



Warringah Council

RESIDENTIAL DEVELOPMENT - DEVELOPMENT APPLICATION ASSESSMENT REPORT

DA No. DA2009/0641

Assessment Officer: Shaylin Moodliar

Property Address: Lot 99 in DP 10974, No.144 Kenneth Road, MANLY VALE

Proposal Description: Alterations & additions including a new front deck

- New awning and timber deck adjoining front of the existing dwelling at RL51.24
- New front stairs to patio
- New colourbond roof to replace tiled roof
- Enclose existing front entry
- Two new 2100mm by 1500mm fixed glass windows on the western elevation

Plan Reference: TS913-1 to TS913-3 (dated April 2009)

Relevant Background: None

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

Estimated Cost of Works: \$ 40,000

Are S94A Contributions Applicable? No

Notification Required? Yes

Period of Public Exhibition? 14 days

Submissions Received? No

No. of Submissions: Nil

Are any trees impacted upon by the proposed development? Yes

SECTION 1 – CODE ASSESSMENT REPORT

ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: G3 Manly Lagoon Suburbs

The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing will be confined to the "medium density areas" shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except in areas marked as "medium density areas" on the map. The street will be characterised by landscaped front gardens and consistent 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 relationship of the locality with the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. 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, will integrate with the natural 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 provided in clause 39.

Development Definition: Housing

Category of Development: Category 1

Desired Future Character:



Warringah Council

- ☐ 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

- ☒ Category 1 Development with variations to BFC's (Section 2 Assessment Required)
- ☐ Category 2 Development Consistency Test (Section 2 Assessment Required)
- ☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:

Building Height (overall): Applicable: Yes Requirement: 8.5m	Proposed: 7.74m (RL55.79 to NGL48.05) Complies: Yes
Building Height (underside of upper most ceiling): Applicable: Yes Requirement: 7.2m	Proposed: 6.13m (Ceiling RL53.75 to NGL 47.62) Complies: Yes
Front Setback: Applicable: Yes Requirement: 6.5m Is the Corner Allotment / Secondary Street Frontage control applicable? No, the primary street frontage is an unformed road. Access to the property is via stairs from the western end of Kenneth Road.	Proposed: 4m (proposed stairs) Complies: No (further assessment required)
Housing Density: Applicable: Yes Requirement: 1 dwelling per 600sqm	Proposed: 1 dwelling / per 696 sqm (existing and unchanged)
Landscape Open Space: Applicable: Yes Requirement: 40% (278sqm)	Proposed: 61% (424.6sqm) Complies: Yes
Rear Setback: Applicable: Yes Requirement: 6m Outbuildings: None Requirement: 50% of rear setback	Proposed: 24.6m Complies: Yes
Side Boundary Envelope: Applicable: Yes Requirement: 4/45 degrees	Boundary: Western Fully within Envelope: Yes Minor Breach: No Complies: Yes Boundary: Eastern Fully within Envelope: Yes Minor Breach: No Complies: Yes
Side Setbacks: Applicable: Yes Requirement: 900mm	Boundary: Western Proposed: 600mm (existing building 600mm) Complies: No (further assessment required) Boundary: Eastern Proposed: 1.4m (stairs) Complies: Yes



Warringah Council

Other:	
--------------	--

General Principles of Development Control:

CL38 Glare & reflections Applicable: Yes	Complies: Yes, subject to condition
CL39 Local retail centres Applicable: No	No comment.
CL40 Housing for Older People and People with Disabilities Applicable: No	No comment.
CL41 Brothels Applicable: No	No comment.
CL42 Construction Sites Applicable: Yes	Complies: Yes, subject to condition
CL43 Noise Applicable: Yes	Complies: Yes
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	Complies: Based on the previous land uses is the site likely to be contaminated? No Is the site suitable for the proposed land use? Yes
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: Yes	Complies: Yes, subject to conditions.
CL53 Signs Applicable: No	No comment.
CL54 Provision and Location of Utility Services Applicable: No	No comment.
CL55 Site Consolidation in 'Medium Density Applicable: No	No comment.



Warringah Council

CL56 Retaining Unique Environmental Features on Site Applicable: Yes	Complies: Yes.
CL57 Development on Sloping Land Applicable: Yes	Complies: Yes, subject to conditions.
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	Complies: Yes.
CL62 Access to sunlight Applicable: Yes	Complies: Yes, subject to conditions.
CL63 Landscaped Open Space Applicable: Yes	Complies: Yes, subject to conditions. The proposed development provides 61% of landscaped open space, which more than meets the minimum 40% requirement of the subject site.
CL63A Rear Building Setback Applicable: Yes	Complies: Yes.
CL64 Private open space Applicable: Yes	Complies: Yes, subject to conditions.
CL65 Privacy Applicable: Yes	Complies: Yes, subject to conditions. The subject site adjoins a public open reserve to the west and a two storey dwelling to the east. Part of the proposed development seeks to construct a new awning and timber deck adjoining the front of the existing dwelling at RL51.24. The separation between No.142 Kenneth Road and the subject site is 4.4 metres and the difference in topography between the two properties is approximately 4 metres. Given the 4.4 metre separation between the adjoining properties and the difference in topography the proposed development is unlikely to cause an unreasonable direct overlooking of habitable rooms and principal private open spaces of adjoining properties. In this regard, the proposed development is satisfactory with this Clause.
CL66 Building bulk Applicable: Yes	Complies: Yes, subject to conditions. The proposed development has a design that minimises visual bulk through its selected materials/structures on adjoining or nearby land and is considered not to visually dominate the street or surrounding spaces. In this regard, the proposed development is satisfactory with this Clause.
CL67 Roofs Applicable: Yes	Complies: Yes, subject to conditions.
CL68 Conservation of Energy and Water Applicable: Yes	Complies: Yes, subject to conditions.
CL69 Accessibility – Public and Semi-Public Buildings Applicable: No	No comment.
CL70 Site facilities Applicable: Yes	Complies: Yes, subject to conditions.



Warringah Council

CL71 Parking facilities (visual impact) Applicable: No	There are no existing carparking facilities located on the subject site. The subject site is part of the unformed section of Kenneth Road.
CL72 Traffic access & safety Applicable: No	There are no existing carparking facilities located on the subject site. The subject site is part of the unformed section of Kenneth Road.
CL73 On-site Loading and Unloading Applicable: No	No comment.
CL74 Provision of Carparking Applicable: No	There are no existing carparking provisions located on the subject site. Given that the proposed development does not increase the number of bedrooms or significantly increase the existing building footprint, no additional carparking provisions is required.
CL75 Design of Carparking Areas Applicable: No	There are no existing carparking facilities located on the subject site. The subject site is part of the unformed section of Kenneth Road.
CL76 Management of Stormwater Applicable: Yes	Complies: Yes, subject to conditions.
CL77 Landfill Applicable: No	No comment.
CL78 Erosion & Sedimentation Applicable: Yes	Complies: Yes, subject to conditions.
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	Abrogated.
CL82 Development in the Vicinity of Heritage Items Applicable: No	No comment.
CL83 Development of Known or Potential Archaeological Sites Applicable: No	No comment.

Schedules:

Schedule 5 State policies Applicable: No	No comment.
Schedule 6 Preservation of bushland Applicable: No	No comment.
Schedule 7 Matters for consideration in a subdivision of land Applicable: No	No comment.
Schedule 8 Site analysis Applicable: Yes	Complies: Yes
Schedule 9 Notification requirements for remediation work Applicable: No	No comment.
Schedule 10 Traffic generating development Applicable: No	No comment.



Warringah Council

Schedule 11 Koala feed tree species and plans of management Applicable: No	No comment.
Schedule 12 Requirements for complying development Applicable: No	No comment.
Schedule 13 Development guidelines for Collaroy/Narrabeen Beach Applicable: No	No comment.
Schedule 14 Guiding principles for development near Middle Harbour Applicable: No	No comment.
Schedule 15 Statement of environmental effects Applicable: Yes	Complies: Yes
Schedule 17 Carparking provision Applicable: No	No comment.



Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? Yes

SEPP Basix: Applicable? Yes

If yes: Has the applicant provided Basix Certification? No

SEPP 55 Applicable? Yes

Based on the previous land uses if the site likely to be contaminated? No

Is the site suitable for the proposed land use? Yes

SEPP Infrastructure

Applicable? Yes

Is the proposal for a swimming pool:

Within 30m of an overhead line support structure? No

Within 5m of an overhead power line? No

Does the proposal comply with the SEPP? Yes

REPs: Applicable?: No

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: No	
Clause 92 (Demolition of Structures) Applicable: Yes	Addressed via condition? Yes
Clause 92 (Government Coastal Policy) Applicable: No	Is the proposal consistent with the Goal and Objectives of the Government Coastal Policy? N/A
Clause 93 & 94 (Fire Safety) Applicable: No	
Clause 94 (Upgrade of Building for Disability Access) Applicable: No	
Clause 98 (BCA) Applicable: Yes	Addressed via condition? Yes

REFERRALS

Referral Body/Officer	Required	Response
NSW Rural Fire Service	Yes	Satisfactory, subject to conditions
Energy Australia	Yes	Satisfactory, subject to conditions



Warringah Council

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
☒ 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?	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)(iia) - 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?	Yes
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

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.

WLEP 2000

DESIRED FUTURE CHARACTER – G3 Manly Lagoon Suburbs Locality

The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing will be confined to the “medium density areas” shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.

Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except in areas marked as “medium density areas” on the map. The street will be characterised by landscaped front gardens and consistent 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 relationship of the locality with the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. 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, will integrate with the natural 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 provided in clause 39.

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 Building and Front Building Setback Built Form Controls, 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 as follows:

Requirement: The Manly Lagoon Suburbs locality will remain characterised by detached style housing with a pocket of apartment style housing in landscaped settings interspersed by a range of complementary and compatible uses. The development of further apartment style housing will be confined to the “medium density areas” shown on the map. Substantial regional parklands and bushland will remain significant elements of the locality.

Comment: The development for a detached style dwelling characterised by a landscaped setting is considered satisfactory in addressing this component of the DFC.

Requirement: Future development will maintain the visual pattern and predominant scale of existing detached style housing in the locality except in areas marked as “medium density areas” on the map. The street will be characterised by landscaped front gardens and consistent 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.

Comment: The proposed dwelling is consistent with the visual pattern and predominant scale of existing detached style housing within the vicinity by maintaining the north-south orientation along Kenneth Road and providing an acceptable building design which conforms to the residential character of the locality. There are no subdivision works proposed as part of this development application. Accordingly, the proposal is consistent with this component of the DFC.



Requirement: The relationship of the locality with the surrounding bushland will be reinforced by protecting and enhancing the spread of indigenous tree canopy and preserving remnants of the natural landscape such as rock outcrops, bushland and natural watercourses. 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, will integrate with the natural landscape and topography.

Comment: The development seeks to preserve the existing rock outcrops at the rear of the site and is harmonious with the surrounding natural landscape. The proposal ensures that there will be no disturbance of any remnant bushland. The materials and colours intended for the dwelling are traditional colourbond steel roof. The proposed development site integrates with the natural landscape and topography. Accordingly, the proposal is consistent with this component of the DFC.

Requirement: 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.

Comment: The site is not located within a local retail centre, as such this component of the DFC is not applicable to the proposed development.

BUILT FORM CONTROLS

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

Description of variations sought and reasons provided:

Side Building Setback Built Form Control

Requirement:

Side Setbacks: Applicable: Yes Requirement: 900mm	Boundary: Western Proposed: 600mm (existing building 600mm) Complies: No (further assessment required) Boundary Eastern Proposed: 1.4m (stairs) Complies: Yes
--	--

Merit Consideration of Non-compliance: The following considerations have been applied in the assessment of the side setback variation.

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

Comment: The side setback non-compliance along the western side boundary is an existing breach on the ground floor and the proposed extension will continue to use the existing building line. It must be noted that the existing building is built 600mm from the western side boundary. The minor breach and open nature of the proposed works will ensure minimal visual impact upon adjoining properties. It should be further noted that the western side boundary is adjoined by a public open reserve.

The proposed non-compliance to the side setback is not considered to result in visual bulk nor will the resulting building dominate the surrounding spaces, rather the design seeks to maintain a sense of openness on the site and to the surrounding properties by providing varying setbacks and varying the roof form to reduce the overall mass.

Requirement: Preserve the amenity of surrounding land

Comment: The numerical breach is considered acceptable as the proposed development would not have any detrimental effect on the site or its adjoining properties in terms of visual or acoustic amenity.



Warringah Council

The proposed development along the western elevation adjoins the public open reserve which ensures physical separation and preservation of the surrounding public open space. The proposed works maintain an acceptable level of separation to ensure potential overshadowing and view impacts are reasonable and compliant with the WLEP2000.

Requirement: Ensure that development responds to site topography

Comment: The development seeks to respond to the site topography by stepping down the slope and maintaining the setbacks and varying the roof form.

Requirement: Provide separation between buildings

Comment: The proposed development maintains acceptable setbacks to each respective boundary and ensures an adequate level of separation between adjoining dwellings. The south-facing timber deck is of an open nature and will further ensure a reasonable level of privacy is maintained between buildings.

Requirement: Provide opportunities for landscaping

Comment: The landscaped open space provision exceeds the requirements of the WLEP2000 and is considered satisfactory in providing visual screening, private open space, areas for outdoor activities, stormwater infiltration, and to enhance the overall character of the site.

Requirement: Create a sense of openness

Comment: The proposed works are contained within the existing building footprint which currently provides an adequate sense of openness. The proposed development offers gradually increased setbacks which responds to site topography in order to maintain the sense of openness achieved by the site.

Front Building Setback Built Form Control

Requirement:

Front Setback:

Applicable: Yes

Requirement: 6.5m

Is the Corner Allotment / Secondary Street Frontage control applicable? No, the primary street frontage is an unformed road. Access to the property is via stairs from the western end of Kenneth Road.

Proposed: 4m (proposed stairs)

Complies: No (further assessment required)

Merit Consideration of Non-compliance: The proposed front stairs to the existing dwelling will introduce a new non-compliance within the front building setback, as all other components of the proposed development are within the existing building lines. The following considerations have been applied in the assessment of the front setback variation.

Requirement: Create a sense of openness.

Comment: The breach is contained to a minor extension of the front deck to allow for stair access to the front of dwelling. The proposed development despite the numerical non-compliance with the front setback control does maintain an open frontage by providing access and circulation throughout the site. The proposed works will not significantly alter the existing view from the streetscape and will maintain the appearance of a detached style dwelling.

Requirement: Provide opportunities for landscaping.

Comment: The provision for landscaping is 424sqm (or 61%) of the subject site, which is above the minimum 40% requirement for the site. Overall, the extent of landscaping is considered acceptable.

Requirement: Minimise the impact of development on the streetscape.

Comment: The proposal in its current form is considered acceptable in terms of streetscape presentation and building setback. It must be noted that the front yards of the subject site and the adjoining No.142 Kenneth Road are fronted by the non-trafficable section of Kenneth Road, where the



Warringah Council

impact of development is contained to the adjoining properties, as there are no properties on the southern side of the non-trafficable section of Kenneth Road. The proposed development is considered acceptable in this instance as the works satisfactorily address the Desired Future Character statement in addition to all the applicable General Principles of Development Control within the WLEP2000.

Requirement: Maintain the visual continuity and pattern of buildings, front gardens and landscape elements.

Comment: The general appearance of the site and the management of the front setback are considered consistent with the pattern of development along Kenneth Road. Furthermore, the proposed works seek to maintain clear sight lines and adequate separation between dwellings.

Requirement: The provision for corner allotments relates to street corners.

Comment: The site is not a corner allotment. Therefore this requirement is not relevant to this development.

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 Front Building Setback and Side Setback Built Form Controls (Development Standard) pursuant to Clause 20(1) is supported.

OTHER MATTERS FOR FURTHER CONSIDERATION: None



Warringah Council

SECTION 3 – SITE INSPECTION ANALYSIS



Site area: 696sqm

Detail existing onsite structures: Dwelling and swimming pool

Site Features: Trees, rock outcrops

Potential View Loss as a result of development?
No

Bushfire Prone? No

Flood Prone? No

Affected by Acid Sulfate Soils? No

Located within 40m of any natural watercourse? 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? 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

Have you reviewed the DP and s88B instrument? Yes

Does the proposal impact upon any easements / Rights of Way? No



Warringah Council

Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection confirm the assessment undertaken against the relevant EPI's?	Yes
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	No If yes provide detail:

Date: 17 June 2009

Shaylin Moodliar, 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.

Date: 7 July 2009

Shaylin Moodliar, Development Assessment Officer

The application is determined under the delegated authority of:

Date

Lashta Haidari, Acting Team Leader, Development Assessment