



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0803

Assessment Officer: Andrew Cowan

Property Address: Lot 2 DP 847234 39A Collaroy Street COLLAROY NSW 2097

Proposal Description: Alterations & additions to a dwelling & a new double carport

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 2 – Issues Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 3 – Site Inspection Analysis	☒ Yes ☐ No	☒ Yes ☐ No
Section 4 – Application Determination	☒ Yes ☐ No	☒ Yes ☐ No

Estimated Cost of Works: \$ 300,000

Are S94A Contributions Applicable?

☒ Yes ☐ No

Warringah Section 94A Development Contributions Plan

Contribution based on total development cost of

\$ 330,000.00

Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$3,135	6923
S94A Planning and Administration	0.05%	\$165	6924
Total	1.0%	\$3,300	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☒ Yes ☐ No

No. of Submissions: 1

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D5 Long Reef

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

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

Desired Future Character:



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

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

☒ Yes ☐ No

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

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

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

Built Form Controls:

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: ☒ 8.5m ☐ 11.0m ☐ Other	☐ Existing and unchanged Proposed: 8m to proposed first floor level addition Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☒ 7.2m ☐ Other	☐ Existing and unchanged Proposed: 6.9m to underside of proposed first floor level ceiling. Complies: ☒ Yes ☐ No
Front Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.5m ☐ Other Is the Corner Allotment / Secondary Street Frontage control applicable?: ☐ Yes ☒ No Requirement: ☐ 3.5m ☐ Other	☐ Existing and unchanged Proposed: Nil setback to proposed car port, 3.2m to proposed first floor level addition, 1.2m to stairs that service proposed first floor level addition. Complies: ☐ Yes ☒ No Corner Allotment: ☐ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No



Warringah Council

Housing Density: Applicable: ☒ Yes ☐ No Requirement: ☐ 1 dwelling per 450sqm ☒ 1 dwelling per 600sqm ☐ Other	☒ Existing and unchanged Proposed: 1 dwelling / per 322.6sqm Complies: ☐ Yes ☐ No
Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% (129.04sqm) ☐ 50% (.....sqm) ☐ Other	☐ Existing and unchanged Existing: 18.02% (58.15sqm) Proposed: 30.88% (99.65sqm) Complies: ☐ Yes ☒ No
Rear Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.0m ☐ Other Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged Proposed: 1.1m to proposed roof over rear terrace, 1m to proposed first floor addition Complies: ☐ Yes ☒ No Outbuildings: ☐ Existing and unchanged Proposed:% Complies: ☐ Yes ☐ No
Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: ☒ 4m / 45 degrees ☐ 5m / 45 degrees ☐ Other	Boundary: ☐ Nth ☐ Sth ☒ Est ☐ Wst ☐ Existing and unchanged or Fully within Envelope: ☒ Yes ☐ No Minor Breach: ☐ Yes ☒ No Complies: ☒ Yes ☐ No



Warringah Council

	Boundary: ☐ Nth ☐ Sth ☐ Est ☒ Wst ☐ Existing and unchanged or Fully within Envelope: ☐ Yes ☒ No Minor Breach: ☒ Yes ☐ No Complies: ☐ Yes ☒ No
Side Setbacks: Applicable: ☒ Yes ☐ No ☒ 900mm ☐ 4.5m ☐ Other	Boundary ☐ Nth ☐ Sth ☒ Est ☐ Wst ☐ Existing and unchanged or Proposed: 3.4m to roof over terrace, 4.6m to proposed first floor level addition Complies: ☒ Yes ☐ No Boundary ☐ Nth ☐ Sth ☐ Est ☒ Wst ☐ Existing and unchanged or Proposed: 1.4m to proposed first floor level addition Complies: ☒ Yes ☐ No
Other:	

General Principles of Development Control:

CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No
CL39 Local retail centres Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL40 Housing for Older People and People with Disabilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL41 Brothels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL42 Construction Sites Applicable:	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No



Warringah Council

☒ Yes ☐ No	
CL43 Noise Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL44 Pollutants Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL45 Hazardous Uses Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL46 Radiation Emission Levels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL47 Flood Affected Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL48 Potentially Contaminated Land Applicable: ☒ Yes ☐ No	Complies: 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
CL49 Remediation of Contaminated Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL49a Acid Sulfate Soils Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL50 Safety & Security Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL51 Front Fences and Walls Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



Warringah Council

CL53 Signs Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL54 Provision and Location of Utility Services Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL55 Site Consolidation in 'Medium Density Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL56 Retaining Unique Environmental Features on Site Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL57 Development on Sloping Land Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The subject site is identified as a "landslip" under the provisions of the WLEP 2000. A geo-technical assessment has been provided to support the suitability of the proposed development.
CL58 Protection of Existing Flora Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL59 Koala Habitat Protection Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL60 Watercourses & Aquatic Habitats Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL61 Views Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposed additions will maintain solar access to the surrounding properties as 50% of the private outdoor areas will receive at least 2 hours of sunlight between 9am and 3pm on June 21.
CL63 Landscaped Open Space Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No



Warringah Council

CL63A Rear Building Setback Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL64 Private open space Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL65 Privacy Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No Adequate provision is made for privacy to adjoining properties with the sills of openings to the western elevation provided at 1.9m above the finished floor level. Openings to the eastern elevation are such that they will maximise the view to the north east and allow for solar access. In this regard the proposal is deemed satisfactory as direct view into the habitable areas of No.2 the Avenue Collaroy will be minimal due to the steep slope of the land.
CL66 Building bulk Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL67 Roofs Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL68 Conservation of Energy and Water Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL70 Site facilities Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL71 Parking facilities (visual impact) Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL72 Traffic access & safety Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL73 On-site Loading and Unloading Applicable:	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



Warringah Council

☐ Yes ☒ No	
CL74 Provision of Carparking Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL75 Design of Carparking Areas Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL76 Management of Stormwater Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No Stormwater is to be conveyed to the existing system.
CL77 Landfill Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL78 Erosion & Sedimentation Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No
CL79 Heritage Control Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL82 Development in the Vicinity of Heritage Items Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL83 Development of Known or Potential Archaeological Sites Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedules:	
Schedule 5 State policies Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 6 Preservation of bushland	Complies:



Warringah Council

Applicable: ☐ Yes ☒ No	☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 7 Matters for consideration in a subdivision of land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 8 Site analysis Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
Schedule 9 Notification requirements for remediation work Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 11 Koala feed tree species and plans of management Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 12 Requirements for complying development Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 14 Guiding principles for development near Middle Harbour Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 15 Statement of environmental effects Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 17 Carparking provision Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



Warringah Council

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:

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

REPs: Applicable?: ☒ Yes ☐ No

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: ☒ Yes ☐ No	
Clause 92 (Demolition of Structures) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ No
Clause 92 (Government Coastal Policy) Applicable: ☐ Yes ☒ No	Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy ? ☐ Yes ☐ No
Clause 93 & 94 (Fire Safety) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ No
Clause 94 (Upgrade of Building for Disability Access) Applicable: ☐ Yes ☒ No	Addressed via condition? ☐ Yes ☐ No
Clause 98 (BCA) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ 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



Warringah Council

		☐ Unsatisfactory
Catchment Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ 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:

- | | |
|---|---|
| ☒ EPA Act 1979 | ☒ SEPP No. 55 – Remediation of Land |
| ☒ EPA Regulations 2000 | ☐ SEPP No. 71 – Coastal Protection |
| ☐ Disability Discrimination Act 1992 | ☒ SEPP BASIX |
| ☐ Local Government Act 1993 | ☒ SEPP Infrastructure |
| ☐ Roads Act 1993 | ☒ WLEP 2000 |
| ☐ Rural Fires Act 1997 | ☒ WDCP |
| ☐ RFI Act 1948 | ☐ S94 Development Contributions Plan |
| ☐ Water Management Act 2000 | ☒ S94A Development Contributions Plan |
| ☐ Water Act 1912 | ☐ NSW Coastal Policy (cl 92 EPA Regulation) |
| ☐ Swimming Pools Act 1992; | ☐ Other |

SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	☒ Yes ☐ No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any draft environmental planning instrument	☒ Yes ☐ No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	☒ Yes ☐ No
Section 79C (1) (a)(iia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	☐ Yes ☐ No ☒ N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	☒ Yes ☐ 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?	☒ Yes ☐ No
Section 79C (1) (c) – Is the site suitable for the development?	☒ Yes ☐ No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	☒ Yes ☐ No
Section 79C (1) (e) – Is the proposal in the public interest?	☒ Yes ☐ No



SECTION 2 – ISSUES

PUBLIC EXHIBITION

The subject application was publicly exhibited in accordance with the EPA Regulation 2000 and the applicable Development Control Plan.

As a result of the public exhibition of the application Council received submissions from:

Name	Address
L C Muriniti on behalf of Mr Carlo Kraushner & Mrs Jean Sarah Edith Kraushaar	41 Collaroy Street Collaroy

The following issues were raised in the submissions:

- The proposed works will cause instability to 41 Collaroy Street as there is a floating boulder that sits on the common boundary.

Comment: A geo-technical report has been provided to support the suitability of the proposed development. Furthermore it is to be conditioned that the report be provided to the certifying authority prior to the issue of any construction certificate to certify that the existing rock formations are capable of withstanding protection of adjoining properties. Conditions of consent and a geo-technical report and certificate prior to the erection of works are to be imposed to ensure support for neighbouring properties.

1. Support for Neighbouring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage;
 - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

WLEP 2000

DESIRED FUTURE CHARACTER

D5 – Long Reef

The Long Reef locality will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

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

Development on the site of the “Old Collaroy Hospital” located on land known as Lots 1, 2, 3, 8 and 9 on DP 6777, Lot 1 DP 954105, Lot 1 DP 953769 and Lot B DP 398645 will continue to be used only for health related uses. The northern portion of this site, adjacent to Birdwood Avenue, will be dedicated for the purposes of public open space. Any future development of the old Collaroy Hospital Site will be sympathetic to the pattern, scale and landscape character of the street and surrounding development. In addition any development of the site will address the heritage significance of the existing building known as the “Beach House” located at the corner of Beach Road and Brissenden Avenue.

The spread of indigenous tree canopy will be enhanced where possible and natural landscape features, such as rock outcrops and remnant bushland will be preserved. Buildings on prominent hillsides or hill tops must be designed to integrate with the natural landscape and topography and minimise their visual impact when viewed from afar.

The existing bushland on the Salvation Army site will be preserved.

Building and development along the beachfront will address the current and future hazards of wave impact and coastal erosion.

The locality will continue to be served by a local retail centre in the area shown on the map. Buildings greater than 2 storeys in height within this centre are to be designed so that the massing is substantially reduced on the top floors thereby reducing the visual bulk of the development and enabling views between buildings. Future development in the local retail centre will also be in accordance with the general principles of development control provided in clause 39.

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality’s DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Landscape Open Space, Side Boundary Envelope, Rear Setback and Front Building Setback Built Form Controls, as such pursuant to Clause 20(1) a higher test is required

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

The proposed development is considered to satisfy the applicable DFC statement for the reasons detailed hereunder:

- The proposal will maintain the detached style housing in landscaped settings
- The proposal will maintain the visual pattern and predominant scale of detached style housing in the locality.
- The proposal will maintain landscaped front gardens and consistent front building setbacks
- The proposal will maintain the existing pattern of subdivision
- The proposal will preserve the indigenous tree canopy
- The proposal will integrate with the surrounding landscape

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Side Boundary Envelope, Rear Setback, Landscape Open Space and Front Building Setback Built Form Controls, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Side Boundary Envelope

Requirement: Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries.

Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: ☒ 4m / 45 degrees ☐ 5m / 45 degrees ☐ Other	Boundary: ☐ Nth ☐ Sth ☒ Est ☐ Wst ☐ Existing and unchanged or Fully within Envelope: ☒ Yes ☐ No Minor Breach: ☐ Yes ☒ No Complies: ☒ Yes ☐ No Boundary: ☐ Nth ☐ Sth ☐ Est ☒ Wst ☐ Existing and unchanged or Fully within Envelope: ☐ Yes ☒ No Minor Breach: ☒ Yes ☐ No Complies: ☐ Yes ☒ No
--	--

Area of inconsistency with control: The proposed first floor level addition breaches the western side boundary envelope by 0.7m to 1.3m for a distance of 4.3m.

Merit Consideration of Non-compliance. The following considerations have been applied in assessment of the side boundary envelope variation.

Requirement: Ensure that development does not become visually dominant by virtue of its height or bulk

Comment: The proposed first floor level addition will not be visually dominant by virtue of its height and bulk as it will integrate with the existing dwelling. The proposed first floor level addition provides an articulated roof form and will integrate with the natural topography and landscape.

Requirement: Preserve the amenity of the surrounding land

Comment: The proposed first floor level addition will maintain the amenity to the surrounding land in terms of privacy, views and solar access. The non-compliance pertains to the proposed master bedroom, the sills of the openings are proposed to be a 1.9m above the finished floor level to prevent direct view into adjoining properties. Furthermore, the proposed first floor level addition does not exceed the 8.5m height limit to ensure that view corridors are maintained to the north.



Warringah Council

Requirement: Ensure that development responds to the site topography

Comment: The proposed first floor level addition responds to the site topography as it provides for an articulated roof form that slopes to the east. The proposed master bedroom will remain consistent with the other proposed first floor level additions to ensure that it maintains a consistent built form. Minimal excavation is required to facilitate construction of the proposed master bedroom.

Requirement: Provide separation between buildings

Comment: Adequate separation is provided between buildings with a setback of 1.4m to the western side boundary and a 1m setback to the northern boundary. The amenity to the surrounding properties will be preserved as privacy, views and solar access will be maintained.

Requirement: Provide opportunities for landscaping

Comment: Adequate provision is made for landscaping on-site with 30.88% (99.65sqm) of the site maintained as landscape open space. Planting is to be provided within the front, side and rear setbacks to enhance the aesthetic value of the site and screen the dwelling. Existing mature vegetation is to be preserved to further enhance the visual character of the site.

Requirement: Create a sense of openness

Comment: The proposed first floor level addition will maintain a sense of openness as the provision for landscape open space will be increased on-site from 18.02% (58.15sqm) to 30.88% (99.65sqm). Existing mature vegetation will be maintained with no significant increase in the building footprint to maintain a sense of openness on the site.

Landscape Open Space

Requirement: The minimum area of landscaped open space for the remainder of the locality is 40 per cent of the site area

Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% (129.04sqm) ☐ 50% (.....sqm) ☐ Other	☐ Existing and unchanged Existing: 18.02% (58.15sqm) Proposed: 30.88% (99.65sqm) Complies: ☐ Yes ☒ No
---	--

Area of inconsistency with control: The proposed landscape open space area is 30.88% (99.65sqm) resulting in a 9.12% (29.39sqm) non-compliance.

Merit consideration of non-compliance. The following considerations have been applied in assessment of the landscape open space variation:

Requirement: Enable the establishment of appropriate planting to maintain and enhance the streetscape and the desired future character of the locality

Comment: The proposal incorporates 30.88% (99.65sqm) of Landscaped Open Space which represents a 41.5sqm increase in landscaped open space. Grassed areas are to be provided within the front and rear setbacks to accommodate planting and gardens to enhance the streetscape and amenity.

Requirement: Enable the establishment of appropriate planting that is of scale and density commensurate with the building height, bulk and scale

Comment: The proposal incorporates 30.88% (99.65sqm) of Landscaped Open Space. The grassed areas within the front and rear setbacks will accommodate planting that is of scale and density commensurate with the building height, bulk and scale.

Requirement: Enhance privacy between dwellings



Warringah Council

Comment: Opportunity exists to provide Landscaped Open Space between adjoining and adjacent dwellings. Grassed areas within the front and rear setbacks have the opportunity to accommodate planting that will visually screen the subject site.

Requirement: Accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants

Comment: Outdoor recreation needs are accommodated through the provision of grassed area within the rear setback. The grassed area within the rear setback is deemed sufficient to met the requirements of occupants.

Requirement: Provide space for service functions including clothes drying

Comment: Adequate space is provided within the rear setback to accommodate clothes drying facilities and ensure that they are screened form public view.

Requirement: Facilitate water management including on-site detention and the infiltration of stormwater

Comment: Adequate measures are available on-site to accommodate water management. Stormwater is to be conveyed to the existing system

Requirement: Incorporate the establishment of any plant species nominated in the relevant locality statement

Comment: The Locality Statement does not specify any plant species.

Front Building Setback

Requirement: The minimum front building setback is 6.5 metres. Consent may be granted for development to be carried out within the minimum front building setback on allotments constrained by the location and use of existing buildings or the topography, if it is for the provision of carparking.

Front Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.5m ☐ Other Is the Corner Allotment / Secondary Street Frontage control applicable?: ☐ Yes ☒ No Requirement: ☐ 3.5m ☐ Other	☐ Existing and unchanged Proposed: 0m to proposed car port. Complies: ☐ Yes ☒ No Corner Allotment: ☐ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No
--	--

Area of inconsistency with control: The proposed car port is to have a nil setback to the front boundary. The proposed first floor level addition is to be setback 3.2m from the front boundary resulting in a 3.3m non-compliance. The proposed stairs that are to service the first floor level addition are to be setback 1.2m from the front property boundary, resulting in a 5.3m non-compliance.

Merit consideration of non-compliance. The following considerations have been applied in assessment of the front building setback variation:



Create a sense of openness

Comment: The proposed car port will have a nil setback to the front boundary. The structure is to be open to remain consistent with the streetscape and the existing dwelling to maintain a sense of openness.

The proposed first floor level addition breach pertains to the lounge/office area. This area is to incorporate an articulated built form that addresses the street and responds to the site topography to integrate with the surrounding landscape.

The proposed steps that will service the first floor level lounge area will integrate with the proposed additions to maintain a sense of openness within the site. The design of the steps is such that it will allow for the first floor additions to address the street.

Provide opportunities for landscaping

Comment: Opportunity for landscaping will be provided on-site with 30.88%(99.65sqm) of the site to be provided as Landscaped Open Space. Grassed areas within the front and rear setbacks are provided to accommodate planting and gardens. Existing mature vegetation is to be retained on-site to further enhance the visual character of the site.

Minimise the impact of development on the streetscape

Comment: The overall impact on the streetscape will be minimal given that the proposed car port will be an open single storey structure which will integrate with the dwelling. As such the carport will be attached to the dwelling to ensure that it does not present as a detached structure

The proposed steps and first floor level office/lounge will address the streetscape as they provide for an articulated built form that integrates with the natural landscape and topography. Openings are proposed to the proposed first floor level office to adequately address the street.

In this regard the proposal adequately addresses the streetscape by maintaining a consistent built form as it integrates with the existing dwelling.

Maintain the visual continuity and pattern of buildings, front gardens and landscape elements

Comment: The proposal maintains the visual continuity of buildings, front gardens and landscape elements. The proposed car port is an open, non-habitable structure that will integrate with the existing dwelling.

The proposed first floor level addition and steps will maintain the visual continuity as they will integrate with existing built form on-site and provide for articulation in design. The ridge of the proposed first floor level will be at RL63.50 to integrate with the natural landscape and topography. In this regard the proposal is deemed satisfactory as the existing mature vegetation will be retained to further enhance the aesthetic value of the site.

The provision for corner allotments relates to street corners

Comment: The subject site is not identified as a corner allotment.



Warringah Council

Rear Setback

Requirement: The minimum rear building setback is 6 metres.

Rear Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.0m ☐ Other Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged Proposed: 1.1m to proposed roof over rear terrace, 1m to proposed first floor addition Complies: ☐ Yes ☒ No Outbuildings: ☐ Existing and unchanged Proposed:% Complies: ☐ Yes ☐ No
--	--

Area of inconsistency with control: The proposed first floor level addition is to be setback 1m from the rear property boundary resulting in a 5m non-compliance. The proposed ground floor level addition is to be setback between 1.1m and 2.2m from the rear property boundary resulting in 3.8 to 4.9m non-compliance.

Merit consideration of non-compliance. The following considerations have been applied in assessment of the rear setback variation:

Requirement: Create a sense of openness within the rear yards

Comment: The proposed additions maintain a sense of openness within the rear yards as they provide for an articulated built form that maintains consistency with the existing building footprint. The proposed first floor and ground floor level additions will preserve the existing mature vegetation to retain the visual character of the site.

Requirement: Preserve the amenity of adjacent land

Comment: The proposed first floor and ground floor level additions will preserve the amenity to surrounding properties in terms of views, solar access and privacy.

The proposed first floor level addition provides openings along the northern elevation to maximise solar access and views to the Pacific Ocean. Solar access to adjoining properties will be maintained with the private outdoor areas receiving adequate sunlight in accordance with clause 62 of the WLEP 2000. View corridors to the north will be maintained as the proposed first floor level addition does not exceed the 8.5m height limit.

Requirement: maintain the visual continuity and pattern of buildings, rear gardens and landscape elements

Comment: The proposed ground floor and first floor level additions will maintain the visual continuity and pattern of buildings, rear gardens and landscape elements as the existing mature vegetation within the rear setback will be retained. The proposed built form of the ground floor and first floor level additions will compliment the architectural character of the existing dwelling and enhance the aesthetic value of the site. In this regard the scale of the proposed additions is deemed satisfactory.

Requirement: provide opportunities to maintain privacy between dwellings

Comment: The proposed ground floor and first floor level additions maintain privacy to adjoining properties as the proposed additions maintain consistency with the existing building footprint.



Warringah Council

Furthermore, the location of openings is such that they will be offset against those of existing dwellings to prevent direct view into habitable areas.

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 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 Side Boundary Envelope ,Landscape Open Space, Front Building Setback and Rear Setback Built Form Controls (Development Standard) pursuant to Clause 20(1) is Supported.

OTHER MATTERS FOR FURTHER CONSIDERATION: Nil



Warringah Council

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 322.636sqm

Detail existing onsite structures:

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

Site Features:

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

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

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

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

View of:

Ocean / Waterways ☐ Yes ☐ No

Headland ☐ Yes ☐ No



Warringah Council

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

Andrew Cowan, Development Assessment Officer



SECTION 4 – APPLICATION DETERMINATION

Conclusion:

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

- ☒ Satisfactory
- ☐ Unsatisfactory

Recommendation:

That Council as the consent authority

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

"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 _____

Andrew Cowan Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date _____

Nick England Acting Team Leader, Development Assessment