



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0945

Assessment Officer: Michael Edwards

Property Address: Lot A DP 364385, No.205 Headland Road NORTH CURL CURL

Proposal Description: Alterations & additions to the existing dwelling including a swimming pool,

Plan Reference: 0905DA 1/12 – 12/12

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: \$215,000

Are S94A Contributions Applicable?

☒ Yes ☐ No

Warringah Section 94A Development Contributions Plan

Contribution based on total development cost of \$ 215,000

Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$2,043	Rams
S94A Planning and Administration	0.05%	\$108	Rams
Total	0.5%	\$2,150	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

No. of Submissions: One (1) submission

☒ Yes ☐ No

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

RELEVANT BACKGROUND

18/4/2002 Deferred Commencement Consent granted to DA2000/3674 for the construction of a new dwelling.

13/10/2003 Consent granted to DA2003/0718 for the alterations and additions to the existing dwelling to create a granny flat.

5/10/2004 Consent granted to DA2004/0923 for the construction of a rear deck.

31/1/2005 Consent granted to DA2004/0923 MOD 1 for the enclosure of the ground floor of the rear deck.



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PROPOSED DEVELOPMENT IN DETAIL

This application seeks Council's consent to the alterations and additions to the existing dwelling.

In more detail, the proposed scope of works includes the following:

- Demolition of the existing outbuilding located in the south-eastern rear corner of the site (currently being used for illegal occupation);
- Alterations and additions to the existing dwelling to provide a new ground floor bedroom, living room, wet-bar, storeroom/pantry and ensuite;
- New swimming pool (lap pool).

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: F5 Curl Curl

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

The internal configuration of the ground floor addition presents as a separate dwelling, whereby the addition is fully contained. The addition is interconnected to the existing main dwelling by a single stairway on the western elevation and is not substantially integrated with the main dwelling. Furthermore, the additions propose a floor area of approximately 64sqm. In this regard, the additions would not meet the provisions for a 'granny flat' as defined under WLEP 2000.

On the balance of the above, the proposed development presents as a separate dwelling and is best defined as a 'dwelling'. Accordingly, it is recommended that conditions be imposed to delete the wet-bar and storage/pantry so as to prevent the separate occupation of this space as a 'dwelling'. The deletion of these elements will then properly present as an extension of the existing dwelling.

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

Desired Future Character:

'The Curl Curl locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing and a range of complementary and compatible uses. The land containing the existing Bowling Club at Lot 2682 DP 752038 on Abbott Road and the land containing the existing Harbord Bowling Club at Lot 4 DP 601758 on Stirgess Avenue will continue to be used only for recreation facilities.

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

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



☐ 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	☐ Existing and unchanged Proposed: 6.0m to rear balcony Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☒ 7.2m	☐ Existing and unchanged Proposed: 5.7m to rear balcony Complies: ☒ Yes ☐ No
Front Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.5m Is the Corner Allotment / Secondary Street Frontage control applicable?: ☐ Yes ☒ No Requirement: ☐ 3.5m	☒ Existing and unchanged Proposed:m Complies: ☒ Yes ☐ No Corner Allotment: ☐ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No
Housing Density: Applicable: ☒ Yes ☐ No Requirement: ☒ 1 dwelling per 450sqm ☐ 1 dwelling per 600sqm	☐ Existing and unchanged Proposed: 1 dwelling (with existing approved attached granny flat)/ per 727.0sqm Complies: ☒ Yes ☐ No (Subject to the imposition of conditions to delete the wet-bar and storeroom/pantry)



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Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% ☐ 50%	☐ Existing and unchanged Proposed: 41.8% (304.0sqm) Complies: ☒ Yes ☐ No
Rear Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.0m Outbuildings: Requirement: ☐ 50% of rear setback	☐ Existing and unchanged Proposed: 14.0m to rear additions Complies: ☒ Yes ☐ No Outbuildings: ☐ Existing and unchanged Proposed:% Complies: ☐ Yes ☐ No
Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: ☐ 4m / 45 degrees ☒ 5m / 45 degrees	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
Side Setbacks: Applicable: ☒ Yes ☐ No ☒ 900mm ☐ 4.5m	Boundary: ☐ Nth ☐ Sth ☒ Est ☐ Wst ☐ Existing and unchanged or Proposed: 4100mm to rear addition Complies: ☒ Yes ☐ No Boundary: ☐ Nth ☐ Sth ☐ Est ☒ Wst



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	☐ Existing and unchanged or Proposed: 900mm to rear addition Complies: ☒ Yes ☐ No
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General Principles of Development Control:

CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of conditions of consent will ensure the colours and finishes do not result in excessive or unreasonable glare and solar reflections.
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: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of conditions of consent will ensure the appropriate storage of building materials and waste together with the management of the site during the construction phase.
CL43 Noise Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The proposed development will maintain the residential use of the site. A condition of consent will ensure the appropriate treatment of the swimming pool filter equipment to ensure it is enclosed in a sound-proof casing.
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



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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
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



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CL57 Development on Sloping Land Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
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 The following is a view assessment of the views obtained from No.207 Headland Road, North Curl Curl, undertaken in accordance with the four (4) step process adopted by Commissioner Roseth in the NSW Land and Environment Court in <i>Tenacity Consulting v Warringah Council [2004] NSW LEC 140</i>. <i>The first step is the assessment of views to be affected. Water views are valued more than land views. Iconic views (eg of the Opera House, the Sydney Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg: a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i> The views obtained are predominantly comprised of district bushland views with a portion of ocean views comprising the horizon. The views obtained are not whole views, being separated by existing dwellings below in Makim Street together with significant vegetation. The former St Patricks seminary is visible within the district views obtained directly south. <i>The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front or rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i> <i>The third step is to assess the extent of the</i>



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	<i>impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss quantitatively as negligible, minor, moderate, severe or devastating.</i> <i>The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</i> <i>The assessment of the views affected has determined that the impact to view sharing as a result of the development is moderate.</i> Accordingly, the proposed development is considered to satisfy the intent of this General Principle and the four step test established by the Land and Environment Court.
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL63 Landscaped Open Space Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
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



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CL65 Privacy Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The proposed alterations and additions orientate main living areas towards the rear elevation which extend out on to both the first floor and upper storey balconies. From these elements, it is considered that there are opportunities for unreasonable direct overlooking to the adjoining properties. In this regard, it is recommended that a condition of consent be imposed, requiring the provision of privacy screens to both the western and eastern elevations of the upper storey balcony. The proposed swimming (lap) pool on the first floor level provides separation between dwellings. This element achieves some visual privacy by preventing direct overlooking at the edge of the building. Notwithstanding, it is recommended that a condition of consent be imposed to require opaque glazing to the balustrade on the eastern elevation which will provide an increased level of visual privacy from a sitting position.
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 The imposition of conditions of consent will ensure the roof form does not result in excessive glare and solar reflections by requiring a roof finish with medium to dark colours.
CL68 Conservation of Energy and Water Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of conditions of consent will ensure the commitments made in the BASIX Certificate are implemented in the dwelling prior to occupation.
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



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☐ Yes ☒ No	
CL74 Provision of Carparking Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No There is no alteration to the existing provision of carparking whereby provision is made for two (2) vehicles in the existing double carport.
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 The imposition of conditions of consent will ensure the appropriate management of stormwater.
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 The imposition of conditions of consent will ensure the appropriate management of the site to prevent erosion and sedimentation.
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
CL81 Notice to Heritage Council 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



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Schedules:

Schedule 5 State policies Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 6 Preservation of bushland Applicable: ☐ Yes ☒ No	Complies: ☐ 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 10 Traffic generating development 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



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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

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

REPs: Applicable?: ☐ Yes ☒ No



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



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		☐ 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 |



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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 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)(iiia) - 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 (Subject to the deletion of the wet-bar and storeroom/pantry to ensure the alterations and additions do not present as a separate self-contained dwelling).
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

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling house

Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Permissible

Principal Development Standards:

Development Standard	Required	Proposed	Complies
Minimum Subdivision Lot Size:	Not applicable	This application is not for subdivision	Not applicable
Rural Subdivision:	Not applicable	This application is not for subdivision	Not applicable
Height of Buildings:	8.5m	6.0m to rear balcony	YES

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
Jones, M & P	No.207 Headland Road, North Curl Curl

The matters raised within the submissions are addressed as follows:

- **Building bulk**

- The proposed development is excessively large, insofar as it will obscure ocean views obtained from No.207 Headland Road.

Comment: An assessment of the proposal against the four step 'Tenacity test' is provided under Clause 61 Views of the General Principles of Development Control which demonstrates that the proposed development is satisfactory.

Accordingly, this issue does not warrant the refusal of the application.

- **Overshadowing**

- The size of the proposed development will result in substantial overshadowing over the dwelling at No.207 Headland Road.

Comment: Shadow diagrams were not submitted with the application. Notwithstanding, the extent of the proposed works are predominantly single storey with an open and lightweight balcony proposed to the first floor. In this regard, any additional overshadowing will be predominantly southward of the existing dwelling and adjoining dwellings, and will marginally increase the level of overshadowing from that of the existing situation.

Accordingly, this issue does not warrant the refusal of the application.

- **Provision of carparking**

- It is apparent from viewing the plans that the proposed additional development is a self-contained living area which will necessitate additional carparking.

Comment: It is noted that the proposed additions present as a separate self-contained dwelling. In this regard, conditions of consent are recommended for imposition to delete the storeroom/pantry and wet-bar. With the deletion of these elements, the alterations and additions present as an extension of the living area and do not necessitate the additional provision of carparking.

Accordingly, this issue does not warrant the refusal of the application.

- **Noise;**

- The swimming pool filter equipment will result in an unreasonable noise impact on No.207 Headland Road.

Comment: The imposition of conditions of consent will address this concern by ensuring the swimming pool filter equipment is enclosed in a sound-proof enclosure.

Accordingly, this issue does not warrant the refusal of the application.

MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area 727.0sqm

Detail existing onsite structures:

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

Site Features:

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

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

Potential View Loss as a result of development

- ☒ Yes ☐ No

If Yes where from (in relation to site):

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

View of:

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



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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 15 October 2009

Michael Edwards, Development Assessment Officer

SECTION 4 – APPLICATION DETERMINATION

Conclusion:

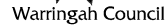
The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- ☒ Satisfactory
☐ Unsatisfactory

Recommendation:

That Council as the consent authority

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



REFUSE development consent to the development application subject to:

(a) the reasons detailed within the associated notice of determination.

Signed Date 15 October 2009

The application is determined under the delegated authority of:

Signed _____ Date 15 October 2009

Steven Findlay, Team Leader, Development Assessment