



Warringah Council

## RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

**Development Application No.** DA2009/1469  
**Assessment Officer:** Mitchell Drake  
**Property Address:** Lot 6 in DP 23379, 60 Lascelles Road Narraweena  
**Proposal Description:** Alterations and additions to an existing dwelling

### Plan Reference:

| Drawing No. | Title                   | Revision | Date     | Drawn By                 |
|-------------|-------------------------|----------|----------|--------------------------|
| DA01 09.010 | Site Analysis           | A        | 25/10/09 | Fineline Building Design |
| DA02 09.010 | Site Plan               | A        | 25/10/09 | Fineline Building Design |
| DA03 09.010 | Ground Floor Plan       | A        | 28/10/09 | Fineline Building Design |
| DA04 09.010 | First floor Plan        | A        | 28/10/09 | Fineline Building Design |
| DA05 09.010 | Roof Plan               | A        | 28/10/09 | Fineline Building Design |
| DA06 09.010 | Sections                | A        | 28/10/09 | Fineline Building Design |
| DA07 09.010 | South & West Elevations | A        | 28/10/09 | Fineline Building Design |
| DA08 09.010 | North & East Elevations | A        | 28/10/09 | Fineline Building Design |

| 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:** \$229250.00

**Are S94A Contributions Applicable?** ☒ Yes ☐ No

| Warringah Section 94A Development Contributions Plan           |             |                      |
|----------------------------------------------------------------|-------------|----------------------|
| Contribution based on total development cost of : \$229,250.00 |             |                      |
| Contribution - all parts Warringah                             | Levy Rate   | Contribution Payable |
| Total S94A Levy                                                | 0.45%       | 1,031.63             |
| S94A Planning and Administration                               | 0.05%       | 114.63               |
| <b>Total</b>                                                   | <b>0.5%</b> | <b>\$1,146</b>       |

Notification Required? ☒ Yes ☐ No

Period of Public Exhibition? ☒ 14 days

Submissions Received? ☐ Yes ☒ No

No. of Submissions: Nil

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



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## SECTION 1 – CODE ASSESSMENT REPORT

### ENVIRONMENTAL PLANNING INSTRUMENTS

#### Warringah Local Environmental Plan 2000

##### Locality:

B7 Narrabeen Lake Suburbs

##### 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 land use.

##### 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 (Subject to condition)

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

Proposed: 7.4m

Complies: ☒ Yes ☐ No



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|                                                                                                                                                                   |                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Building Height (underside of upper most ceiling):</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 7.2m | <b>Proposed:</b> 6.5m<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                             |
| <b>Front Setback:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 6.5m                                     | <b>Proposed:</b> 5.4m<br><b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Refer to Clause 20 Assessment                                            |
| <b>Housing Density:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 1 dwelling per 600m <sup>2</sup>       | <b>Proposed:</b> 1 per 710.7m <sup>2</sup><br><b>Complies:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Existing and unchanged     |
| <b>Landscape Open Space:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement 40% (284.28m <sup>2</sup> )        | <b>Proposed:</b> 50% (360.66m <sup>2</sup> )<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                      |
| <b>Rear Setback:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 6.0m                                      | <b>Proposed:</b> 17.4.m<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                           |
| <b>Side Boundary Envelope North:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 4m / 45 degrees           | <b>Fully within Envelope:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Side Boundary Envelope South:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 4m / 45 degrees           | <b>Fully within Envelope:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Side Boundary Setback North:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 0.9m                       | <b>Proposed:</b> 1.1m<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                             |
| <b>Side Boundary Setback South:</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Requirement: 0.9m                       | <b>Proposed:</b> 1.6m<br><b>Complies:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                             |

**General Principles of Development Control:**

|                                                                                                                        |                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CL38 Glare &amp; reflections</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <b>Complies:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|



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| <b>CL39 Local retail centres</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                  |                                                                                                                                                                                                                                                                                                           |
| <b>CL40 Housing for Older People and People with Disabilities</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                                                                                                                                                                                                                                                                                           |
| <b>CL41 Brothels</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                              |                                                                                                                                                                                                                                                                                                           |
| <b>CL42 Construction Sites</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                    | <b>Complies:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                                                                                                                                               |
| <b>CL43 Noise</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                 | <b>Complies:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No                                                                                                                                                               |
| <b>CL44 Pollutants</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                            |                                                                                                                                                                                                                                                                                                           |
| <b>CL45 Hazardous Uses</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                        |                                                                                                                                                                                                                                                                                                           |
| <b>CL46 Radiation Emission Levels</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                             |                                                                                                                                                                                                                                                                                                           |
| <b>CL47 Flood Affected Land</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                   |                                                                                                                                                                                                                                                                                                           |
| <b>CL48 Potentially Contaminated Land</b><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                         | <b>Complies:</b><br><b>Based on the previous land uses if the site likely to be contaminated?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><b>Is the site suitable for the proposed land use?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>CL49 Remediation of Contaminated Land</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                      |                                                                                                                                                                                                                                                                                                           |
| <b>CL49a Acid Sulfate Soils</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                   |                                                                                                                                                                                                                                                                                                           |
| <b>CL50 Safety &amp; Security</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                 |                                                                                                                                                                                                                                                                                                           |
| <b>CL51 Front Fences and Walls</b><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                |                                                                                                                                                                                                                                                                                                           |



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| <b>CL52 Development Near Parks, Bushland Reserves &amp; other public Open Spaces</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                                                                                                                             |
| <b>CL53 Signs</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                    |                                                                                                                                             |
| <b>CL54 Provision and Location of Utility Services</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                               | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL55 Site Consolidation in 'Medium Density</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                    |                                                                                                                                             |
| <b>CL56 Retaining Unique Environmental Features on Site</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                          |                                                                                                                                             |
| <b>CL57 Development on Sloping Land</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                              |                                                                                                                                             |
| <b>CL58 Protection of Existing Flora</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                             | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL59 Koala Habitat Protection</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                 |                                                                                                                                             |
| <b>CL60 Watercourses &amp; Aquatic Habitats</b><br><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                      |                                                                                                                                             |
| <b>CL61 Views</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                    | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL62 Access to sunlight</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                       | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL63 Landscaped Open Space</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                    | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL63A Rear Building Setback</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                   | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL64 Private open space</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                       | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL65 Privacy</b><br><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                  | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |



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| <b>CL66 Building bulk</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                              | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL67 Roofs</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                      | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL68 Conservation of Energy and Water</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                           | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL69 Accessibility – Public and Semi-Public Buildings</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                           |                                                                                                                                             |
| <b>CL70 Site facilities</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                            |                                                                                                                                             |
| <b>CL71 Parking facilities (visual impact)</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                         | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL72 Traffic access &amp; safety</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL73 On-site Loading and Unloading</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                              |                                                                                                                                             |
| <b>CL74 Provision of Carparking</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                    | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL75 Design of Carparking Areas</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                 |                                                                                                                                             |
| <b>CL76 Management of Stormwater</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                   | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL77 Landfill</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                   |                                                                                                                                             |
| <b>CL78 Erosion &amp; Sedimentation</b><br><b>Applicable:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                | <b>Complies:</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>CL79 Heritage Control</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                           | <b>Complies:</b>                                                                                                                            |
| <b>CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service</b><br><b>Applicable:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                                                                                                                             |



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>CL82 Development in the Vicinity of Heritage Items</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          |  |
| <b>CL83 Development of Known or Potential Archaeological Sites</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |

**Schedules:**

|                                                                                                                                                                  |                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Schedule 5 State policies</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                          |                                                                                                                                             |
| <b>Schedule 6 Preservation of bushland</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                |                                                                                                                                             |
| <b>Schedule 7 Matters for consideration in a subdivision of land</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      |                                                                                                                                             |
| <b>Schedule 8 Site analysis</b><br><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                           | <b>Complies:</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes , subject to condition <input type="checkbox"/> No |
| <b>Schedule 9 Notification requirements for remediation work</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          |                                                                                                                                             |
| <b>Schedule 10 Traffic generating development</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                         |                                                                                                                                             |
| <b>Schedule 11 Koala feed tree species and plans of management</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No        |                                                                                                                                             |
| <b>Schedule 12 Requirements for complying development</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                 |                                                                                                                                             |
| <b>Schedule 13 Development guidelines for Collaroy/Narrabeen Beach</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    |                                                                                                                                             |
| <b>Schedule 14 Guiding principles for development near Middle Harbour</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                                                                                                                             |
| <b>Schedule 15 Statement of environmental effects</b><br><br>Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                     |                                                                                                                                             |



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**Schedule 17 Carparking provision**

**Applicable:** ☒ Yes ☐ No

**Complies:**

☒ Yes ☐ Yes , subject to condition ☐ No

The proposal provides two (2) spaces in accordance with the schedule.





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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:**

☐ Yes ☒ No

**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



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**EPA Regulation Considerations:**

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

**REFERRALS**

| Referral Body/Officer           | Required                                                            | Response                                                                                                                                                   |
|---------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Development Engineering</b>  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input checked="" type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| <b>Landscape Assessment</b>     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input checked="" type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| <b>Natural Environment Unit</b> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Satisfactory<br><input type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |
| <b>Energy Australia</b>         | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Satisfactory<br><input checked="" type="checkbox"/> Satisfactory, subject to condition<br><input type="checkbox"/> Unsatisfactory |

**Applicable Legislation/ EPI's /Policies:**

- ☒ **EPA Act 1979**
- ☒ **EPA Regulations 2000**
- ☐ Disability Discrimination Act 1992
- ☒ **Local Government Act 1993**
- ☐ Roads Act 1993
- ☐ Rural Fires Act 1997
- ☐ RFI Act 1948
- ☐ Water Management Act 2000
- ☐ Water Act 1912
- ☐ Swimming Pools Act 1992;

- ☒ **SEPP No. 55 – Remediation of Land**
- ☐ SEPP No. 71 – Coastal Protection
- ☒ **SEPP BASIX**
- ☒ **SEPP Infrastructure**
- ☒ **WLEP 2000**
- ☒ **DWLEP 2009**
- ☒ **WDCP**
- ☐ S94 Development Contributions Plan
- ☒ **S94A Development Contributions Plan**
- ☐ NSW Coastal Policy (cl 92 EPA Regulation)
- ☐ Other .....

**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                              |



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**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           | 6.5m           | 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 no submissions.

### BUILT FORM CONTROLS

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

#### Description of variations sought and reasons provided:

*Requirements:*

|                                                                                                                                       |                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Front Setback:</b><br><br>Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><br>Requirement: 6.5m | <b>Proposed:</b> 5.4m<br><br><b>Complies:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|

*Areas of inconsistency with controls:*

#### Front Building Setback

The proposed additions encroach into the side boundary envelope for distance of 2.5m or 4% of the eastern side boundary.

*Merit Consideration of Non-compliances:*

#### Front Building Setback

| Objective                                                                                             | Comment                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Create a sense of openness</i>                                                                     | <p>The minor nature of the encroachment ensures that the proposal does not impact upon the sense of openness within the front setback of the dwelling.</p> <p>It is considered that the encroachment does not result in an unreasonable impact on the surrounds and the amenity of the streetscape.</p> |
| <i>Provide opportunities for landscaping</i>                                                          | The encroachment of the planter box and concrete landing does not reduce the opportunities for landscaping in the front setback.                                                                                                                                                                        |
| <i>Minimise the impact of development on the streetscape</i>                                          | The minor encroachment results in additional building modulation, visual relief and a dwelling frontage that is considered consistent with the dwellings in the area generally and the street specifically.                                                                                             |
| <i>Maintain the visual continuity and pattern of buildings, front gardens and landscape elements.</i> | Both the existing ground floor and the first floor additions, are compliant with the 6.5m front setback. The minor encroachment of the the planter box and concrete landing is not considered to unreasonably impact on the pattern of buildings,                                                       |



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|                                                                      |                                       |
|----------------------------------------------------------------------|---------------------------------------|
|                                                                      | front gardens and landscape elements. |
| <i>The provision of corner allotments relates to street corners.</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 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 / fail to satisfy the requirements to qualify for consideration under Clause 20(1). It is for this reason that the variation to the Front Building Setback Built Form Controls (Development Standard) pursuant to Clause 20(1) is supported.

### SECTION 3 – SITE INSPECTION ANALYSIS



Site Area: 710.78m<sup>2</sup>

#### 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



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**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





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**Site Inspection / Desktop Assessment Undertaken by:**

|                                                                                                                                                   |                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Does the site inspection &lt;Section 3&gt; confirm the assessment undertaken against the relevant EPI's &lt;Section's 1 &amp; 2&gt;?</b>       | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                            |
| <b>Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?</b> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><br>If yes provide detail:<br>.....<br>.....<br>.....<br>.....<br>..... |

Signed

Date

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**Mitchell Drake, Development Assessment Officer**



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## 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 Environmental 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
- ☐ **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**