structures

In detail: Construction of two storey new dwelling

Underfloor: Large rainwater tank and storage area

Ground Floor: Dining, kitchen, lounge, study, laundry/drying room, bedroom, bathroom and water closet

First Floor: Two bedrooms and ensuite

Existing dwelling: Conversion of the building into a garage with a new garage door fitted to the western elevation.

Plan Reference: DA01, DA02, DA03, DA04, DA05, DA06, DA07 & DA010



No. 1196 Pittwater Road, Narrabeen

Background:

DA2008/1230: Approved granted via Application Determination Panel on 11 December 2008 for a new dwelling following demolition of existing buildings with a total of five (5) submissions received.

MOD2009/0039: Approved granted via Application Determination Panel on 19 March 2009 for Modification of DA2008/1230 for demolition of structures and construction of a dwelling house.

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
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Estimated Cost of Works: \$ 238500.00

Are S94A Contributions Applicable?

☒ Yes ☐ No

<i>Warringah Section 94A Development Contributions Plan</i>		
Contribution based on total development cost of	\$	238,500.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	2,265.75
S94A Planning and Administration	0.05%	119.25
Total	1.0%	\$2,385

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☒ Yes ☐ No

No. of Submissions: One (1)

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D1 Collaroy/Narrabeen

“The Collaroy/Narrabeen locality will be characterised by detached style housing and apartments in landscaped settings and a range of complementary and compatible uses. New apartment development will be confined to the “medium density areas” down on the map.

Outside the “medium density areas”, future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. New development will be of a low scale and articulated with generous spaces between buildings to retain the open lake and seaside character of the locality and create visual interest. 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 use of materials that blend with the colours and textures of the natural landscape are to be encouraged. Building designs are to incorporate the fine detail found in some of the older existing cottages.

Buildings and development along the Collaroy/Narrabeen Beachfront will address the current and future hazards of wave impact and coastal erosion.

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 the development control provided by clause 39.”

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

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

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible

Desired Future Character:

☐ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?

☒ Yes ☐ No

☒ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☐ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:

<p>Building Height (overall):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 8.5m</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 8.5m</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 7.2m</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 8.2m</p> <p>Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Clause 20)</p>
<p>Front Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input checked="" type="checkbox"/> 6.5m</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 7.5m (garage) : 21.2m (dwelling)</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Housing Density:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement:</p> <p><input type="checkbox"/> 1 dwelling per 450sqm</p> <p><input checked="" type="checkbox"/> 1 dwelling per 600sqm</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 1dwelling / per 562.8sqm</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Note: Existing allotment established prior to the gazettal of WLEP 2000.</p>
<p>Landscape Open Space:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> Existing and unchanged</p> <p>Proposed: 45.9% (258.6sqm)</p>

<input checked="" type="checkbox"/> 40% (225.1sqm)	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rear Setback: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 6.0m	<input type="checkbox"/> Existing and unchanged Proposed: 20.7m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Boundary Envelope: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 4m / 45 degrees	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 Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Minor Breach: <input type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input checked="" 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 Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Minor Breach: <input type="checkbox"/> Yes <input 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	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: 1.5m Complies: <input checked="" 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: 0.9m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

General Principles of Development Control:

CL38 Glare & reflections 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
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CL39 Local retail centres Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL40 Housing for Older People and People with Disabilities Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL41 Brothels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site suitable for the proposed land use? <input type="checkbox"/> Yes <input checked="" 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:	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: The site is identified as Classes 4 and 5 Acid

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Sulfate Soils. The recommendations of the Geotechnical Assessment Report, submitted by the applicant, conclude that Acid Sulfate Soils are not present on the subject site and that an Acid Sulfate Soils Management Plan is not required.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>
<p>CL50 Safety & Security 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>CL51 Front Fences and Walls 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>CL52 Development Near Parks, Bushland Reserves & other public Open Spaces 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>Comment: The site adjoins Narrabeen Beach to the rear. The proposed works do not compromise the existing public access to this public reserve, nor result in perceived privatisation. Further, the dwelling provides opportunity for passive casual surveillance which will improve the safety and security of the area.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>
<p>CL53 Signs 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>CL54 Provision and Location of Utility Services 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>Comment: The site contains an existing detached residential dwelling with utilities currently servicing the site, including the supply of water, gas, telecommunications and electricity, and the satisfactory management of sewage and drainage.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>
<p>CL55 Site Consolidation in 'Medium Density 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>CL56 Retaining Unique Environmental Features on Site 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>Comment: The Development is designed to retain and complement the environmental features of the site and on adjoining and nearby land.</p> <p>Accordingly, the proposal is considered to satisfy General Principle.</p>

CL57 Development on Sloping Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL58 Protection of Existing Flora Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL59 Koala Habitat Protection Applicable: <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
CL60 Watercourses & Aquatic Habitats Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL61 Views Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: Primary views to the east are maintained by the adjoining property to the south (No. 1194 Pittwater Road), which comprise of ocean and beach views. Secondary views are maintained to the north give the proposed building is located more than 20m from the eastern rear boundary fronting Narrabeen Beach. Accordingly, the proposal is considered to satisfy General Principle.
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 Comment: Concern has been raised in relation to solar access from the adjoining property, located on the southern side of the proposed dwelling house (No. 1194 Pittwater Road). In accordance with Clause 62 Access to sunlight the proposed development does not unreasonably reduce sunlight to surrounding properties in relation to the principal private open space (rear yard). The subject site and the adjoining property to the south (Nos. 1194 Pittwater Road) have east facing rear yards and thus sunlight to these areas meets the criteria of at least 2 hours direct solar access between 9am and 3pm on June 21 (winter solstice). Given the above, the concern raised does not warrant the refusal of the application. Accordingly, the proposal is considered to satisfy General Principle.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Comment: The bulk of the building is stepped to integrate with site topography, increasing the setback as the height increases. As a result, it is considered that the dwelling provides a building bulk and scale, consistent with adjoining dwellings. Accordingly, the proposal is considered satisfactory in addressing the intent of this General Principle.
CL67 Roofs 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 Comment: It is considered that the roof form compliments the local skyline.
CL68 Conservation of Energy and Water Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No
CL71 Parking facilities (visual impact) Applicable: <input 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
CL72 Traffic access & safety 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
CL73 On-site Loading and Unloading Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No

<p>CL74 Provision of Carparking</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>Comment: Two (2) off-street carparking is provided within the subject property boundaries satisfying Clause 74 Provision of carparking and Schedule 17 Carparking Provision.</p>
<p>CL75 Design of Carparking Areas</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>CL76 Management of Stormwater</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Comment: The application has been assessed by Council's Development Engineers and their recommendations incorporated in the consent conditions.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>
<p>CL77 Landfill</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>CL78 Erosion & Sedimentation</p> <p>Applicable:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Complies:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No</p> <p>Comment: Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site will be imposed should this application be recommended for approval.</p> <p>Accordingly, the proposal is considered to satisfy this General Principle.</p>
<p>CL79 Heritage Control</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>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</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>CL81 Notice to Heritage Council</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>CL82 Development in the Vicinity of Heritage Items</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>

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
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Schedules:

<u>Schedule 5 State policies</u> 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
<u>Schedule 6 Preservation of bushland</u> 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
<u>Schedule 7 Matters for consideration in a subdivision of land</u> 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
<u>Schedule 8 Site analysis</u> 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
<u>Schedule 9 Notification requirements for remediation work</u> 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
<u>Schedule 10 Traffic generating development</u> 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
<u>Schedule 11 Koala feed tree species and plans of management</u> 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
<u>Schedule 12 Requirements for complying development</u> 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
<u>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</u> 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 Note: See table below

Schedule 13 - Development Guidelines for Collaroy/Narrabeen Beach

The D1 locality statement states that consent may be granted for development along the Collaroy/Narrabeen beachfront only after the consent authority has taken into account the "Development Guidelines for Collaroy/Narrabeen Beach", set out in Schedule 13.

Matters for Consideration	Response	Assessment Comment
Does the development "...reduce the risk of damage to beachfront trees, buildings, works and places from coastal processes."?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Does the development reduce the risk of damage through having appropriate setbacks and foundation criteria for structures, as detailed in the <i>Criteria for the Siting and Design of Foundations for Residential Development</i> , February 1991, Geomarine Pty Ltd and Coffey Partners International Pty Ltd, Report No 69021 R02 (prepared for Warringah Shire Council)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Is the development consistent with management strategies and actions detailed in the <i>Collaroy Narrabeen Coastline Management Plan 1997</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Is the development consistent with the State Government's <i>Coastline Management Manual</i> ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Does the development preserve and protect the Collaroy/Narrabeen Beach as a national asset for public recreation and amenity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Does the development ensure that building and development along the Collaroy and Narrabeen Beaches have regard to the current and future hazards of wave impact and coastal erosion?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Is the development consistent with the aims and objectives of the State Government's Coastline Hazard Policy and <i>Coastline Management Manual</i> ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Does the development provide protection from coastal processes for proposed buildings and works along the Collaroy/Narrabeen beachfront?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Would the development prolong the life of an existing building / structure which would be likely at some stage in the future to result in foundation failure? Risk to human life or property?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input checked="" type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • At-risk existing buildings (which have inadequate foundations)

Matters for Consideration	Response	Assessment Comment
		are being removed.
Has all Major development been appropriately sited on allotments west (landward) of the Zone of Wave Impact, having regard to the Zones of Slope Adjustment and Reduced Foundation Capacity, as identified on a map available from the office of the Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Have the Hazard Zones (Zone of Wave Impact, Zones of Slope Adjustment and Reduced Foundation Capacity) been marked on all plans submitted to the Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Does the proposal include structures which extend out over the Zone of Wave Impact or into the air space above the Zone of Wave Impact?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes application must be refused.
Has the development been designed within the Zone of Slope Adjustment, for structures to be supported on piles to withstand loads which may be induced in the pile by slumping of the soil face?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason: •
Has the development been designed within the Zone of Reduced Foundation Capacity, for structures to be supported on piles to withstand loads which may be induced in the pile by slumping of the soil face?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Has the development been designed or has detail been provided by the applicant for development within the Zone of Stable Foundation, as identified on a map available from the office of the Council, to detail the level of foundation design having regard to proximity to Hazard Zones?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Has the applicant provided a report from a suitably qualified engineer, which details the geotechnical/structural design of the foundations in accordance with the report referred to in Schedule 13 and the referred to guidelines?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Has the applicant demonstrated piling requirements or detailed that piling has extended to a depth below 1 metre AHD in the Zones of Slope Adjustment and Reduced Foundation Capacity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Has detail been provided by the applicant that piling requirements for major development extend to the whole structure, with any part of the structure located east (seaward) of the Zone of Stable Foundation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:

Matters for Consideration	Response	Assessment Comment
Is the development itself protected from coastal processes for proposed buildings and works along the Collaroy/Narrabeen beachfront?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If Yes subject to condition stipulate condition requirement: • If No stipulate reason:
Will any sand resulting from excavation be donated to Council for beach nourishment on the eroded Collaroy-Narrabeen Beach	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes (subject to condition) <input type="checkbox"/> No	If 'Yes' or 'Yes(subject to condition)', detail what arrangements are to be made:
Conclusion / General Comments It is unlikely the development will have any adverse impacts in terms of necessary coastal zone considerations.		

<u>Schedule 14 Guiding principles for development near Middle Harbour</u> 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
<u>Schedule 15 Statement of environmental effects</u> 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
<u>Schedule 17 Carparking provision</u> 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 Comment: Two (2) off-street carparking is provided within the subject property boundaries satisfying Clause 74 Provision of carparking and Schedule 17 Carparking Provision.

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☒ Yes ☐ No

If yes: Has the applicant provided Basix Certification?

☒ Yes ☐ No

SEPP 55 Applicable?

☒ Yes ☐ No

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

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

Is the proposal for a swimming pool:

☐ Yes ☒ No

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

State Environmental Planning Policy No. 71 - Coastal Protection

The proposal has been identified as being located within the Coastal Zone as defined in the *Coastal Protection Act 1979*. Accordingly, pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the provisions of Clause 8 of State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71) are considered as follows:

Matters for Consideration	Comment	Consistent
(a) The aims of the policy. <i>This Policy aims:</i> (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and (e) to ensure that the visual amenity of the coast is protected, and (f) to protect and preserve beach environments and beach amenity, and (g) to protect and preserve native coastal vegetation, and (h) to protect and preserve the marine environment of New South Wales, and (i) to protect and preserve rock platforms, and (j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6	The proposal is to be considered consistent with the aims of the policy. (a) The proposal will not affect the natural, recreational and economic attributes of the NSW coast other than improve the car parking facilities. (b) The existing access arrangements have been maintained and will not be affected by the proposal. (c) The proposal does not have potential to provide new public access to the foreshore. (d) The proposal is not in the vicinity of any known aboriginal sites and does not require any specific measures for the preservation of cultural places, values, customs or beliefs. (e) The proposal is not considered to detract from the visual amenity of the NSW coast. (f) The proposal is considered to protect and preserve beach environments. (g) The proposal does not require the removal of any existing vegetation. (h) The proposal will not affect the marine environment of NSW.	YES

<p>(2) of the Protection of the Environment Administration Act 1991), and</p> <p>(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and</p> <p>(l) to encourage a strategic approach to coastal management.</p>	<p>(i) No rock platforms are affected by the proposal.</p> <p>(j) The proposal is considered to be in accordance with the principles of ecologically sustainable development.</p> <p>(k) The proposed development is satisfactory in relation to its bulk and scale.</p>	
<p>(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved</p>	<p>The public access to the foreshore is not altered by the proposal.</p>	YES
<p>(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability</p>	<p>The proposal does not have potential to provide new public access to the foreshore.</p>	YES
<p>(d) The suitability of development given its type, location and design and its relationship with the surrounding area</p>	<p>The proposal is considered suitable for the subject site.</p>	YES
<p>(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore</p>	<p>There is no significant loss of view or overshadowing from public places as a result of the proposal.</p>	YES
<p>(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities</p>	<p>The proposal is not considered to detract from the scenic qualities of the New South Wales coast.</p>	YES
<p>(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats</p>	<p>There is no remanent native vegetation or potential habitat for threatened species on the subject site; as such measures to conserve animals, plants or their habitat are not required.</p>	YES
<p>(h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats</p>	<p>The proposal is for a new dwelling and therefore measures to conserve fish and marine vegetation are not required.</p>	YES
<p>(i) Existing wildlife corridors and the impact of development on these corridors</p>	<p>The proposal does not significantly impact upon any existing wildlife corridors as it involves construction of new dwelling to replace existing.</p>	YES
<p>(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards</p>	<p>The proposal is not considered to increase the likely impacts of coastal processes and coastal hazards to the development. Furthermore, it is considered that the proposal does not significantly alter the existing impacts of the development on coastal processes and coastal hazards</p>	YES
<p>(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities</p>	<p>The proposal is unlikely to create any potential conflict between land based and water based coastal activities.</p>	YES
<p>(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals</p>	<p>The proposal is not in the vicinity of any known aboriginal sites and does not require any specific measures for the preservation of cultural places, values, customs or beliefs.</p>	YES
<p>(m) Likely impacts of development on the water quality of coastal water bodies</p>	<p>The proposal is unlikely to create any additional impact to water quality.</p>	YES

(n) The conservation and preservation of items of heritage, archaeological or historic significance	The proposal will not adversely affect any known items of heritage, archaeological or historic significance.	YES
(o) Only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Draft Warringah LEP 2009 applies and has been considered elsewhere in this report. The proposed development is found to be satisfactory with regards to provision of the DWELP 2009.	YES
(p) Only in cases in which a development application in relation to proposed development is determined: (i) <i>the cumulative impacts of the proposed development on the environment, and</i> (ii) measures to ensure that water and energy usage by the proposed development is efficient	The cumulative impacts of the proposal are considered acceptable.	YES
S13) A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	The proposal does not attempt to allow development within a zone to be consented to as if it were in a neighbouring zone.	YES
S14) A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	The proposal is unlikely to result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	YES
S15) The consent authority must not consent to a development application to carry out development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	The proposal does not involve a non-reticulated effluent disposal system that will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.	YES
S16) The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	It is considered that the proposed development will not discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	YES

REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Addressed via condition? <input checked="" 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**
☒ Yes ☐ No

☐ Satisfactory
☒ Satisfactory, subject to condition
☐ Unsatisfactory
Landscape Assessment
☒ Yes ☐ No

☐ Satisfactory
☒ Satisfactory, subject to condition
☐ Unsatisfactory
Bushland Management
☐ Yes ☒ No

☐ Satisfactory
☐ Satisfactory, subject to condition
☐ Unsatisfactory
Natural Environment
☒ Yes ☐ No

☐ Satisfactory

Aboriginal Heritage

☐ Yes ☒ No

Note: The land is identified as Aboriginal Potential Areas 2 and as such was not referred. Regardless, advisory notes will be included to ensure protection of any Aboriginal Heritage if discovered during the demolition/construction phases.

☒ Satisfactory, subject to condition

☐ Unsatisfactory

☐ Satisfactory

☒ Satisfactory, subject to condition

☐ Unsatisfactory

Env. Health and Protection

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

NSW Rural Fire Service

☐ Yes ☒ No

☐ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Energy Australia

☒ Yes ☐ No

☒ Satisfactory

☐ Satisfactory, subject to condition

☐ Unsatisfactory

Applicable Legislation/ EPI's /Policies:

- | | |
|---|---|
| <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 checked="" 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 type="checkbox"/> Swimming Pools Act 1992; | <input checked="" type="checkbox"/> Other (Draft WLEP 2009) |

SECTION 79C EPA ACT 1979

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

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:**Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)**

Definition: Dwelling House: means a building containing only one dwelling.
Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

Principal Development Standards: Not applicable

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Height of Buildings:	8.5m	8.5m	Yes	Not Applicable

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

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
Don & Barbara Champion	No. 1194 Pittwater Road, Narrabeen

The following issues were raised in the submissions:

- Location of the proposed dwelling in relation to the wave impact line;
- Overshadowing of dwelling;
- Relocation of the building further westward;
- Reduction of the building height;
- Building appearance and consistent with the streetscape perspective;

The matters raised within the submissions are addressed as follows:

- Location of the proposed dwelling in relation to the wave impact line;

Comment: The application was referred to Council's Natural Environment Section for consideration against the current guiding legislation. Natural Environment Unit did not raise any objection to the proposed development. While the submission is warranted, the imposition of conditions of consent will address the submission issue.

- Overshadowing of dwelling;

Comment: The proposed dwelling at certain times of the day and year will overshadow the adjoining dwelling to the south at No. 1194 Pittwater Road, Narrabeen. It is noted that the proposed dwelling is located over 21m from the front western boundary fronting Pittwater Road and over 20m from the rear eastern boundary fronting Narrabeen Beach. Additionally, the building is only 13.6m in length. Under the provision of Clause 62 Access to sunlight, solar access to the principal private open space is not be reduced to less than 2 hours between 9am and 3pm on June 21 (winter solstice). The proposal will meet this criteria.

Given the above, the concern raised does not warrant the refusal of the application.

- Relocation of the building further westward;

Comment: A request has been made by the adjoining property to the south (No. 1194 Pittwater Road) to resite the proposed building 1 metre further west of the proposed position. It is noted that the

proposed dwelling is located over 21m from the front western boundary along Pittwater Road and over 20m from the rear eastern boundary fronting Narrabeen Beach. Additionally, the building is only 13.6m in length. The siting of the proposed building seems unreasonable given the modest size of the proposed building.

Given the above, the concern raised does not warrant the refusal of the application.

- Reduction of the building height;

Comment: A request has been made by the adjoining property to the south (No. 1194 Pittwater Road) to reduce the proposed building height (8.5m) by 1 metre to 7.5m to improve solar access to the kitchen and living area during the winter between 12pm and 3pm at No. 1194 Pittwater Road. There are no reasonable grounds to reduce the building, which is compliant with the overall height (8.5m) for the D1 Collaroy/Narrabeen Locality.

Given the above, the concern raised does not warrant the refusal of the application.

- Building appearance and consistent with the streetscape perspective;

Comment: The bulk of the building is stepped to integrate with site topography, increasing the setback as the height increases. As a result, it is considered that the dwelling provides a building bulk and scale, consistent with adjoining dwellings. Additionally, the proposal will maintain a consistent front building setback with landscaped elements within the front setback area addressing the existing streetscape of Pittwater Road.

Given the above, the concern raised does not warrant the refusal of the application.

WLEP 2000

DESIRED FUTURE CHARACTER

Locality: D1 Collaroy/Narrabeen Locality

"The Collaroy/Narrabeen locality will be characterised by detached style housing and apartments in landscaped settings and a range of complementary and compatible uses. New apartment development will be confined to the "medium density areas" down on the map."

Comment: The proposed new dwelling will maintain the detached-style housing with landscaped settings.

"Outside the "medium density areas", future development will maintain the visual pattern and predominant scale of existing detached houses in the locality. New development will be of a low scale and articulated with generous spaces between buildings to retain the open lake and seaside character of the locality and create visual interest. Unless exemptions are made to the housing density standard in this locality statement, any subdivision of land is to be consistent with the predominant pattern, size and configuration of existing allotments in the locality."

Comment: The proposal will maintain a consistent front building setback with landscaped elements within the front setback area addressing the existing streetscape of Pittwater Road. The proposed dwelling will maintain the visual pattern and predominant scale of existing detached houses in the locality.

"The use of materials that blend with the colours and textures of the natural landscape are to be encouraged. Building designs are to incorporate the fine detail found in some of the older existing cottages."

Comment: The dwelling provides a generous setback from the adjoining beach reserve and combined with the colours and finishes of the building materials and landscape plantings, provides visual interest when viewed from the beach.

"Buildings and development along the Collaroy/Narrabeen Beachfront will address the current and future hazards of wave impact and coastal erosion."

Comment: The dwelling is sited behind the line of wave impact and appropriately sited to satisfactorily address the current and future hazards of wave impact and coastal erosion. Council's Natural Environment Section has recommended a number of conditions, which have been included within the recommendation of this report, which will address the issue of wave impact further.

"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 the development control provided by clause 39."

Comment: Not applicable

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-compliance with the Building Height: Natural ground to upper ceiling (metres) Built Form Control, as such pursuant to Clause 20(1) a higher test is required

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Building Height: Natural ground to upper ceiling (metres) Built Form Control, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Building Height: Natural ground to upper ceiling (metres)

Required: *"Buildings are not to exceed 7.2 metres from natural ground level to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas located wholly within a roof space), but this standard may be relaxed on sites with slopes greater than 20 per cent within the building platform (measured at the base of the walls of the building), provided the building does not exceed the 8.5 metre height standard, is designed and located to minimise the bulk of the building and has minimal visual impact when viewed from the downslope sides of the land".*

Proposed: The proposed uppermost ceiling height is 8.2 metres from the natural ground level and does not comply.

Building Height (underside of upper most ceiling): Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 7.2m	<input type="checkbox"/> Existing and unchanged Proposed: 8.2m Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Clause 20)
--	--

Response: In assessing this non-compliant element of the proposal, it is necessary to consider the merit considerations of the Building Height Built Form Control. Accordingly, compliance with the merit considerations are addressed below:

- *Ensure that development does not become visually dominant by virtue of its height and bulk*

Comment: When viewed from the street-front, the proposed dwelling presents as a two storey dwelling and sits comfortably with adjoining buildings and buildings within the vicinity. The proposal is consistent with the visual pattern and therefore allows the development to integrate with the streetscape and the landscape. The steeple and articulated design reduces the visual bulk.

In this regard, when viewed from either the street-front or from afar, the dwelling does not present as a visually dominant structure.

- *Preserve the amenity of surrounding land*

Comment: The proposal is considered to be of a similar architectural scale to adjoining dwellings and of a similar visual bulk and is considered acceptable in terms of the General Principle for Building Bulk.

Additionally, the proposal provides adequate separation between buildings creating a sense of openness and still allows for visual transparency from the front, rear, and side boundaries.

Given the above the proposal is deemed to preserve the amenity of surrounding land.

- *Ensure that development responds to site topography and minimises excavation of the natural landform*

Comment: The proposal minimises the excavation to the natural landform with the expectation of the rainwater tank and footings required given the location of the site (adjacent to the Narrabeen Beach). Notwithstanding, the dwelling is considered to provide a consistent pattern of development and integration with the site topography given its location.

- *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

Comment: The proposed steep roof design adds interest to the local skyline. Therefore, the variation to the Building Height - Natural ground to upper ceiling (metres) Built Form Control is supported under Clause 20 of WLEP 2000.

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 Clause/s 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 Building Height: Natural ground to upper ceiling (metres) Built Form Controls (Development Standard) pursuant to Clause 20(1) is Supported.

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 562.8 sqm

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

View of:

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

Bushland ☐ Yes ☐ No
Other:

Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulfate Soils

☒ Yes ☐ No

Located within 40m of any natural watercourse?

☐ Yes ☒ No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

☐ Yes ☒ No

Located within 100m of the mean high watermark?

☒ Yes ☐ No

Located within an area identified as a Wave Impact Zone?

☒ Yes ☐ No

Any items of heritage significance located upon it?

☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

☐ Yes ☒ No

Located within an area identified as potential land slip?

☐ Yes ☒ No

Is the development Integrated?

☐ Yes ☒ No

Does the development require concurrence?

☐ Yes ☒ No

Is the site owned or is the DA made by the "Crown"?

☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

☒ Yes ☐ No

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

☐ Yes ☒ No



Warringah Council

Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>? ☒ Yes ☐ No

Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken? ☐ Yes ☒ No
If yes provide detail:

Signed

Date 14 October 2010

Phil Lane, Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal (new dwelling, alterations to the existing structures and demolition works) 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, submission, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

- ☒ 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

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

Signed

Date 14 October 2010

Phil Lane, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 14 October 2010

Lashta Haidari, Acting Team Leader, Development Assessment