

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

Development Application No. DA2009/1233
Assessment Officer: Mitchell Drake
Property Address: Lot 83 in DP 5539, 1 Curl Curl Parade Curl Curl
Proposal Description: Alterations & additions to a dwelling, including a new elevated deck & associated landscaping.

Plan Reference:

Drawing No.	Title	Rev.	Date	Drawn By
0109 DA01	Site Plan & Analysis	a	27 August 2009	MS Architects
0109 DA02	Demolition Plan	N/A	24 August 2009	MS Architects
0109 DA03	Floor Plans & Roof Plans	N/A	24 August 2009	MS Architects
0109 DA04	Elevations & Sections	N/A	24 August 2009	MS Architects
5914 C01-A	Sediment & Erosion Control Plan	A	24 August 2009	Eclipse Consulting Engineers
5914 C02-A	Stormwater Drainage Plan	A	24 August 2009	Eclipse Consulting Engineers

Reporting:

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: \$48,684.00

Are S94A Contributions Applicable? ☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days
25 September 2009 – 12 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: Locality F5 – Curl Curl

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

Category of Development:
☒ Category 1
 ☐ Category 2
 ☐ Category 3
Desired Future Character:

The Curl Curl locality will remain characterised by detached style housing in landscaped settings interspersed by existing apartment style housing and a range of complementary and compatible uses. The land containing the existing Bowling Club at Lot 2682 DP 752038 on Abbott Road and the land containing the existing Harbord Bowling Club at Lot 4 DP 601758 on Stirgess Avenue will continue to be used only for recreation facilities.

Future development will maintain the visual pattern and predominant scale of detached style housing in the locality. The streets are to be characterised by landscaped front gardens and front building setbacks which are consistent with surrounding development. The exposed natural sandstone rock outcrops throughout the locality will be maintained. Development on prominent hillsides or hilltops must be designed to integrate with the landscape, topography and long distance views of the hill. 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 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 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

BUILT FORM CONTROLS:

Building Height (overall): Applicable: ☒ Yes ☐ No Requirement: 8.5m	Existing Dwelling : 8.1m Proposed Additions : 7.5m Complies: ☒ Yes ☐ No
Building Height (underside of upper most ceiling): Applicable: ☒ Yes ☐ No Requirement: 7.2m	Existing Dwelling : 7.2m Proposed Additions : 7.2m Complies: ☒ Yes ☐ No
Front Setback: Applicable: ☒ Yes ☐ No Requirement: 6.5m	Existing Dwelling : 0m Existing Garage : 0m Complies: ☐ Yes ☒ No ☒ Existing and unchanged Note: Battle-axe block with vehicular access from the south west corner of the site. Access handle has a length of 11.45m
Housing Density: Applicable: ☐ Yes ☒ No	Total site area of 395.9m ² . This control does not apply where this standard would prevent an existing allotment accommodating one dwelling.

Landscape Open Space: Applicable: ☒ Yes ☐ No Requirement: 40% (158.36m ²)	Proposed: 24% (95.02m ²) Complies: ☐ Yes ☒ No Refer to Clause 20 assessment.
Rear Setback: Applicable: ☒ Yes ☐ No Requirement 6.0m	Proposed Maximum: 14.4m Proposed Minimum: 10.9m Complies: ☒ Yes ☐ No
Side Boundary Envelope North: Applicable: ☒ Yes ☐ No Requirement: 4m / 45 degrees	Fully within Envelope: ☒ Yes ☐ No Complies: ☒ Yes ☐ No
Side Boundary Envelope South: Applicable: ☒ Yes ☐ No Requirement: 4m / 45 degrees	Fully within Envelope: ☒ Yes ☐ No Complies: ☒ Yes ☐ No
Side Setback North: Applicable: ☒ Yes ☐ No Requirement: 0.9m	Proposed: 0.9m Complies: ☒ Yes ☐ No ☒ Existing and unchanged
Side Setback South: Applicable: ☒ Yes ☐ No Requirement: 0.9mm	Proposed: 1.1m Complies: ☒ Yes ☐ No ☒ Existing and unchanged

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 Appropriate conditions of consent are to be imposed with regards to construction of the proposed dwelling. These conditions will address any issues during the construction phase of the development.
CL43 Noise Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Standard conditions will adequately address any noise issues during the construction phase. Any other noise generated is considered to remain commensurate with that of the existing residential dwelling.
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 Sulphate 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 The site is satisfactorily serviced with utility services including the provision for the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage. The development meets the requirements of Clause 54 of Warringah Local Environmental Plan 2000.
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 The proposed dwelling provides adequate rear open spaces for the retaining and re-establishment of indigenous tree species. It is noted that the proposal incorporates the removal of the paved area at the rear of the existing dwelling and its replacement with soft surface landscaped areas.
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 Site inspection has indicated that there are limited views from this and adjoining sites. There are no iconic views to be enjoyed from the site. It is considered that the location, bulk, scale and design of the proposed dwelling ensure view sharing to adequate levels is achieved across and from the site.
CL62 Access to sunlight Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal maintains in excess of 2hrs of direct sunlight to 50% of private open spaces of the subject and adjoining sites at the winter solstice in accordance with the General Principle.
CL63 Landscaped Open Space Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal provides for 95.04m ² of landscaped open space which is 24% of the total site area. This is an increase of 63.35m ² as the applicant proposes to remove paving at the rear of the existing dwelling. Whilst the area is deficient with regard to the numerical controls, the proposal results in the rear open space being capable providing for the re - establishment of appropriate plantings whilst accommodating appropriate outdoor recreational needs of the future occupants of the dwelling. The proposal is considered to improve the site in terms of its compliance with the General Principle.
CL63A Rear Building Setback Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The development allows the site to remain compliant in terms of the numerical controls for rear building setbacks and also meets the merit based requirements in terms of maintaining a sense of openness in rear yards and preserving the amenity and privacy of adjacent land. The proposal is consistent with the requirements of the clause in this regard.
CL64 Private open space Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No The proposal provides greater than 60m ² private open space with dimensions of greater than 5m.

	This space is set apart for private use, is directly accessible from the living area and receives not less than 2 hours of sunlight between 9am and 3pm on 21st June. The development is considered satisfactory in addressing the requirements of Clause 64.
CL65 Privacy Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Site inspection indicates that the proposal has a limited impact upon the privacy of adjoining properties and overlooks the principle private open spaces of the adjoining dwellings to the south and east. A condition of consent is to be imposed requiring a privacy screen to be erected on the southern elevation of the proposed deck areas. It is considered that this will mitigate any privacy issues.
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 A BASIX certificate has been provided by the applicant, fulfilling the requirements of this General principle of Development Control.
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 No changes are proposed to the existing parking provisions.
CL72 Traffic access & safety Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No No changes are proposed to the existing parking provisions.

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 The existing dwelling provides two (2) parking spaces which is consistent with the provisions of Schedule 17. The proposal is compliant with the General Principle in this regard.
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	REPEALED
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:

<u>Schedule 5 State policies</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 6 Preservation of bushland</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 7 Matters for consideration in a subdivision of land</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 8 Site analysis</u> Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 9 Notification requirements for remediation work</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 10 Traffic generating development</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 11 Koala feed tree species and plans of management</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 12 Requirements for complying development</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 14 Guiding principles for development near Middle Harbour</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No

<u>Schedule 15 Statement of environmental effects</u> Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
<u>Schedule 17 Carparking provision</u> Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

SEPP Basix: Applicable?

☐ 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	
Landscape Assessment	☐ Yes ☒ No	
Bushland Management	☐ Yes ☒ No	
Catchment Management	☐ Yes ☒ No	
Aboriginal Heritage	☐ Yes ☒ No	
Env. Health and Protection	☐ Yes ☒ No	
NSW Rural Fire Service	☐ Yes ☒ No	
Energy Australia	☐ Yes ☒ No	

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 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

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development fails satisfy the Locality's Landscaped Open space Built Form Control, accordingly, further assessment is provided hereunder.

Description of variations sought and reasons provided:

Landscaped Open Space Built Form Control

Requirement:

Landscape Open Space: Applicable: ☒ Yes ☐ No Requirement: 40% (158.36m ²)	Proposed: 24% (95.02m ²) Complies: ☐ Yes ☒ No Refer to Clause 20 assessment.
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Area of inconsistency with control:

The proposal is non-compliant with the control by 26% or 63.34m². it should be noted that the site as existing has a total of 30.6m². The proposal is therefore considered to improve the site in terms of the Landscaped Open Space provisions.

Merit Consideration of Non-compliance:

Objective	Comment
<i>Enable the establishment of appropriate plantings to maintain and enhance the streetscape and the desired future character of the locality.</i>	The increased soft surface areas will allow for appropriate plantings that will enhance the sites consistency with the Desired Future Character of the Locality.
<i>Enable the establishment of appropriate plantings that are of a scale and density commensurate with the building height, bulk and scale.</i>	The proposal results in the rear open space being further capable of providing for the establishment of appropriate plantings due to the increased soft surface landscape areas.
<i>Enhance privacy between dwellings.</i>	The increased soft surface areas will allow for future additional plantings of a height that will enhance privacy between dwellings. As the configuration of the rear setback area of the subject dwelling does not change, the levels of privacy from ground level will not be impacted upon by the proposal.
<i>Accommodate appropriate outdoor recreational needs and suit the anticipated requirements of dwelling occupants,</i>	The proposal results in the rear open space being further capable of accommodating appropriate outdoor recreational needs of the future occupants of the dwelling.
<i>Provide space for service functions, including clothes drying.</i>	There remains adequate areas for clothes drying and other functions as a result of the proposal.
<i>Facilitate water management including on-site detention and the infiltration of stormwater</i>	The increased soft surface landscaped areas allow for improved stormwater infiltration into the subject site.
<i>Incorporate the establishment of any plant species nominated in the relevant Locality Statement,</i>	Not applicable

<i>Enable the establishment of indigenous vegetation and habitat for native fauna,</i>	The increased soft surface areas will allow for appropriate plantings that will enhance the sites ability to make provision for native fauna.
<i>Conserve significant features of the site.</i>	Not applicable

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 63 Landscaped Open Space 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

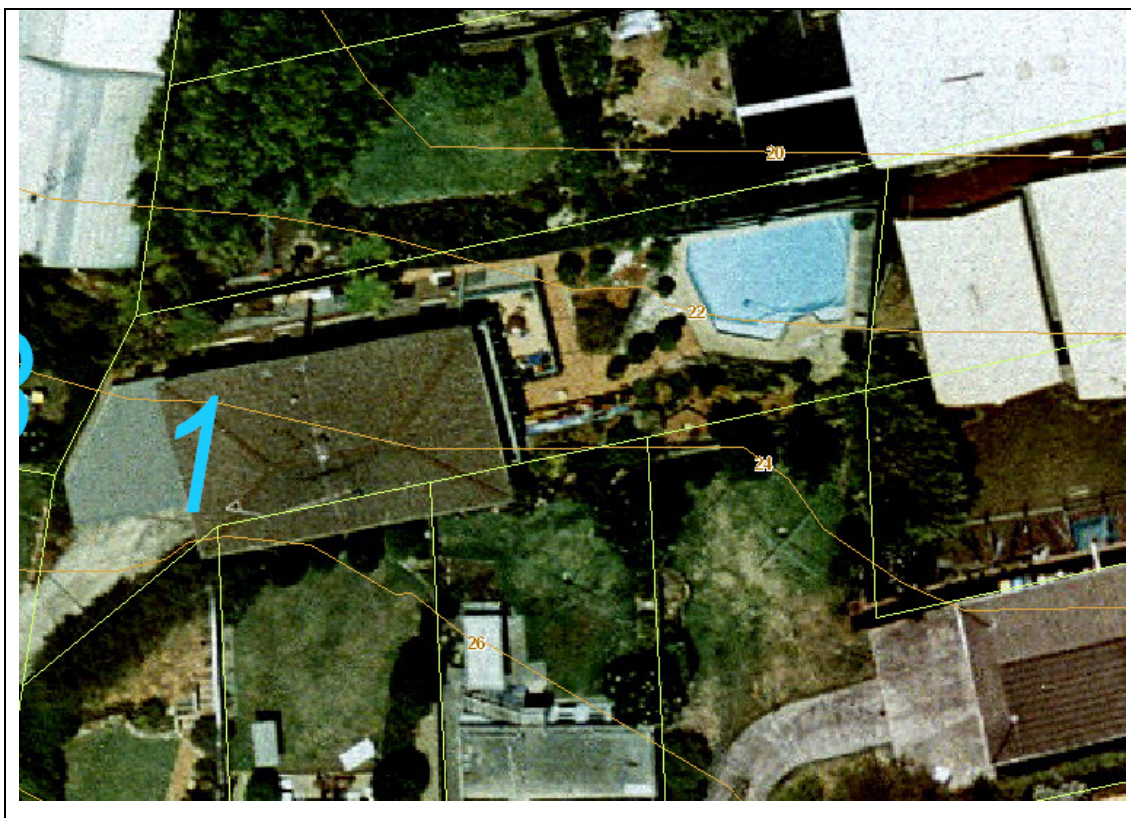
The proposal is consistent with the Locality’s Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(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 Landscaped Open Space Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

SECTION 3 – SITE INSPECTION ANALYSIS



SITE AREA: 695.6m²

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

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



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

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.

"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 _____

Mitchell Drake, Development Assessment Officer

The application is determined under the delegated authority of:

Signed _____ Date _____

Ryan Cole, Team Leader, Development Assessment