



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2008/1715

Assessment Officer: Andrew Cowan

Property Address: Lot 122 DP 1008935

Proposal Description: Pergola, 2 Peppercorn Drive FRENCHS FOREST NSW 2086

Plan Reference: Pergola Land dated 16/11/08

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: \$ 16,500

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☐ Yes ☒ No

No. of Submissions: Nil

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: B3 Oxford Hts/Carnarvon Drive

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)



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Built Form Controls:

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: ☒ 8.5m ☐ 11.0m ☐ Other	☐ Existing and unchanged Proposed: 3.1m Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☒ 7.2m ☐ Other	☐ Existing and unchanged Proposed: 2.4m 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: 21.22m to Magnolia Close Complies: ☒ Yes ☐ No Corner Allotment: ☐ Existing and unchanged Proposed: 1.5m to Carnarvon Drive frontage. Complies: ☐ Yes ☒ No The proposed pergola will not be highly visible or obtrusive within the streetscape given that it will be only 3.1m high. Furthermore, Carnarvon Drive is the secondary street frontage for the dwelling and due to the slope of the land the pergola will not be highly visible.
Housing Density: Applicable: ☒ Yes ☐ No Requirement: ☐ 1 dwelling per 450sqm ☒ 1 dwelling per 600sqm	☒ Existing and unchanged Proposed: 1 dwelling / per 799.2sqm Complies: ☒ Yes ☐ No



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☐ Other	
Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% (319.68sqm) ☐ 50% (.....sqm) ☐ Other	☐ Existing and unchanged Existing: 22.5% (179.44sqm) Proposed: 18.6% (149.44sqm) Complies: ☐ Yes ☒ No
Rear Setback: Applicable: ☐ Yes ☒ No Requirement: ☐ 6.0m ☐ Other Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged Proposed: 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 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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Side Setbacks: Applicable: ☒ Yes ☐ No ☒ 900mm ☐ 4.5m ☐ Other	Boundary ☐ Nth ☒ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed: 10.2m Complies: ☒ Yes ☐ No Boundary ☐ Nth ☐ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed:m Complies: ☐ Yes ☐ No
Other:	

General Principles of Development Control:

CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL39 Local retail centres Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL40 Housing for Older People and People with Disabilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL41 Brothels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL42 Construction Sites Applicable: ☒ 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
CL45 Hazardous Uses	Complies:



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Applicable: ☐ Yes ☒ No	☐ Yes ☐ Yes , subject to condition ☐ No
CL46 Radiation Emission Levels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL47 Flood Affected Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL48 Potentially Contaminated Land Applicable: ☒ Yes ☐ No	Complies: Based on the previous land uses if the site likely to be contaminated? ☐ Yes ☒ No Is the site suitable for the proposed land use? ☒ Yes ☐ No
CL49 Remediation of Contaminated Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL49a Acid Sulfate Soils Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL50 Safety & Security Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL51 Front Fences and Walls Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
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	Complies:



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Applicable: ☐ Yes ☒ No	☐ 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: ☒ 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 ☐ Yes , subject to condition ☐ No
CL66 Building bulk Applicable:	Complies:



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☒ Yes ☐ No	☒ Yes ☐ Yes , subject to condition ☐ No
CL67 Roofs Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL68 Conservation of Energy and Water Applicable: ☐ Yes ☒ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL70 Site facilities Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL71 Parking facilities (visual impact) Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL72 Traffic access & safety Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL73 On-site Loading and Unloading Applicable: ☐ Yes ☒ No	Complies: ☐ 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
CL77 Landfill Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL78 Erosion & Sedimentation	Complies:



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Applicable: ☒ Yes ☐ No	☒ Yes ☐ Yes , subject to condition ☐ No
CL79 Heritage Control Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
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

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	Complies:



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Applicable: ☒ Yes ☐ No	☒ Yes ☐ Yes , subject to condition ☐ No
Schedule 11 Koala feed tree species and plans of management Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 12 Requirements for complying development Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 14 Guiding principles for development near Middle Harbour Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 15 Statement of environmental effects Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
Schedule 17 Carparking provision Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No



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Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☐ Yes ☒ No

If yes: Has the applicant provided Basix Certification?

☐ Yes ☒ No

SEPP 55 Applicable?

☒ Yes ☐ No

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

☐ Yes ☒ No

Is the site suitable for the proposed land use?

☒ Yes ☐ No

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

Is the proposal for a swimming pool:

Within 30m of an overhead line support structure?

☐ Yes ☒ No

Within 5m of an overhead power line ?

☐ Yes ☒ No

Does the proposal comply with the SEPP?

☒ Yes ☐ No

REPs: Applicable?: ☐ Yes ☒ No

EPA Regulation Considerations:

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

REFERRALS

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



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		☐ Unsatisfactory
Catchment Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Env. Health and Protection	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
NSW Rural Fire Service	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Energy Australia	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory

Applicable Legislation/ EPI's /Policies:

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

SECTION 79C EPA ACT 1979

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

SECTION 2 – ISSUES

WLEP 2000

DESIRED FUTURE CHARACTER

The Oxford Heights/Carnarvon Drive locality will be characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. The relationship of the locality with the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving the natural landscape, including rock outcrops, remnant 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 must integrate with the natural landscape and topography. Future development will not dominate long distance views of the locality. 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.

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 Front Setback and Landscaped Open Space Built Form Controls, as such pursuant to Clause 20(1) a higher test is required

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

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

- The proposal will maintain the detached style housing
- The proposal will maintain the landscaped settings and consistent front setbacks
- The proposed materials will integrate with the surrounding environment
- The proposal does not involve subdivision of land

BUILT FORM CONTROLS

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

Description of variations sought and reasons provided:

Front Setback

Requirement: On corner blocks or blocks with double street frontage, where the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street setback variations must consider the character of the secondary street and the predominant setbacks existing to that street.

Front Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.5m ☐ Other Is the Corner Allotment / Secondary Street Frontage	☐ Existing and unchanged Proposed: 21.22m to the Magnolia Close Complies: ☒ Yes ☐ No
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control applicable?: ☒ Yes ☐ No Requirement: ☒ 3.5m ☐ Other	Corner Allotment: ☐ Existing and unchanged Proposed: 1.5m Complies: ☐ Yes ☒ No The proposed pergola will not be highly visible or obtrusive within the streetscape given that it will be only 3.1m high. Furthermore, Carnarvon Drive is the secondary street frontage for the dwelling and due to the slope of the land the pergola will not be highly visible.
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Area of inconsistency with control:

The proposed pergola is to be setback 1.5m from boundary fronting Carnarvon Drive.

Merit Consideration of Non-compliance:

The following considerations have been applied in the assessment of the Front Setback variation:

Requirement: Create a Sense of Openness

Comment: The proposed pergola will maintain a sense of openness by ensuring that the structure is not enclosed and is a maximum 3.1m in height.

Requirement: Provide Opportunities for Landscaping

Comment: Opportunities for landscaping are provided on-site. The existing gardens and grassed areas are to be retained, adequate plating is provided to provide screening of the subject dwelling within the streetscape.

Requirement: Minimise the impact of development on the streetscape

Comment: The overall impact of the development will be minimised within the streetscape through the provision of the boundary fencing. Furthermore, the height of the proposed pergola will be 3.1m to ensure that it is sympathetic to the remainder of the dwelling and not highly visible when viewed from Carnarvon Drive.

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

Comment: The overall continuity of the built form will be maintained. The proposed pergola will not be highly visible within the streetscape given that it will be screened by the 1.8m high colorbond fence. Furthermore, the structure is open to integrate with the dwelling and maintain a consistent built form to the streetscape.

Requirement: The provision for corner allotments relates to street corners

Comment: The subject site is identified as a corner lot. The 1.5m setback to Carnarvon Drive is acceptable given that it is the secondary street frontage. The proposal will remain consistent with the surrounding streetscape and integrate with the existing dwelling.

Landscaped Open Space

Requirement: The minimum area of landscaped open space is 40 per cent of the site area.

Area of Inconsistency with Control: 18.6% (149.44sqm) of the site is to be provided as Landscaped Open Space.

Landscape Open Space: Applicable: ☒ Yes ☐ No	☐ Existing and unchanged Existing: 22.5% (179.44sqm) Proposed: 18.2% (149.44sqm)
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☒ 40% (319.68 sqm) ☐ 50% (.....sqm) ☐ Other	Complies: ☐ Yes ☒ No
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Merit Consideration of Non-Compliance

The following considerations have been applied in the assessment of the Landscaped Open Space variation:

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

Comment: Existing mature vegetation is to be retained within the front setback to maintain the character of the streetscape.

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

Comment: Opportunity is provided for appropriate planting that is of scale and density commensurate with the building height, bulk and scale.

Enhance privacy between dwellings

Comment: The decrease in LOS will have no detrimental impact on privacy between dwellings. Existing Finished floor levels are to be maintained, all existing vegetation is to be retained that provided screening between adjoining and adjacent properties.

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

Comment: The existing private outdoor area to the west of the dwelling is to be retained. The decrease in the Landscaped open space is within the front setback. Therefore there is no loss in the usable private open space, Adequate area is provided for recreation needs.

Provide space for service functions including clothes drying

Comment: Existing clothes drying facilities and the like are located in the yard and are to be retained in their current form. The decrease in LOS will have no significant impact in this regard.

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

Comment: The proposal will have no significant impact in this regard given the negligible decrease in LOS.

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

Comment: There are no species nominated in the relevant locality statement .

Conserve significant features of the site

Significant vegetation on-site is to be retained

Clause 20(1) stipulates:

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

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

(i) General Principles of Development Control

The proposal is generally consistent the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the



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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 Front Setback and Landscaped Open Space Built Form Control (Development Standard) pursuant to Clause 20(1) is Supported.

OTHER MATTERS FOR FURTHER CONSIDERATION: Nil



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area 799.2sqm

Detail existing onsite structures:

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

Site Features:

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

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

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

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

View of:



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

Bushland ☐ Yes ☐ No
Other:

Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulfate Soils

☐ Yes ☒ No

Located within 40m of any natural watercourse?

☐ Yes ☒ No

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

☐ Yes ☒ No

Located within 100m of the mean high watermark?

☐ Yes ☒ No

Located within an area identified as a Wave Impact Zone?

☐ Yes ☒ No

Any items of heritage significance located upon it?

☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

☐ Yes ☒ No

Located within an area identified as potential land slip?

☐ Yes ☒ No

Is the development Integrated?

☐ Yes ☒ No

Does the development require concurrence?

☐ Yes ☒ No

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

☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

☒ Yes ☐ No

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

☐ Yes ☒ No



Warringah Council

Site Inspection / Desktop Assessment Undertaken by:

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

Signed

Date

Andrew Cowan, Development Assessment Officer



SECTION 4 – APPLICATION DETERMINATION

Conclusion:

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

- ☒ Satisfactory
- ☐ Unsatisfactory

Recommendation:

That Council as the consent authority

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

Signed _____ Date _____

Andrew Cowan Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date _____

Rod Piggott Team Leader, Development Assessment