



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0221

Assessment Officer: Michael Edwards

Property Address: Lot 150 in DP 11936

Proposal Description: Alterations & additions including carport, 9 Worrobyl Street NORTH
BALGOWLAH NSW 2093

Plan Reference: 1 of 9 to 6 of 9, 8 of 10 and 8 of 9 – 9 of 9

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: \$ 149,784.00

Are S94A Contributions Applicable?

☒ Yes ☐ No

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$ 149,784.00	
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.45%	\$674.00	6923
S94A Planning and Administration	0.05%	\$75.00	6924
Total	0.5%	\$749.00	

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

WLEP 2000

Locality: G3 Manly Lagoon Suburbs

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: 10.6m Complies: ☐ Yes ☒ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☒ 7.2m ☐ Other	☐ Existing and unchanged Proposed: 8.4m 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: 0.0m to carport, 6.0m to upper storey addition Complies: ☐ Yes ☒ No Corner Allotment: ☐ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No



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Housing Density: Applicable: ☒ Yes ☐ No Requirement: ☐ 1 dwelling per 450sqm ☒ 1 dwelling per 600sqm ☐ Other	☒ Existing and unchanged Proposed: 1 dwelling / per 809.4sqm Complies: ☒ Yes ☐ No
Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% ☐ 50% ☐ Other	☐ Existing and unchanged Proposed: 66.7% (540.0sqm) Complies: ☒ Yes ☐ No
Rear Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.0m ☐ Other Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged Proposed: 19.65m 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



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	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: 1217mm Complies: ☒ Yes ☐ No Boundary ☐ Nth ☐ Sth ☐ Est ☒ Wst ☐ Existing and unchanged or Proposed: 1219m m Complies: ☒ Yes ☐ No

General Principles of Development Control:

CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of standard conditions will ensure the materials selected for the roof have a medium to dark colour range so as to reduce excessive solar reflections and glare.
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 The imposition of standard conditions will ensure the



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☒ Yes ☐ No	satisfactory management of the site during demolition and construction works.
CL43 Noise Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of standard conditions will ensure the satisfactory management of the site with regard to noise emissions during both the demolition and construction phase.
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	Complies:



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Reserves & other public Open Spaces Applicable: ☒ Yes ☐ No	☒ 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
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
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL63 Landscaped Open Space Applicable:	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No



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☒ Yes ☐ 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 ☐ Yes , subject to condition ☐ No
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 standard conditions will ensure that the roof finish utilises materials that have a medium to dark colour range so as to reduce excessive solar reflections and glare.
CL68 Conservation of Energy and Water Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No The imposition of standard conditions will ensure that the commitments made in the BASIX certificate to meet energy and water conservation requirements are implemented in the development prior to the issue of an Occupation Certificate.
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	Complies:



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Applicable: ☐ Yes ☒ No	☐ Yes ☐ Yes , subject to condition ☐ 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 The imposition of standard conditions will ensure the satisfactory management of the site with regard to stormwater disposal.
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 standard conditions will ensure the satisfactory management of the site during both the demolition and construction phase 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:	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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☐ Yes ☒ 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: 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	A letter was sent to the applicant dated 18/03/2009 with a request for additional information. The additional information was received by Council 25/03/2009.
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
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

WLEP 2000

DESIRED FUTURE CHARACTER

'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 # Built Form Control/s, as such pursuant to Clause 20(1) a higher test is required



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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 proposed alterations and additions to the existing dwelling maintains the detached residential character of the established streetscape;
- The design of the upper storey addition is considered to integrate with the existing dwelling, providing a building bulk that integrates with the topography of the site. When viewed from the streetscape, although non-complying with the building height and side boundary envelope development standards, the dwelling provides an overall building bulk and envelope that comfortably fits within the established pattern of development within the streetscape;
- The provision of a double carport within the front setback removes existing landscaping and renders the remaining landscaped elements unsatisfactory to achieve a sense of a landscaped front garden. In this regard, a condition of consent is recommended to reinstate the paved area to soft landscaping;
- There is no alteration to the existing rear building setback and in this regard, does not impact on the adjoining Burnt Bridge Creek at the rear of the site.

Accordingly, the assessment above demonstrates that the proposed development is satisfactory in addressing the relevant components of the Desired Future Character Statement.

BUILT FORM CONTROLS

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

Description of variations sought and reasons provided:

Building Height Built Form Control

Requirement:

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: ☒ 8.5m ☐ 11.0m ☐ Other	☐ Existing and unchanged Proposed: 10.6m Complies: ☐ Yes ☒ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☒ 7.2m ☐ Other	☐ Existing and unchanged Proposed: 8.4m Complies: ☐ Yes ☒ No



Area of inconsistency with control:

The proposed upper storey addition provides a maximum building height of 10.6m and 8.4m to the underside of the ceiling. Quantitatively, the non-compliance equates to an excess of 2.1m to the finished height and 1.2m to the underside of the ceiling.

Merit Consideration of Non-compliance:

The topography of the site is characteristic of the southern side of the streetscape, whereby falling from the street front towards the rear. In this regard, the ability to accommodate a level building platform is compromised.

Notwithstanding, the finished height of the dwelling provides a consistent pattern of development and does not contribute to an unreasonable sense of building bulk or scale.

There will be no direct contribution to unreasonable overshadowing from the upper storey, given the 'attic style' design, reducing the building bulk as the height increases and allowing a sense of openness between buildings.

Front Setback Built Form Control

Requirement:

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: 0.0m to carport, 6.0m to upper storey addition Complies: ☐ Yes ☒ No Corner Allotment: ☐ Existing and unchanged Proposed:m Complies: ☐ Yes ☐ No
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Area of inconsistency with control:

The proposed double carport does not provide a setback to the front boundary and the upper storey addition provides a setback of 6.0m, 500mm deficient of the development standard.

Merit Consideration of Non-compliance:

The streetscape in general comprises a mixed pattern of development. Of the older style dwellings, the majority provide a front building setback that does not comply when considered under the current planning controls in this locality. In this regard, the existing dwelling provides a front building setback of 6.0m. The upper storey addition provides an 'attic style' design, with a dormer window facing the street-front elevation. As such, there is no perceived sense of building bulk or dominating scale and the upper storey addition will appropriately integrate with the existing dwelling below, achieving the function of a double storey dwelling, yet presenting to the streetscape as a single storey dwelling with an attic.

An existing single-car carport is located within the front building setback. The proposed double-car carport is considered to be of open lightweight construction, maintaining a sense of openness to the front setback area. However, the increase in the hardstand area reduces the landscaped front gardens to a virtually non-existent provision. In this regard, it is recommended that the existing paved area be



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converted to soft landscaping, so as to counter the removal of existing landscaping and maintain the sense of a landscaped front garden.

Side Boundary Envelope Built Form Control

Requirement:

Side Boundary Envelope:	
Applicable: ☒ Yes ☐ No	Boundary: ☐ Nth ☐ Sth ☒ Est ☐ Wst
Requirement:	☐ Existing and unchanged
☒ 4m / 45 degrees	or
☐ 5m / 45 degrees	Fully within Envelope: ☐ Yes ☒ No
☐ Other	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 upper storey addition exceeds the boundary envelope on both side elevations.

Merit Consideration of Non-compliance:

The design of the upper storey addition is considered to reduce the building bulk by providing an 'attic style' upper storey, with the bulk predominantly contained to the roof form. In this regard, the dwelling maintains a similar building height and envelope to the adjoining dwellings and does not result in any opportunity for unreasonable overlooking or a direct unreasonable contribution to overshadowing.

By increasing the setback to the side boundary as the height increases, the upper storey addition maintains a satisfactory sense of openness and separation between buildings.

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 and accordingly, qualifies to be considered for a variation to the development standards, under the



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provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality’s Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies. (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Building Height, Front Setback and Side Boundary Envelope Built Form Controls (Development Standards) pursuant to Clause 20(1) are supported.

SECTION 3 – SITE INSPECTION ANALYSIS



Site area 809.4sqm

Detail existing onsite structures:

- ☐ None
- ☒ Dwelling
- ☐ Detached Garage
- ☐ Detached shed

- ☐ Swimming pool
- ☐ Tennis Court
- ☐ Cabana
- ☒ Detached Carport

Site Features:



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- ☐ 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

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

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
- Other:

Located within the vicinity of any items of heritage significance?

- ☐ Yes ☒ No

Located within an area identified as potential land slip?

- ☐ Yes ☒ No

Is the development Integrated?

- ☐ Yes ☒ No

Does the development require concurrence?

- ☐ Yes ☒ No

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

- ☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

- ☒ Yes ☐ No

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

- ☐ Yes ☒ No



Warringah Council

Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	☒ Yes ☐ No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	☐ Yes ☒ No If yes provide detail:

Signed

Date 14 APRIL 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



Warringah Council



REFUSE development consent to the development application subject to:

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

Signed

Date 14 APRIL 2009

Michael Edwards, Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 14 APRIL 2009

Ryan Cole, Team Leader, Development Assessment