



Warringah Council

DA No.

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2008/1645
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APPLICATION DETAILS

Applicant Name and Address:	B J Wooldridge, S J Ayres PO BOX 678 MONA VALE NSW 2103
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Land to be developed (Address):	Lot 10 DP 1066070 87B Carawa Road CROMER NSW 2099
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Proposed Development:	Alterations & additions to the existing dwelling together with a double carport
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Assessment Officer: Keith Wright

Plan Reference: Sheets 1/12 to 12/12

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	Yes	Yes
Section 2 – Issues Assessment	Yes	Yes
Section 3 – Site Inspection Analysis	Yes	Yes
Section 4 – Application Determination	Yes	Yes



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LOCATION MAP



NORTH ^



SECTION 1 – CODE ASSESSMENT REPORT

Estimated Cost of Works: \$199,430

Are S94A Contributions Applicable?

Yes

Is the subject site:

Bushfire Prone?

No

Flood Prone?

No

Affected by Acid Sulfate Soils

No

Located within 40m of any natural watercourse?

No

Located within 100m of the mean high watermark?

No

Located within an area identified as a Wave Impact Zone?

No

Any items of heritage significance located upon it?

No

Located within the vicinity of any items of heritage significance?

No

Located within an area identified as potential land slip?

No

Is the development Integrated?

No

Does the development require concurrence?

No

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

No

Notification Required?

Yes

Period of Public Exhibition?

14 days

Submissions Received?

One

Applicable Controls:

EPA Act 1979

EPA Regulations 2000

SEPP No. 55 – Remediation of Land

SEPP BASIX

SEPP Infrastructure

WLEP 2000

WDCP

ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP Basix:

Applicable?:

Yes

If yes: Has the applicant provided Basix Certification?

Yes

Is the required detail on the DA Plans? No

REPs: Applicable?: No

WLEP 2000

Development Definition: Housing

Locality: B7 Narrabeen Lake Suburbs

Category of Development: 1

Desired Future Character:

The Narrabeen Lake Suburbs will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses which are compatible with the residential nature of the locality. The land occupied by the Cromer Golf Club will continue to be used only as a recreation facility.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality. The streets will be characterised by landscaped front gardens and consistent front building setbacks. 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 spread of indigenous tree canopy will be enhanced where possible and the natural landscape, such as rock outcrops, remnant bushland and natural watercourses will be preserved. The use of materials that blend with the colours and textures of the natural landscape will be encouraged. Development on hillsides, or in the vicinity of ridgetops, must integrate with the landscape and topography.

The locality will continue to be served by the existing local retail centres in the areas shown on the map. Future development in these centres will be in accordance with the general principles of development control listed 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



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Built Form Controls:

Building Height (overall): Applicable: Yes	Requirement: 8.5m Proposed: 6m Complies: Yes
Building Height (underside of upper most ceiling): Applicable: Yes	Requirement: 7.2m Proposed: 5.7m Complies: Yes
Front Setback: Applicable: No	Existing and unchanged Secondary street frontage: ☐ Yes ☒ No Corner Allotment: ☐ Yes ☒ No
Housing Density: Applicable: Yes	Requirement: 1 dwelling per 600sqm Proposed: 1 dwelling per 591.6sqm Complies: Yes – existing lot
Landscape Open Space: Applicable: Yes	Requirement: 40% (236sqm) Proposed: 62.7% (371.5sqm) Complies: Yes
Rear Setback: Applicable: Yes	Requirement: 6m Proposed: 20.6m Complies: Yes Requirements: 50% Proposed: 100% Complies: Yes
Side Boundary Envelope: Applicable: Yes	Boundary: East Requirement: 4m / 45 degrees Fully within Envelope: No Minor Breach: ☒ Yes ☐ No ☐ FAR Complies: NO Boundary: West Requirement: 4m / 45 degrees Fully within Envelope: Yes Complies: Yes
Side Setbacks: Applicable: Yes	Boundary: East Requirement: 900mm



	Proposed: 1000mm Complies: Yes Boundary: West Requirement: 900mm Proposed: 160mm for carport Complies: Yes with concession under the Built Form Control – “Consent may be granted for development that, to a minor extent, does not comply with: the side setback, to allow a single storey outbuilding, carport, pergola or the like.” Note: The existing dwelling has a side setback of 600mm to the western boundary. The external works proposed to this existing structure include removal of the cladding and replacement with weatherboards. There will be no variation to the existing western side setback.
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General Principles of Development Control:

General Principle	Complies
CL38 Glare & reflections Applicable: Yes	The Development should not result in overspill or glare from artificial illumination, or sun reflection subject to an appropriate condition of Consent for roof colour, and therefore will not unreasonably diminish the amenity of the locality. The development is satisfactory in addressing the General Principle.
CL42 Construction Sites Applicable: Yes	The proposed construction site does not unreasonably impact on the surrounding amenity, pedestrian or road safety, or the natural environment and is satisfactory in addressing the General Principle.
CL43 Noise Applicable: Yes	Development will not result in noise emission, which would unreasonably diminish the amenity of the area and will not result in noise intrusion, which would be unreasonable to surrounding residents.



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CL44 Pollutants Applicable: No	No Comment
CL45 Hazardous Uses Applicable: No	No Comment
CL46 Radiation Emission Levels Applicable: No	No Comment
CL47 Flood Affected Land Applicable: No	No Comment
CL48 Potentially Contaminated Land Applicable: Yes	Records indicate a residential history for the subject site and as such the site poses no risk of contamination and therefore no further consideration is required under Clause 48 of WLEP 2000 or SEPP 55.
CL49 Remediation of Contaminated Land Applicable: No	No Comment
CL49a Acid Sulfate Soils Applicable: No	No Comment
CL50 Safety & Security Applicable: No	No Comment
CL51 Front Fences and Walls Applicable: No	No Comment
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: No	No Comment
CL54 Provision and Location of Utility Services Applicable: No	No Comment



CL56 Retaining Unique Environmental Features on Site Applicable: No	No Comment
CL57 Development on Sloping Land Applicable: Yes	The development responds to the site conditions. As such the proposal complies with the provisions of Clause 51 of WLEP 2000.
CL58 Protection of Existing Flora Applicable: No	No Comment
CL59 Koala Habitat Protection Applicable: No	No Comment
CL60 Watercourses & Aquatic Habitats Applicable: No	No Comment
CL61 Views Applicable: Yes	There are no views across this site, which would be impacted by the proposed development. Accordingly no view loss or view obstruction will occur. The proposal is satisfactory in this regard.
CL62 Access to sunlight Applicable: Yes	The development does not unreasonably reduce sunlight to surrounding properties. It is considered that reasonable and equitable level of sunlight is maintained and the development is satisfactory in addressing the General Principle.
CL63 Landscaped Open Space Applicable: Yes	The landscaped open space provision for the site complies with the numerical requirements contained within Warringah LEP 2000. Accordingly, the proposal is considered satisfactory in terms of landscaped open space.
CL63A Rear Building Setback Applicable: Yes	The rear setback complies with the Built Form Control and is thus satisfactory.
CL64 Private open space	No Comment



Applicable: No	
CL65 Privacy Applicable: Yes	The Development does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining dwellings and is satisfactory in addressing the General Principle. An objection from the adjoining neighbour at 93C Carawa Road is addressed under Section 2 of this report.
CL66 Building bulk Applicable: Yes	The development is considered to have a visual bulk and an architectural scale consistent with structures on adjoining or nearby land and does not visually dominate the street or surrounding spaces. The development is consistent with the predominant pattern and scale of development in the immediate locality.
CL67 Roofs Applicable: No	No Comment
CL68 Conservation of Energy and Water Applicable: No	No Comment
CL70 Site facilities Applicable: No	No Comment
CL71 Parking facilities (visual impact) Applicable: Yes	The Parking facilities are sited and designed to not dominate the street frontage or other public spaces and is satisfactory in addressing the General Principle.
CL72 Traffic access & safety Applicable: No	No Comment
CL73 On-site Loading and Unloading Applicable: No	No Comment
CL74 Provision of Carparking Applicable:	Two (2) car spaces are provided on-site, satisfying the parking requirements of



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Yes	Schedule 17 of the Warringah LEP 2000.
CL75 Design of Carparking Areas Applicable: Yes	The proposed works have been designed to provide safe manoeuvring opportunities for vehicles on-site and satisfying the requirements of this general principle. Dimensions are satisfactory.
CL76 Management of Stormwater Applicable: Yes	The proposal was referred to the Development Engineers, who responded advising that there were no objections to the proposal subject to conditions.
CL77 Landfill Applicable: No	No Comment
CL78 Erosion & Sedimentation Applicable: Yes	Development is to be sited and designed and related construction work carried out, so as to minimise the potential for soil erosion. Appropriate conditions associated with management of erosion and sedimentation for the duration of works on the site is considered satisfactory to meet the requirements of Clause 78 of WLEP2000.
CL79 Heritage Control Applicable: No	No Comment
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: No	No Comment
CL81 Notice to Heritage Council Applicable: No	No Comment
CL82 Development in the Vicinity of Heritage Items Applicable: No	No Comment
CL83 Development of Known or Potential Archaeological Sites Applicable:	No Comment



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No	
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Schedules:

Schedule 17 Carparking provision Applicable: Yes	Complies: Yes
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EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: Yes	Matters raised in correspondence to the applicant have been satisfied.
Clause 92 (Demolition of Structures) Applicable: No	No Comment
Clause 93 & 94 (Fire Safety) Applicable: No	No Comment
Clause 98 (BCA) Applicable: No	No Comment

REFERRALS

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



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



SECTION 79C EPA ACT 1979

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

SECTION 2 – ISSUES

(Note to DAO, delete Section 2 if not applicable.)

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
Carmont	93C Carawa Road, Cromer

The following issues were raised in the submissions:

- Asbestos removal;
- Privacy from the ground floor;
- Privacy from the upper floor;

The matters raised within the submissions are addressed as follows:

- Asbestos removal;

Comment: Asbestos sheeting will be removed from the existing dwelling and replaced with new materials. Appropriate conditions of consent will be applied in the event of an approval, referring to the safe removal, storage and disposal of asbestos and the role of the Work Cover Authority in administering legislative requirements in this regard.

- Privacy from the ground floor;

Comment: The objector's property is located on the western side of the subject property on the opposite side of a right of way. The distance between the new addition and the rear yard of the objector's property is approximately 17 metres and is separated by two boundary fences.

A site inspection revealed that there will be no unreasonable over-viewing of the objector's rear yard from the ground floor due to the distance between the two areas, the levels and the existence of two dividing fences between the two properties. At best, only the heads of persons standing in an upright position will be visible. This is considered to meet the specifics of General Principle 65 Privacy as follows:

"65 Privacy

Development is not to cause unreasonable direct overlooking of habitable rooms and principal private open spaces of other dwellings.

In particular:

• the windows of one dwelling are to be located so they do not provide direct and close views (ie from less than 9 metres away) into the windows of other dwellings."

- Privacy from the upper floor;

Comment: Concern has been raised that windows off the first floor loft/study will over-view the objector's rear yard.

This is not considered to be a reasonable objection. The plans reveal that there is a 1.5m wide void between the loft/study and the windows and a further distance of 17 metres to the fence on the objector's property. An estimation of sight lines from an adult standing in the loft/study revealed that the objector's own 2m high boundary fence will provide reasonable privacy to the rear yard in accordance with the above General Principle. It is noted also that the objector has a shade cloth draped over section of the rear yard, which also provides privacy.

The objector has suggested fixed, opaque louvers for these windows. This is considered an unnecessary imposition on the applicant and therefore is not supported.

Note: A site meeting with the objector on 7 January 2009 resulted in general acceptance of the privacy comments.

MEDIATION

Has mediation been requested by the objectors?

No

SEPPs

SEPP No. 55 – Remediation of Land

Clause 7(1)(a) of SEPP 55 requires the consent authority to consider whether land is contaminated and if the land is contaminated further consideration is required under Clauses 7(1)(b) and 7(1)(c) of the SEPP.

Council's records reveal that the site has been used for residential purposes and therefore it is considered that it is suitable for the proposed development/land use.

WLEP 2000

DESIRED FUTURE CHARACTER

Clause 12(3)(a) of WLEP 2000 requires the consent authority to consider Category 1 development against the locality's DFC statement. Notwithstanding, Clause 12(3)(a) only requires the consideration of the DFC statement, however as detailed under the Built Form Controls Assessment section of this report the proposed development results in non-compliances with the Side Boundary Envelope Built Form Control, as such pursuant to Clause 20(1) a higher test is required

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

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

The Narrabeen Lake Suburbs will remain characterised by detached style housing in landscaped settings interspersed by a range of complementary and compatible uses which are compatible with the residential nature of the locality.

- *The development is for detached style housing.*

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality.

- *The pattern and scale of housing will not be changed.*

The streets will be characterised by landscaped front gardens and consistent front building setbacks.

- *The development does not have street frontage except a right of way.*

The spread of indigenous tree canopy will be enhanced where possible and the natural landscape, such as rock outcrops, remnant bushland and natural watercourses will be preserved.

- *Two trees affected by the proposal are not significant. Ample tree cover will be retained on the site.*

The use of materials that blend with the colours and textures of the natural landscape will be encouraged.

- *Materials will be weatherboard and sheet metal Colorbond roofing. These will blend with the site conditions and surrounding development.*

BUILT FORM CONTROLS

As detail within Section 1 (Code Assessment) the proposed development is considered to fail to 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 Built Form Control

Requirement:

Buildings must be sited within an envelope determined by projecting planes at 45 degrees from a height of 4 metres above natural ground level at the side boundaries.

Area of inconsistency with control:

The top section of wall on the eastern elevation breaches the envelope by 2.5sqm of wall area and a maximum height of 750mm.

Impact of Non-Compliance:

There is minimal impact of the non-compliance. The dwelling on the adjoining land is elevated above the roof line of the proposed addition and is approximately 5 metres distance away from the common boundary.

Merit Consideration of Non-compliance:

The breach is minimal and has negligible impact. A variation to the Control therefore is supported.

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 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 area591.6sqm

Potential View Loss as a result of development

Detail existing onsite structures:

No

Dwelling

Shed

If Yes where from (in relation to site):

Site Orientation

☐ North / South

North/South

☐ East / West

Cross Fall:12%

☐ North East / South West

☐ North West / South East

☐ North / South

View of:

☒ East / West

Ocean / Waterways No

☐ North East / South West

Headland No

☐ North West / South East

District Views No

Bushland No

Cross Fall:10%

Other:

Site Features:

☒ Trees

If Yes to Under Storey Vegetation:

☐ Under Storey Vegetation

☐ Minimal

☐ Rock Outcrops

☐ Dense Cover with Gaps

☐ Caves

☐ Continuous Dense Cover

☐ Overhangs

☐ Waterfalls

☐ Creeks / Watercourse



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☐ Aboriginal Art / Carvings

☐ Any Item of / or any potential item of heritage significance

SEPP Infrastructure

Applicable?

☒ Yes ☐ No

If Yes to Trees to be impacted upon by the development (to be determined by the assessing officer):

Tree Cover

☒ Few

☐ Medium

☐ Dense

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

Trees with hollows?

☐ Yes ☒ No

Living Trees?

☒ Yes ☐ No

Dead Trees?

☐ Yes ☒ No



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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

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

Signed

Date

Keith Wright

12/01/09

Senior Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date

Ailsa Prendergast,

12/01/09

Team Leader Development Assessments