

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

Development Application No. DA2009/1188
Assessment Officer: Mitchell Drake
Property Address: Lot 36, Sec U in DP 33000, 76 Claudare Street Collaroy Plateau
Proposal Description: Alterations and additions to existing dwelling including a carport extension and decking
Plan Reference:

| Drawing No. | Title | Rev. | Date | Drawn By |
|---------------|------------------|------|-----------------|-------------------------|
| 89626 Sheet 1 | Working Drawings | N/A | 7 November 2005 | Actron Design Pty. Ltd. |
| 89626 Sheet 2 | Working Drawings | N/A | 7 November 2005 | Actron Design Pty. Ltd. |
| 89626 Sheet 3 | Working Drawings | N/A | 7 November 2005 | Actron Design Pty. Ltd. |
| 89626 Sheet 4 | Working Drawings | N/A | 7 November 2005 | Actron Design Pty. Ltd. |

Reporting:

| Report Section | Applicable | Complete & Attached |
|---------------------------------------|---|---|
| Section 1 – Code Assessment | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 2 – Issues Assessment | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 3 – Site Inspection Analysis | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 4 – Application Determination | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Estimated Cost of Works: \$33,000.00

Are S94A Contributions Applicable? ☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A
(16 September 2009 – 1 October 2009)

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

Warringah Local Environmental Plan 2000

Locality: D4 Collaroy Plateau

Development Definition: ☒ Housing (Alterations and Additions)

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

Desired Future Character:

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 style 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.

☒ Category 1 Development with variations to Built Form Control's

Is the development considered to be consistent with the Locality's Desired Future Character Statement?
☒ Yes ☐ No

BUILT FORM CONTROLS:

| | |
|--|--|
| <p>Building Height (overall):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement: <input checked="" type="checkbox"/> 8.5m</p> | <p>Overall Height: 5.4m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> |
| <p>Building Height (underside of upper most ceiling):</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement: <input checked="" type="checkbox"/> 7.2m</p> | <p>Ceiling Height: 3.5m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> |
| <p>Front Setback:</p> <p>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Requirement: <input checked="" type="checkbox"/> 6.5m</p> | <p>Proposed: 3.6m (Not Supported) Conditioned to 6.5m</p> <p>Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Existing and unchanged, Subject to Condition</p> |
| <p>Housing Density:</p> <p>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>NOTE: This control does not apply where this standard would prevent an existing allotment accommodating one dwelling.</p> | <p>Existing Dwelling: 1 per 422.7m²</p> <p><input checked="" type="checkbox"/> Existing and unchanged</p> |

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| Landscape Open Space: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 40% or (169m ²) | Proposed: 45% (192.55m ²) Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Rear Setback: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 6.0m | Proposed Alterations: 9m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Side Boundary Envelope North: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 5m / 45 degrees | Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Side Boundary Envelope South: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 5m / 45 degrees | Fully within Envelope: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Side Setback North: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 0.9m | Proposed Rear Deck: 1.05m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Proposed Garage: 0.165m Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Existing and unchanged |
| Side Setback South: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 0.9m | Existing Dwelling: 0.9m Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Existing and unchanged |

GENERAL PRINCIPLES OF DEVELOPMENT CONTROL:

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|---|---|
| CL38 Glare & reflections Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL39 Local retail centres Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL40 Housing for Older People and People with Disabilities Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

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| CL41 Brothels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL42 Construction Sites Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Standard conditions will adequately address any issues during the construction phase. |
| CL43 Noise Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Standard conditions will adequately address any noise issues during the construction phase. The proposal is for works to the existing dwelling and additional ancillary structures to the existing dwelling. Any noise generated is considered to remain commensurate with that of the existing residential dwelling. |
| CL44 Pollutants Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL45 Hazardous Uses Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL46 Radiation Emission Levels Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL47 Flood Affected Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL48 Potentially Contaminated Land Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: Based on the previous land uses if the site likely to be contaminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the site suitable for the proposed land use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| CL49 Remediation of Contaminated Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL49a Acid Sulphate Soils Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL50 Safety & Security Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL51 Front Fences and Walls Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

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| CL53 Signs Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL54 Provision and Location of Utility Services Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL55 Site Consolidation in 'Medium Density Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL56 Retaining Unique Environmental Features on Site Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL57 Development on Sloping Land Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL58 Protection of Existing Flora Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL59 Koala Habitat Protection Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL60 Watercourses & Aquatic Habitats Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL61 Views Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL62 Access to sunlight Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL63 Landscaped Open Space Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL63A Rear Building Setback Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL64 Private open space Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL65 Privacy Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL66 Building bulk Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL67 Roofs Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

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| CL68 Conservation of Energy and Water Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No A BASIX certificate has been provided. Compliance with the certificate will be a condition of consent. |
| CL69 Accessibility – Public and Semi-Public Buildings Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL70 Site facilities Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL71 Parking facilities (visual impact) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No The application initially included the extending of the existing carport to allow for the parking to two (2) vehicles, one (1) within the front setback of the site. Notwithstanding, the proposal did not achieve compliance with AS2890.1 Off street Parking, as the length of the proposed carport was less than the required 10.4m for stack parking of two (2) vehicles. Therefore this element of the proposal may not accommodate two (2) vehicles and therefore does not serve a purpose in terms of the functionality of the dwelling. Additionally the impacts of the proposed 3.6m front setback with regards to: <ul style="list-style-type: none"> the proposal dominating the front setback of the subject dwelling and its relationship with the existing streetscape, and the proposed garage failing to be fully integrated into the house design, are considered unreasonable in these circumstances. As a result this element of the proposal will be recommended to be deleted as a condition of consent and the 6.5m front setback to be maintained. See the “Clause 20 Assessment” under the heading “Issues” within this report for further assessment of the non-compliance. |
| CL72 Traffic access & safety Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL73 On-site Loading and Unloading Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL74 Provision of Carparking Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No The subject property as existing provides one (1) parking space in the form of a single carport. Whilst not being compliant with the numerical controls with regards to parking provisions, the additional parking proposed within the existing front setback would render the front setback of the dwelling non-compliant. |

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| | <p>(Refer also to General Principle of Development Control, Clause 71 – Parking facilities – Visual Impact)</p> <p>This car space has been recommended to be deleted via a condition of consent and the existing 6.5m front setback maintained. Additionally, the site is in reasonable proximity to public transport facilities</p> <p>It is considered that the existing parking provisions will remain adequate to serve the single detached dwelling on site.</p> |
| CL75 Design of Carparking Areas Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL76 Management of Stormwater Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL77 Landfill Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL78 Erosion & Sedimentation Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL79 Heritage Control Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL81 Notice to Heritage Council | REPEALED |
| CL82 Development in the Vicinity of Heritage Items Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| CL83 Development of Known or Potential Archaeological Sites Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |

Schedules:

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| <u>Schedule 5 State policies</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 6 Preservation of bushland</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 7 Matters for consideration in a subdivision of land</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

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| <u>Schedule 8 Site analysis</u> Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <u>Schedule 9 Notification requirements for remediation work</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 10 Traffic generating development</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 11 Koala feed tree species and plans of management</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 12 Requirements for complying development</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 14 Guiding principles for development near Middle Harbour</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 15 Statement of environmental effects</u> Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <u>Schedule 17 Carparking provision</u> Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No Refer to General Principles of Development Control, Clause 71 – Parking facilities – Visual Impact and Clause 74 – Provision of Parking within this report for assessment |

OTHER RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS:

State Environmental Planning Policies: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☒ Yes ☐ No

A BASIX certificate has been provided.

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

Regional Environmental Plans Applicable?:

☐ Yes ☒ No

EPA Regulation Considerations:

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|---|---|
| Clause 54 & 109 (Stop the Clock) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Clause 92 (Demolition of Structures) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Clause 92 (Government Coastal Policy) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy ? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Clause 93 & 94 (Fire Safety) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Clause 94 (Upgrade of Building for Disability Access) Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Addressed via condition? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Clause 98 (BCA) Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Addressed via condition? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

REFERRALS

| Deferral Body/Officer | Required | Response |
|----------------------------|---|--------------------------------------|
| Development Engineering | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Landscape Assessment | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | No objections subject to conditions. |
| Bushland Management | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Catchment Management | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Aboriginal Heritage | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Env. Health and Protection | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| NSW Rural Fire Service | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Energy Australia | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | No objections subject to conditions. |

**APPLICABLE LEGISLATION/ EPI'S
/POLICIES:**

- | | |
|--|--|
| <input checked="" type="checkbox"/> EPA Act 1979 | <input checked="" type="checkbox"/> SEPP No. 55 – Remediation of Land |
| <input checked="" type="checkbox"/> EPA Regulations 2000 | <input type="checkbox"/> SEPP No. 71 – Coastal Protection |
| <input type="checkbox"/> Disability Discrimination Act 1992 | <input checked="" type="checkbox"/> SEPP BASIX |
| <input checked="" type="checkbox"/> Local Government Act 1993 | <input checked="" type="checkbox"/> SEPP Infrastructure |
| <input type="checkbox"/> Roads Act 1993 | <input checked="" type="checkbox"/> WLEP 2000 |
| <input type="checkbox"/> Rural Fires Act 1997 | <input checked="" type="checkbox"/> DWLEP 2009 |
| <input type="checkbox"/> RFI Act 1948 | <input checked="" type="checkbox"/> WDCP |
| <input type="checkbox"/> Water Management Act 2000 | <input type="checkbox"/> S94 Development Contributions Plan |
| <input type="checkbox"/> Water Act 1912 | <input type="checkbox"/> S94A Development Contributions Plan |
| <input type="checkbox"/> Swimming Pools Act 1992; | <input type="checkbox"/> NSW Coastal Policy (cl 92 EPA Regulation) |

SECTION 79C EPA ACT 1979

| | |
|---|--|
| Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (a)(iiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (c) – Is the site suitable for the development? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Section 79C (1) (e) – Is the proposal in the public interest? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: "Dwelling house" – *A building containing only one (1) dwelling. (Works ancillary to the dwelling)*

Land Use Zone: R2 – Low Density Residential

Permissible or Prohibited: Permissible with consent.

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

Principal Development Standards:

| Development Standard | Required | Proposed | Complies | Clause 4.6 Exception to Development Standard |
|--|-----------------|-----------------|-----------------|---|
| Minimum Subdivision Lot Size: | Not applicable | Not applicable | Not applicable | Not applicable |
| Rural Subdivision: | Not applicable | Not applicable | Not applicable | Not applicable |
| No Strata Plan or Community Title Subdivisions in certain rural and environmental zones: | Not applicable | Not applicable | Not applicable | Not applicable |
| Height of Buildings: | 8.5m | 5.4m | YES | Not applicable |

SECTION 2 – ISSUES

Built Form Controls

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

Description of variations sought and reasons provided:

| | |
|--|---|
| Front Setback: Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Requirement: <input checked="" type="checkbox"/> 6.5m | Proposed: 3.6m (Not Supported) Complies: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

Area of inconsistency with control:

The proposal is non-compliant with the control by 2.9m.

Merit Consideration of Non-compliance:

| Objective | Comment |
|--|--|
| <i>Landscaped and generally free of any structures, carparking or site facilities other than driveways, letterboxes and fences</i> | The proposal fails to meet the requirements as the garage extends 2.9m into the front setback, thereby intending to provide parking within the front setback of the site. |
| <i>To provide a sense of openness</i> | Sufficient spatial separation is not maintained from the proposed car space to the street frontage. The existing sense of openness is considered to be diminished by the proposed encroachment. |
| <i>To provide opportunities for landscaping</i> | The proposed parking space within the front setback is sited on the existing driveway and has no impact on the existing opportunities for landscaping. |
| <i>Minimise impact of development on the streetscape</i> | The proposal is considered to visually dominate the front setback of the subject dwelling and the relationship with the streetscape. Additionally, the proposed garage failing to be fully integrated into the house design. |
| <i>Maintain the visual continuity and pattern of buildings, front gardens and landscape elements.</i> | <p>The visual continuity of the front gardens and landscaped elements are considered to be marginally impacted upon as the proposed garage extension is over an existing driveway.</p> <p>The building encroaching into the front setback by 2.9m is considered to have an unreasonable impact upon the existing dwellings relationship with the streetscape, sense of openness and visual continuity of the built form pattern within the street specifically and the locality generally.</p> |
| <i>The provision of corner allotments as they relate to the street corners.</i> | Not applicable |
| <i>Summary</i> | The proposed open car space impacts upon the sense of openness of the front setback. It is for these reasons that the Clause 20 assessment does not support the variation to the Front Setback Built Form Controls. |

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 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 qualify 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). Notwithstanding, the merit based assessment has indicated that the variation to the Front Building Setback Built Form Control (Development Standard) pursuant to Clause 20(1) is Not Supported.

SECTION 3 – SITE INSPECTION ANALYSIS



SITE AREA: 422.7m²

Detail existing onsite structures:

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

Potential View Loss as a result of development

- ☐ Yes ☒ No

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

Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulphate 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

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>? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes provide detail: |

Signed

Date

Mitchell Drake, 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 _____

Mitchell Drake Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date _____

Ryan Cole, Team Leader, Development Assessment



Warringah Council