



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/1296

Assessment Officer: Phil Lane

Property Address: Lot 38, Sec M, DP 33000, No. 26 Idaline Street Collaroy Plateau

Proposal Description: Construction of a new dwelling following demolition of existing structures

Plan Reference: 1/2 266 09, 2/2 266 09 & Landscape Plan



No. 26 Idaline Street, Collaroy Plateau

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: \$ 475000.00

Are S94A Contributions Applicable?

☒ Yes ☐ No

Warringah Section 94A Development Contributions Plan

Contribution based on total development cost of

\$ 475,000.00



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Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$4,513	6923
S94A Planning and Administration	0.05%	\$238	6924
Total	1.0%	\$4,750	

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☒ Yes ☐ No

No. of Submissions: 1

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

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: D4 Collaroy Plateau

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

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

The properties north and east of Edgecliff Boulevard form part of the crests and sideslopes of the Collaroy escarpment. Development in this part of the locality must integrate with the landscape and topography and minimise its visual impact on long distance views of the escarpment. Rock outcrops and indigenous tree canopy will be integrated with new development where possible. The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

Buildings are not to be erected on areas shown cross-hatched on the map due to the land’s steep slope, instability and visual sensitivity.

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.”

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

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

Draft WLEP 2009 Permissible or Prohibited Land use: Permissible

Desired Future Character:

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



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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: 7.2m Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: ☐ 7.2m ☐ Other	☐ Existing and unchanged Proposed: 6m 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: 8m 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 417.3sqm Complies: ☒ Yes ☐ No
Landscape Open Space: Applicable: ☒ Yes ☐ No ☒ 40% (167sqm) ☐ 50% (.....sqm) ☐ Other	☐ Existing and unchanged Proposed: 40% (167sqm) Complies: ☒ Yes ☐ No
Rear Setback: Applicable: ☒ Yes ☐ No Requirement: ☒ 6.0m ☐ Other Outbuildings: Requirement: ☐ 50% of rear setback ☐ Other	☐ Existing and unchanged Proposed: 12.65m 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 (Clause 20)



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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 (Clause 20)
Side Setbacks: Applicable: ☒ Yes ☐ No ☒ 900mm ☐ 4.5m ☐ Other	Boundary ☐ Nth ☒ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed: 0.9m Complies: ☒ Yes ☐ No Boundary ☒ Nth ☐ Sth ☐ Est ☐ Wst ☐ Existing and unchanged or Proposed: 0.9m 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



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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 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 Comment: The proposed fence will complement the existing streetscape, by its varied use of materials and maximum height of 1.629m.



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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
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



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



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



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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
Natural Environment	☒ Yes ☐ No	☒ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory



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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 (Draft WLEP 2009) |

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



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DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: Dwelling House: means a building containing only one dwelling.

Land Use Zone: R2 Low Density Residential

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: Not applicable

Principal Development Standards: Not applicable

Development Standard	Required	Proposed	Complies	Clause 4.6 Exception to Development Standard
Height of Buildings:	8.5m	7.2m	Yes	Not Applicable

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
Dorothea Gray	No. 24 Idaline Street, Collaroy

The following issues were raised in the submissions:

- Relocation of the building further from the southern boundary;
- Solar access;
- Recessing the first floor;
- Western and eastern elevations are mislabelled;

The matters raised within the submissions are addressed as follows:

- Relocation of the building further from the southern boundary;

Comment: The proposed dwelling is located the required 900mm from the southern boundary in accordance with the Side Setback Built Form Control for the D4 Collaroy Plateau Locality within WLEP 2000. Additionally, the block is only 10.67m wide and only 417sqm in area and thus limits the footprint for development.

Given the above the application does not warrant refusal.

- Solar access;

Comment: Issues were raised in relation to solar access to the adjoining building to the south (No. 24 Idaline Street). Within the WLEP 2000 under Clause 62 'Access to sunlight' the provision for solar access is related to the principal private open space of adjoining properties. The proposed development will satisfy this requirement.

Given the above the application does not warrant refusal.

- Recessing the first floor;

Comment: Recessing the first floor will have minimal benefits and limit the width of the building, which is only 8.865m in width. The building is generally compliant with all controls with the expectation of the side boundary envelope built form control with the encroachment of the parapet along the southern and northern elevations. These encroachments are not contained within the mainly living spaces (habitable) of the proposed dwelling. Additionally, the building is well articulated with varying setbacks and good fenestration, which complements both the streetscape and adjoining properties.

Given the above the application does not warrant refusal.

- Western and eastern elevations are mislabelled;

Comment: This has also being identified and amended plans have been received.



MEDIATION

Has mediation been requested by the objectors?

☐ Yes / ☒ No

Has the applicant agreed to mediation?

☐ Yes / ☒ No

Has mediation been conducted?

☐ Yes / ☒ No

BUILT FORM CONTROLS

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

Description of variations sought and reasons provided:

Side Boundary Envelope

Required: "Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 5 metres above natural ground level at the side boundaries".

Proposed: The proposal does not comply with the side boundary envelope control determined by a projecting plane at 45 degrees from a height of 5 metres above natural ground level on the southern and northern side boundaries. The encroachment is a maximum of 600mm on the southern elevation and a maximum of 300mm on the northern elevation were the building steps down towards the front of the proposed building (approximately 7.3m from the front of the building).

Response:

In assessing this non-compliant element of the proposal, it is necessary to consider the merit considerations of the Side Boundary Envelope Built Form Control. Accordingly, compliance with the merit considerations are addressed below:

Ensure that development does not become visually dominant by virtue of its height and bulk.

Comment: When viewed from the street-front, the proposed dwelling presents as two storey dwelling and sits comfortably with adjoining buildings and buildings within the vicinity. The proposal is consistent with the visual pattern and therefore allows the development to integrate with the streetscape and the landscape.

In this regard, when viewed from either the street-front or from afar, the dwelling does not present as a visually dominant structure.

Ensure that development responds to site topography.

Comment: The dwelling minimises the excavation to the natural landform. Notwithstanding, the dwelling is considered to provide a consistent pattern of development and integration with the site topography.

Provide separation between buildings.

Comment: The proposed building on the both the northern and southern elevations provide numerically compliant side setbacks (0.9m). Notwithstanding, the bulk of the dwelling complies with the development standard and the articulated design with substantial front and rear setbacks providing an appropriate sense of building separation.



Provide opportunities for landscaping.

Comment: The subject site provides a numerically compliant provision of landscaped open space and the non-compliance with the side boundary envelope do not restrict the provision of soft landscaping in that were the proposed development to incorporate landscape plantings along both side elevations of the dwelling.

Create a sense of openness.

Comment: The proposal is considered to be of a similar architectural scale to adjoining dwellings and of a similar visual bulk and is considered acceptable in terms of the General Principle for Building Bulk. Additionally, the proposal provides adequate separation between buildings creating a sense of openness.

Therefore, the variation to the Side Boundary Envelope Built Form Control is supported under Clause 20 of WLEP 2000.

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 Clause/s of the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

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

(iii) Relevant State Environmental Planning Policies

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

As detailed above, the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Side Boundary Envelope Built Form Control (Development Standard) pursuant to Clause 20(1) is Supported.



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SECTION 3 – SITE INSPECTION ANALYSIS



Site area 417.3 sqm

Detail existing onsite structures:

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

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):



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

- Ocean / Waterways ☐ Yes ☐ No
- Headland ☐ Yes ☐ No
- District Views ☐ Yes ☐ No
- Bushland ☐ Yes ☐ No
- Other:

View of:

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 23 December 2009

Phil Lane, Senior 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 Environment 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

"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 23 December 2009

Phil Lane, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date 23 December 2009

Rodney Piggott, Team Leader, Development Assessment