



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/1036

Assessment Officer: Cynthia Chan

Property Address: Lot 306, DP 12316. No.14 Abingdon Street, North Balgowlah

Proposal Description: Alterations and additions to an existing dwelling, including a new first floor level and rear addition

Plan Reference: DA1.1, DA2.1, DA10.1, DA3.2, DA4.2, DA5.3 prepared by Morph Architects Pty Ltd (This application includes amended plans to address the non complying building height and landscaped open space)

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: \$ 317,000

Are S94A Contributions Applicable? YES

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$ 317,000.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$3,012	Rams
S94A Planning and Administration	0.05%	\$159	Rams
Total	1.0%	\$3,170	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

No. of Submissions: 0

☐ Yes ☒ No

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

Proposal

This application seeks consent for alterations and additions to an existing dwelling in the following manner:

**Ground floor**

- Alterations and addition to the rear of the dwelling accommodating family room, dining room and kitchen
- Deck to the rear of the dwelling
- Gazebo towards the northern boundary of the rear yard.

First floor

- New first floor level accommodating 3 bedrooms and 2 bathrooms

Landscaping work

- Demolition of an existing garage at the rear yard and replace with landscaped open space
- An open carparking space at the northern building setback area

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
Subdivision Lot Size:	NA	This application is not for subdivision.	NA
Rural Subdivision:	NA	This application is not for subdivision.	NA
Height of Buildings:	8.5 metres	8.8 metres	NO

Clause 4.6 Exception to Development Standard provides that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed exception to the Building Height Standard is supported for the following reasons:

- The proposal refers to the building height at the lower part of the land as a result of the topography of the site. The proposal is for alterations and additions to an existing dwelling where the existing building height represents constraints to the proposed building height. The proposed part at the lower part of the land includes a series of step down, where the non compliance is set back from the building footprint of the level below and is substantially set back from the front boundary of the site. It is considered that there are adequate articulations and designs to help reduce the building bulk.
- The proposal will not have an adverse impact on the amenity of the surrounding land, in view and sunlight access.

In summary, the proposed development is consistent with the aims and objectives of the Draft WLEP 2009.



WLEP 2000

Locality: G3 Manly Lagoon Suburbs

Development Definition: Housing

Category of Development: Category 1- housing

Desired Future Character:

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

Built Form Controls:

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: 8.5 metres max	Proposed: 8.8metres Complies: ☐ Yes ☒ No (See Clause 20 Variation)
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: 7.2 metres max	Proposed: 7.65 metres Complies: ☐ Yes ☒ No (See Clause 20 Variation)
Front Setback: Applicable: ☒ Yes ☐ No Requirement: 6.5 metres min	Proposed: First floor additions: 9.5 metres Open carparking space: 7.1 metres Complies: ☒ Yes ☐ No
Housing Density: Applicable: ☐ Yes ☒ No Requirement: 1 dwelling per 600sqm	☒ Existing and unchanged at 1 dwelling per 634.6 sqm
Landscape Open Space: Applicable: ☒ Yes ☐ No Requirement: 40% of the site area	Proposed: Complies: ☒ Yes ☐ No
Rear Setback: Applicable: ☒ Yes ☐ No Requirement: 6.0 metres	Proposed: Additions to ground floor: 11 metres Additions to first floor: 13.9 metres Gazebo: 8.9 metres Complies: ☒ Yes ☐ No
Side Boundary Envelope: Applicable: ☒ Yes ☐ No Requirement: 4m / 45 degrees	Boundary: ☐ Nth ☐ Sth ☒ Est ☐ Wst Complies: ☒ Yes ☐ No



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	Boundary: ☐ Nth ☐ Sth ☐ Est ☒ Wst Complies: ☒ Yes ☐ No
Side Setbacks: Applicable: ☒ Yes ☐ No Requirement: 0.9 metre Service infrastructure, structure not more than 1 metre above natural ground level may encroach beyond the minimum side setback.	Boundary ☐ Nth ☐ Sth ☒ Est ☐ Wst Proposed: Additions to ground floor: 1.145 metre Complies: ☒ Yes ☐ No Boundary ☐ Nth ☐ Sth ☐ Est ☒ Wst Proposed: Additions to ground floor: 3.099 metres Gazebo: 1.194 metre Open carparking space: 0 metre (permissible) Complies: ☒ Yes ☐ No

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: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ 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



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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 The proposed street frontage includes windows providing outlook and casual surveillance to Abingdon Street. The proposed open carparking space is at the existing side building setback area and will not interfere with the views obtained from the windows. Therefore, the proposal will maintain the safety and security of the locality, and is satisfactory in addressing this Clause.
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



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CL53 Signs Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL54 Provision and Location of Utility Services Applicable: ☒ Yes ☐ No	Complies: ☒ Yes, existing satisfactory provision maintained.
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 The site has a natural fall of approximately 9 metres or an average gradient of 1 in 5 towards the south. Considerations of this Clause are given to the following: • The proposed dwelling complies with the relevant building height and building setback controls, and is therefore no excessive in bulk. • The proposed additions on the ground floor are situated at the part of the site that has previously been modified, involving minimal cut and fill. In summary, the proposal is satisfactory in addressing this Clause.
CL58 Protection of Existing Flora Applicable: ☒ Yes ☐ No	Complies: ☒ Yes, subject to condition. The proposal is set back from the existing trees at the site and does not involve tree removals. Council's Landscape Assessment Officer has reviewed the proposal and raised no particular concerns. Conditions are included to ensure the protection of trees during construction work for the proposal to ensure consistency with this Clause.
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



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CL61 Views Applicable: ☒ Yes ☐ No	Complies: ☒ Yes The land falls towards the south such that the land on the higher contours have distant district views downhill over roof tops and tree canopies. The properties on the higher contours namely No.28 and 30 Abingdon Street are located at approximately RL53 and an assumed eye level at RL54.5. The proposed building height at RL54.319 will have marginal impact on the existing views obtained from the higher properties. In addition, the proposed compliant building height is not excessive. In summary, the proposal will allow a sharing of view and is satisfactory in addressing this Clause.
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes The submitted shadow diagrams for the proposal illustrate that the proposal will overshadow the front yards of the adjoining No.12 and 16 Abingdon Street, and will not affect the principal private open spaces i.e. rear yards of the adjoining properties. Therefore, the proposal will not unreasonably affect the sunlight access to the surrounding properties in accordance with this Clause.
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
CL65 Privacy Applicable: ☒ Yes ☐ No	Complies: ☒ Yes The proposed windows on the first floor will overlook the roof tops of the adjoining single storey dwelling houses, and does not have close direct view to the adjoining principal private open spaces. Therefore, the proposal will not result in unreasonable privacy issues, and is satisfactory in addressing this Clause.
CL66 Building bulk Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No



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CL67 Roofs Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL68 Conservation of Energy and Water Applicable: ☒ Yes ☐ No	Complies: ☒ Yes. The submitted BASIX Certificate effectively addresses the requirement of this Clause.
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, existing substantially maintained.
CL71 Parking facilities (visual impact) Applicable: ☒ Yes ☐ No	Complies: ☒ Yes The proposed open carparking space is adequately set back from the street and aligns with the existing building line of the site. It is not associated with above ground structure and will not be visually apparent. It is satisfactory in addressing this Clause.
CL72 Traffic access & safety Applicable: ☒ Yes ☐ No	Complies: ☒ Yes The proposal will continue the use of the existing driveway on Abingdon Street, and will maintain existing traffic access and safety in the locality. It is satisfactory in addressing this Clause.
CL73 On-site Loading and Unloading Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL74 Provision of Carparking Applicable: ☒ Yes ☐ No	Complies: ☒ Yes. The proposed open carparking space at the side setback area and the existing single garage at the basement comply with the two carparking requirement for detached style dwelling as per Schedule 17.
CL75 Design of Carparking Areas Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No



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CL76 Management of Stormwater Applicable: ☒ Yes ☐ No	Complies: ☒ Yes Council's Development Engineers have reviewed the proposal and raised no particular concern on the stormwater management of the site. Accordingly, the proposal is satisfactory in addressing this Clause.
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, subject to condition The site is identified with extremely high Aboriginal heritage potential. However, there is no identified Aboriginal heritage item, and the proposed works are situated immediately adjacent to the existing building footprint where the land has previously been disturbed. As such, the proposal is unlikely to disturb Aboriginal relics. A condition is included in case of the unearthing of Aboriginal relics.
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, subject to condition The site is identified with extremely high Aboriginal heritage potential. However, there is no identified Aboriginal heritage item, and the proposed works are situated immediately adjacent to the existing building footprint where the land has previously been disturbed. As such, the proposal is unlikely to disturb Aboriginal relics. A condition is included in case of the unearthing of Aboriginal relics.

Schedules:

Schedule 8 Site analysis Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
Schedule 17 Carparking provision Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No

SEPP No.55: Applicable?

☒ Yes ☐ No

The site has been used for residential purposes since being developed for housing and there is no indication of land contamination. In addition, the proposal is consistent with the existing land use of the site. No further consideration of this SEPP is required.

SEPP Basix: Applicable?

☒ Yes ☐ No

This application includes a BASIX Report demonstrating that the proposed scheme achieves the minimum water, thermal and energy targets. In this regard, the subject application satisfies the provisions of the SEPP.

SEPP Infrastructure: Applicable?

☒ Yes ☐ No

This application does not require referral to the electricity supply authority, as the proposal does not comprise the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- development involving or requiring the placement of power lines underground.

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



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Clause 98 (BCA) Applicable: ☒ Yes ☐ No	Addressed via condition? ☒ Yes ☐ No
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REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	☒ Yes ☐ No	☒ Satisfactory, subject to condition
Landscape Assessment	☒ Yes ☐ No	☒ Satisfactory, subject to condition

Applicable Legislation/ EPI's /Policies:

- | | |
|---|---|
| ☒ EPA Act 1979 | ☒ SEPP BASIX |
| ☒ EPA Regulations 2000 | ☒ WLEP 2000 |
| ☒ Local Government Act 1993 | ☒ WDCP |
| ☒ SEPP No. 55 – Remediation of Land | ☒ S94A Development Contributions Plan |

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
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

This application was notified by letter dated 27 August 2009 in accordance with the EPA Regulation 2000 and the Warringah Development Control Plan. No submission or mediation request were received in response to the notification.

WLEP 2000

DESIRED FUTURE CHARACTER

LOCALITY G3 MANLY LAGOON SUBURBS

The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing will be confined to the “medium density areas” shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except in areas marked as “medium density areas” on the map. The street will be characterised by landscaped front gardens and consistent 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.

The relationship of the locality with the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides, or in the vicinity of ridgetops, will integrate with the natural landscape and topography.

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

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Building Height Control, 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 required. The proposed development is consistent with the DFC statement for the reasons detailed hereunder:

- The proposal is for detached style housing.
- The proposal for alterations and additions to the existing dwelling, including extension to the existing upper floor is not an unreasonable increase in the building bulk of the existing dwelling. It will maintain the visual pattern and predominant scale of existing detached style housing in the locality.
- The proposal will substantially maintain the existing front setback area, and will maintain the existing landscaped front garden and consistent building setback.
- The proposed additions are situated immediately adjacent to the existing building footprint at the site that will not have a substantial impact on the spread of indigenous tree canopy or the natural landscape.



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- The proposed extension to the first floor level in the urban setting surrounding by residential developments will not be visually prominent or dominating. The proposed additions to the ground floor are situated at the part of the site that have been previously modified, involving no substantial modification to the existing topography of the site.
- Conditions are included to ensure that the use of materials that blend with the colours and textures of the natural landscape.
- This application is not for subdivision. The site is not identified a local retail centre.

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fails satisfy the Locality's Building Height Control, accordingly, further assessment is provided hereunder.

Clause 20(1) stipulates:

"Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy."

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control (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 (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).

Description of variations sought and reasons provided:

Building Height

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: 8.5 metres max	Proposed: 8.8metres Complies: ☐ Yes ☒ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: 7.2 metres max	Proposed: 7.65 metres Complies: ☐ Yes ☒ No



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The merit considerations of the building height controls are to:

- *Ensure that development does not become visually dominant by virtue of its height and bulk*
- *Preserve the amenity of surrounding land*
- *Ensure that development responds to site topography and minimises excavation of the natural landform*
- *Provide sufficient area for roof pitch and variation in roof design rather than a flat roof.*

The non compliance is consistent with the merit considerations of the control for the following reasons:

- The proposed part of the dwelling at the lower part of the land includes a series of step down, where the non compliance is set back from the building footprint of the level below and is substantially set back from the front boundary of the site. It is considered that there are adequate articulations and designs to help reduce the building bulk. As such, the proposal will not be visually prominent or dominating.
- The proposal will not have an adverse impact on the amenity of the surrounding land, in view and sunlight access.
- The proposal refers to the building height at the lower part of the land as a result of the topography of the site. The proposal is for alterations and additions to an existing dwelling where the existing building at the site represents constraints to the proposed building height.
- The proposed pitched roof is consistent with that at the existing building at the site and the surrounding residential developments.

Variation Supported

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 Control (Development Standard) pursuant to Clause 20(1) is supported.



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area: 634.6 sqm

Detail existing onsite structures:

- ☒ Dwelling
☒ Detached Garage

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?

Site Features:

- ☒ Trees

Potential View Loss as a result of development

- ☐ Yes ☒ No

- ☐ 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?



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☐ 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



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Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	☒ 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

Cynthia Chan, Development Assessment Officer



SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000, Draft Warringah Local Environmental Plan 2009 and the relevant codes and policies of Council. 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

Cynthia Chan, Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date

Steven Findlay, Team Leader Development Assessment