

REPORT TO APPLICATION DETERMINATION PANEL

Meeting held on 30 October 2013

86 Headland Road North Curl curl - Alterations and additions to a dwelling house and construction of a secondary dwelling Pursuant to SEPP (ARH) 2009 and a swimming pool and fencing.

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2013/0656
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Responsible Officer:	David Auster
Land to be developed (Address):	Lot 10 DP 11866 , 86 Headland Road NORTH CURL CURL NSW 2099
Proposed Development:	Alterations and additions to a dwelling house and construction of a secondary dwelling Pursuant to SEPP (ARH) 2009 and a swimming pool and fencing.
Zoning:	LEP - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council Application Determination Panel
Land and Environment Court Action:	No
Owner:	Jim Simon Stefan Stella Stefan
Applicant:	Think Planners

Application lodged:	06/06/2013
Application Type:	Local
State Reporting Category:	Residential - Alterations and additions
Notified:	12/07/2013 to 29/07/2013
Advertised:	Not Advertised in accordance with A.7 of WDCP
Submissions:	6
Recommendation:	Refusal

Estimated Cost of Works:	\$ 526,000
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.3 Height of buildings
Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential
Warringah Local Environmental Plan 2011 - 6.2 Earthworks
Warringah Development Control Plan - B1 Wall Heights
Warringah Development Control Plan - B3 Side Boundary Envelope
Warringah Development Control Plan - B5 Side Boundary Setbacks
Warringah Development Control Plan - B7 Front Boundary Setbacks
Warringah Development Control Plan - C2 Traffic, Access and Safety
Warringah Development Control Plan - C3 Parking Facilities
Warringah Development Control Plan - C4 Stormwater
Warringah Development Control Plan - C7 Excavation and Landfill
Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting
Warringah Development Control Plan - D7 Views
Warringah Development Control Plan - D9 Building Bulk
Warringah Development Control Plan - D13 Front Fences and Front Walls
Warringah Development Control Plan - D16 Swimming Pools and Spa Pools
Warringah Development Control Plan - E6 Retaining unique environmental features

SITE DESCRIPTION

Property Description:	Lot 10 DP 11866 , 86 Headland Road NORTH CURL CURL NSW 2099
Detailed Site Description:	The subject site consists of one allotment located on the north western corner of Headland Road and Wheeler Parade. The site is slightly irregular in shape with an eastern frontage of 40.54m along Wheeler Pde, an 8.4m southern frontage along Headland Rd and a 7.51 south eastern facing frontage connecting the two. The site has a surveyed area of 567.9m². The site is located within the R2 zone and accommodates an existing detached dwelling. Surrounding development consists of detached dwellings.

The site slopes down from the north western corner to the Headland Rd frontage with a fall of approximately 12m. The site contains rock outcrops at the northern end and there are further rock outcrops within the Wheeler Pde road reserve.

Map:



and and internal passageways.

Level 2:

- Principal Dwelling: Dining/living room, sitting room, kitchen, lounge room, pantry, bathroom, balconies, entry and internal passageways.

Level 3:

- Principal Dwelling: Theatre/Entertainment room, terrace and internal passageways.

Additionally the proposal will contain external passageways, landscaping, fencing and pool in accordance with the attached architectural plans.

Amended Plans

The applicants were requested to withdraw the application due to a number of issues with the proposal including non-compliance with the built form controls, landscaped open space, engineering concerns, view sharing, building bulk, the location of the swimming pool and retaining unique environmental features.

The applicants did not withdraw but instead submitted amended plans which reduced the overall size of the building. Due to the amended plans reducing the overall size of the proposal they were not re-notified as they did not create a greater impact than the previously notified plans. The amended plans have been assessed in this report.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report, including WLEP 2011 and SEPP (ARH) 2009.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and	Division 8A of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent.

Section 79C 'Matters for Consideration'	Comments
Assessment Regulation 2000 (EP&A Regulation 2000)	These matters may be addressed via a condition of consent should the application be approved. <u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This Clause is not relevant to this application. <u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this Clause within the Regulations. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter may be addressed via a condition of consent should the application be approved. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter may be addressed via a condition of consent should the application be approved. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter may be addressed via a condition of consent should the application be approved. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). The configuration of the proposed development renders it a Class 2 Building under the BCA and upgrading is required for the existing building. This matter may be addressed via a condition of consent should the application be approved. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This Clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. As discussed in this report the proposal is considered to have unreasonable environmental impacts in relation to the over-development of the site and is not supported. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.

Section 79C 'Matters for Consideration'	Comments
	(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered unsuitable for the proposed development. The proposal is not consistent with a number of planning controls as discussed within this report and is not a suitable and appropriate development for the site. It is considered to be an over-development of the site.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	This assessment has found the proposal to be inconsistent with the objectives of the R2 Low Density Residential Zone, the objectives of clause 6.2 Earthworks of Warringah LEP 2011, the relevant requirements and objectives of the Warringah DCP 2011, and will result in a development which will create an undesirable precedent such that it would be out of character of the area and be contrary to the expectations of the community. The proposal will have unacceptable impacts on the streetscape and visual amenity by largely replacing unique environmental features with a building and development that covers the majority of the site such that it fails to achieve the requirements and objectives of numerous applicable planning controls. Further it will not maintain a reasonable sharing of views, and is generally considered to be an over-development of the site. In this regard, the development, as proposed, is not considered to be in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition process council is in receipt of 6 submission/s from:

Name:	Address:
Mr Timothy Boyle	80 Cassia St DEE WHY NSW 2099
Mark Anthony Sawyer	53A Wheeler Parade DEE WHY NSW 2099
Mr David Quinn	88 Headland Road NORTH CURL CURL NSW 2099

Name:	Address:
Georgina Sawyer	PO Box 803 FRESHWATER NSW 2096
Karl Trevor Nyman	50 Theresa View Road WEROMBI NSW NSW 2570
Mr David Martin	51 A Wheeler Parade DEE WHY NSW 2099

The following issues were raised in the submissions and each have been addressed below (objector property in brackets):

- Privacy (80 Cassia, 88 Headland, 78 Cassia, 53 Wheeler)
- Bulk and height / over-development of site (80 Cassia, 88 Headland, 53 Wheeler, 53A Wheeler, 51A Wheeler)
- Character of the area (80 Cassia)
- Site stability (53A Wheeler, 88 Headland)
- Solar access (88 Headland, 78 Cassia)
- Landscaped open space (88 Headland, 78 Cassia, 53 Wheeler, 51A Wheeler)
- Dual occupancy development / secondary dwelling (88 Headland, 53 Wheeler, 51A Wheeler)
- Double driveway (78 Cassia, 53 Wheeler)
- View loss (53 Wheeler, 51A Wheeler)
- Built form controls - wall height, site coverage, side setbacks, side boundary envelope, rear setback, front setback (88 Headland, 53 Wheeler)
- Roof (53 Wheeler)

The matters raised within the submissions are addressed as follows:

1. Privacy (80 Cassia, 88 Headland, 78 Cassia, 53 Wheeler)

Comment: The proposal is generally orientated towards the south and east, and will not create unreasonable privacy impacts. The spatial separation from the development to the two properties across the road (78 and 80 Cassia St) is over 20m and is sufficient to maintain a reasonable level of privacy.

53 Wheeler Pde

The private open space of 53 Wheeler Pde is situated at the front of the site and will be overlooked by the new theatre/entertainment room and terrace (the highest, northerly element of the development). However there is a driveway in between the two properties, and the majority of the private open space at number 53 is more than 9m from the proposed windows, and will be partially screened by the shape of the dwelling at number 53.

The upper level north facing windows in the proposed building are off set from the south facing living room windows at number 53 but will have slightly less than 9m separation. However, W3N2 is a thin window (590mm wide) which will not create excessive overlooking opportunities. W3N1 is a larger window but is in the north east corner of the room and views through it will generally be towards the north east.

The Terrace is generally orientated towards the south east and the northern section of it will not have an excessive privacy impact to the north. Additionally, the floor level of this room is slightly lower than the floor

level of number 53 and the development will not therefore look down from a height. It is also noted that the theatre/entertainment room is not the primary living area of the dwelling, and the resulting privacy impacts are therefore slightly reduced.

The proposal is not considered to have an unreasonable impact on the privacy of number 53.

88 Headland Rd

The west facing windows which face towards 88 Headland Rd are generally small and all new windows are noted on the plans as being opaque glass. None of the west facing windows are from living areas with the exception of W2W3 and W2W4, which are from the dining room and are also noted as being opaque. Number 88 has a thin horizontal kitchen window, a bathroom and rumpus room windows facing onto the northern area of the subject site. The main living areas of number 88 are orientated to the south.

The plans show privacy screening on the western elevations of the level 1 balcony (off the rumpus room) and level 2. The upper level terrace does not include privacy screening, but is separated from the western side boundary by 5.2m, and is orientated to draw attention to the views to the south east. Additionally, the terrace is above the height of the neighbour's windows to the west and will be partially screened by the roof and wall of the proposal.

The proposal is not considered to cause unreasonable privacy impacts on number 88.

2. Bulk and height / over-development of site (80 Cassia, 53A Wheeler, 88 Headland, 53 Wheeler, 51A Wheeler)

Comment: Concerns were raised with the bulk and height of the development, and over-development of the site generally. The assessment of the application has found that the development is not consistent with a number of planning controls including clauses D9 Building Bulk, D1 Landscaped Open Space, D7 Views, and E6 Retaining Unique Environmental Features of the Warringah DCP 2011, is inconsistent with clause 4.3 Height of Buildings of the Warringah LEP 2011, and further the proposal does not achieve the zone objectives.

The proposal is considered to be an over-development of the site and in this regard the objections in relation to this issue are supported.

3. Character of the area (80 Cassia)

Comment: The submission raised concern with the bulky nature of the proposal and that it therefore may not be in keeping with the character of the area. The assessment of the proposal has found it to be an over-development of the site and will result in an unacceptable bulk and scale. The proposal does not achieve the zone objectives and is therefore considered to be inconsistent with the character of the area. The objection is supported in this regard.

4. Site stability (53A Wheeler, 88 Headland)

Comment: The applicants submitted a preliminary geotechnical assessment by Jack Hodgson Consultants dated 5 June 2013. The report found the site to be generally stable and notes that "No further geotechnical

assessment is recommended at this stage, but detailed excavation advice will be required from a Geotechnical Engineer before any construction is carried out." Given the findings of the preliminary report, this issue may be dealt with by a suitable condition of consent should the application be approved.

5. Solar access (88 Headland, 78 Cassia)

Comment: The site is on the northern side of Headland Rd and has a north/south orientation, hence no southern neighbour. As such it will not overshadow any neighbours for more than the required three hours between 9am and 3pm on June 21. The shadow diagrams submitted with the application confirm that the development will achieve the requirements of clause D6 Access to Sunlight of the Warringah DCP 2011. The objections are not supported in this regard.

6. Landscaped open space (88 Headland, 78 Cassia, 53 Wheeler, 51A Wheeler)

Comment: This issue is discussed in detail under Clause D1 Landscaped Open Space and Bushland Setting in this report. In summary, the proposal is significantly under the 40% landscaped open space requirement, and will not achieve the objectives of the control. The objections are supported in this regard.

7. Dual occupancy development / secondary dwelling (88 Headland, 53 Wheeler, 51A Wheeler)

Comment: The proposal is for a single dwelling and a secondary dwelling, the latter being permissible under State Environmental Planning Policy (Affordable Rental Housing) 2009. The application has been assessed against the relevant controls under the SEPP and complies.

Concerns have been raised that the development could easily be converted to a dual occupancy (as opposed to a principle dwelling and secondary dwelling as defined by SEPP ARH). However, Council can only assess the application at hand. Dual occupancy development is prohibited in the R2 zone, and based on the prevailing planning controls would not be approved in the future should the current development be approved. Approval of this application would not give approval for the use of the building as a dual occupancy.

The secondary dwelling shown on the plans is separated by doors from the principle dwelling, is separately accessible, and meets all other requirements under the SEPP. As such, the objections are noted, but cannot be supported in this regard.

8. Double driveway (78 Cassia, 53 Wheeler)

Comment: Concerns were raised with the proposed two driveways. This issue is discussed in more detail under clauses C2 and C3 in this report. In summary, the construction of the two proposed driveways will impact on the rock outcrop in the road reserve to service two double garages, where only two car spaces are required by Appendix 1 of the WDCP. There is ample on street parking available in the immediate area and to have two driveways which negatively impact on the rock outcrops is a poor outcome. The objection is supported in this regard.

9. View loss (53 Wheeler, 51A Wheeler)

Comment: This issue is assessed in detail under Clause D7 Views in this report. In summary, the proposal is not considered to result in a reasonable sharing of views as required by the control. The objection is

supported in this regard.

10. Built form controls - wall height, site coverage, side setbacks, side boundary envelope, rear setback, front setback (88 Headland, 53 Wheeler)

Comment: The site coverage and rear setback controls do not apply to the site, and as such the objections on these grounds are not supported. However, as discussed within this report the proposal fails to achieve consistency with the requirements and objectives of all the other built form controls (although it complies with the 900mm requirement of the side setback control). Based on the numerous non-compliances the proposal is considered to be an over-development of the site, and as such the objections are supported.

11. Roof (53 Wheeler)

Comment: Concerns were raised with the proposed roof form. The roof form is a pitched roof design, with flat roofs above the decks. The roof design is a standard residential type of design and will reasonably complement the streetscape and existing skyline. The roof is not compliant with the height limit in a number of places, and will contribute to unreasonable view loss as discussed in this report, however the design of the roof is not unreasonable in the context of the relevant control (D11 Roofs). The objection is not supported in this regard.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The proposal is to construct a granny flat on the lower ground floor and alterations and additions to the existing dwelling which will result in the building changing classification from a Class 1a dwelling to a Class 2 residential flat building under the Building Code of Australia. This will also alter the fire safety requirements for the building and an upgrade will need to be carried out under Clause 93 and 94 of the Regulations 2000. This requirement can be the subject of a suitable condition should the application be approved.
Development Engineers	Development Engineers have assessed the application and cannot support the proposal as the development is inconsistent with Council's DCP under Sections C2, C3, C4 and C7. With reference to C2, C3 and C7 above, the proposed proposed driveway crossings will have a significant impact on the existing rock outcrop in the nature strip in order to achieve the required grade and sight distance in accordance with AS2890.1 - 2004. The applicant has not submitted sufficient information to assess the crossings including existing and proposed levels, excavation and battering of the rock outcrop which would need a positive geotechnical engineer's report with recommendations for the proposed works. It is considered that the most appropriate location for the driveway to this development would be the existing location which

Internal Referral Body	Comments
	satisfies the necessary sight distance and alleviates the requirement to excavate the existing rock outcrop. Any amendments to the driveway locations will need to be supported by a geotechnical report to address the rock excavation and a consulting engineer's report to ensure adequate sight distances are achieved. With reference to C4 above, the proposal is deemed to be a new dwelling and as the proposed impervious area exceeds 40%, on-site stormwater detention (OSD) system will be required. The proposal indicates the connection of stormwater to the existing system which is unsatisfactory.
Landscape Officer	The plans indicate little by way of landscape open space and involve the removal of significant rock features at the rear of the site. The proposed 2 driveway crossings also require removal of rock in the road reserve. Based on the removal of significant environmental features and the lack of opportunity for adequate landscape provision on the site, the proposal is not supported in relation to landscape issues. Specifically, reference is made to the following clauses in WDCP2011 - C7 Excavation & Landfill; D1 Landscape Open Space & Bushland Setting; D9 Building Bulk and E6 Retaining Unique Environmental Features as the basis for the landscape concerns in relation to this application.
Traffic Engineer	This application is for a primary and secondary dwelling. The additional secondary dwelling will add 1 (0.4) traffic movements to the existing road network. This level of traffic generation will not have a significant adverse impact on the operation of the existing road network. The applicant is proposing 4 parking spaces for this development. Only 2 spaces are required for the primary dwelling, there are no objections to the provision of additional residential parking on this site. No objections on traffic grounds.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. Ausgrid replied that they had no objections to the proposal subject to conditions. The Ausgrid response will be included as a condition of consent should the application be approved.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs),

Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the land use.

SEPP (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) aims to provide new affordable rental housing and retain and mitigate any loss of existing affordable rental housing by providing a consistent planning regime. Specifically, SEPP ARH provides for new affordable rental housing by offering incentives such as expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

Division 2: Secondary dwellings

Clause 19: Definition

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note: The standard instrument defines secondary dwelling as follows:

"secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*

Comment:

The proposed use is defined under WLEP 2011 as a secondary dwelling.

Clause 20: Land to which this Division applies:

Requirement	Comment
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but <i>only if</i> development for the purposes of a dwelling house is permissible on the land:	
(a) Zone R1 General Residential, or (b) Zone R2 Low Density Residential, or (c) Zone R3 Medium Density Residential, or (d) Zone R4 High Density Residential, or (e) Zone R5 Large Lot Residential.	Consistent. The site is located within the R2 and, as such, the proposed use is permissible with consent under WLEP 2011.

Clause 21: Development to which this Division applies

Requirement	Comment
This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.	Consistent. The development involves the construction of a secondary dwelling, as defined by the Standard Instrument. Therefore, this Division applies.

Clause 22: Development may be carried out with consent

Development to which this Division applies may be carried out with consent.

Requirement	Comment
(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	Consistent. If approved the development will result in the principal dwelling and the secondary dwelling. The proposal is therefore consistent with this clause.
(3) A consent authority must not consent to development to which this Division applies unless: (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and (b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.	Consistent. The floor area of the proposed secondary dwelling is approximately 52sqm and therefore complies. There is no control on floor space under any other applicable environmental planning instrument.
(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds: (a) site area if:	Consistent. The development is not recommended for refusal based on site area or inadequate parking.

(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
(ii) the site area is at least 450 square metres.

(b) parking if no additional parking is to be provided on the site.

Note: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Clause 24: No subdivision

Requirement	Comment
A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	Consistent. This application does not propose any subdivision of the existing allotment.

Conclusion

There are a number of issues with the overall development as discussed in this report. However, the secondary dwelling element of the proposal is consistent with the applicable requirements, and is acceptable under the SEPP.

SEPP (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted with the application (see Certificate No. A152417_03). The BASIX commitments are not shown on the plans as required by the certificate. However a condition of consent can be imposed to ensure the BASIX commitments are carried out if the application is approved.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. Ausgrid replied that they had no objections to the proposal subject to conditions. The Ausgrid response will be included as a condition of consent should the application be

approved.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	No
zone objectives of the LEP?	No

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A
Height of Buildings:	8.5m	9.5m	10.53%	No
Rural Subdivision:	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A

Compliance Assessment

Clause	Compliance with Requirements
2.7 Demolition requires consent	Yes
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	No
5.9 Preservation of trees or vegetation	Yes
6.2 Earthworks	No
6.4 Development on sloping land	Yes

Detailed Assessment

Zone R2 Low Density Residential

Land use definition: WLEP 2011	Permitted or Prohibited
Dwelling house and Secondary dwelling	The dwelling house is permissible. The proposed secondary dwelling is prohibited in the R2 zone under the WLEP 2011. However, the secondary dwelling is permissible under State Environmental Planning Policy (Affordable Rental Housing) 2009, which overrides the WLEP 2011.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal will provide housing for the community and is considered to remain low density given the development is permissible under the SEPP.

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposal will not prevent other land uses that provide facilities or services in the area.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposal is significantly deficient in landscaped area. It does not comply with the front setback control and includes two driveways where only one is required by the relevant controls. These non-compliances are at the expense of the unique environmental features on site in the form of rock outcrops at the northern end and in the road reserve, and will leave insufficient space for landscaping to screen the built form, particularly within the front setback area. The size and scale of development across the majority of the site will not maintain a landscaped setting in harmony with the natural environment of Warringah..

It is considered that the development does not satisfy this objective.

4.6 Exceptions to development standards

The following assessment of the variation to Clause 4.3 – Height of Buildings development standard is assessed taking into consideration the questions established in Winten Property Group Limited v North Sydney Council (2001) NSW LEC 46.

Requirement:	8.5m
Proposed:	9.5m (approximate)
Is the planning control in question a development standard?	YES
Is the non-compliance with to the clause requirement a Numerical and / or Performance based variation?	Numerical
If numerical enter a % variation to requirement	10.53%

The proposal must satisfy the objectives of Clause 4.3 – Height of Buildings, the underlying objectives of the particular zone, and the objectives of Clause 4.6 - Exceptions to Development Standards under the WLEP 2011. The assessment is detailed as follows:

Is the planning control in question a development standard?

The prescribed Height of buildings limitation pursuant to Clause 4.3 of the WLEP 2011 is a development standard.

What are the underlying objectives of the development standard?

The underlying objectives of the standard, pursuant to Clause 4.3 – ‘Height of buildings’ of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed height of the building is not generally out of character with development in the area. The non-compliances are caused by the front corners of the development as it steps down the slope. The streetscape along the northern side of Headland Road has a number of examples of development which appears high when viewed from the street due to the rising topography.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The proposal is spread across a large proportion of the site and is deficient in landscaped area. It will not maintain a reasonable sharing of views as discussed in this report. The size and spread of the development across the majority of the site, combined with the general non-compliance with the built form controls renders the proposal an over-development of the site. The proposal is not considered to minimise the visual impact and disruption of views.

c) to minimise adverse impact of development on the scenic quality of Warringah’s coastal and bush environments,

Comment:

The proposal will have a significant adverse impact on the rock outcrops at the northern end of the site and within the road reserve of Wheeler Parade. The rock outcrops are considered to be a unique environmental feature as defined under clause E6 of the Warringah DCP 2011, and contribute to the scenic/visual quality of the area. The development includes two driveways and an inappropriate siting of built form at the expense of these environmental features. It will not minimise the adverse impact on the scenic quality of these features as required.

d) to manage the visual impact of development when viewed from public places such as parks and

reserves, roads and community facilities,

Comment:

The rock outcrops at the northern end of the site and in the Wheeler Parade road reserve form an attractive part of the streetscape in the area. The removal of large parts of these rock outcrops for the second driveway and a development which is generally non-compliant with the applicable built form controls, is not considered to be appropriately managing the visual impact of development when viewed from public places, including the streetscape in Wheeler Parade and Headland Road.

What are the underlying objectives of the zone?

In assessing the development's non-compliance, consideration must be given to its consistency with the underlying objectives of the R2 zone.

The underlying objectives of the R2 Low Density Residential zone:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment:

The proposal will provide housing for the community and is considered to remain low density given the development is permissible under SEPP (ARH).

It is considered that the development satisfies this objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment:

The proposal will not prevent other land uses that provide facilities or services in the area.

It is considered that the development satisfies this objective.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment:

The proposal is significantly deficient in landscaped area. It does not comply with the front setback control and includes two driveways where only one is required by the relevant controls. These non-compliances are at the expense of the unique environmental features on site in the form of rock outcrops at the northern end and in the road reserve, and will leave insufficient space for landscaping to screen the built form, particularly within the front setback area. The size and scale of development across the majority of the site will not maintain a landscaped setting in harmony with the natural environment of Warringah.

It is considered that the development does not satisfy this objective.

Is the variation to the development standard consistent with the objectives of Clause 4.6 of the WLEP 2011?

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

Comment:

In general, on a site with more difficult topography, a degree of flexibility would be considered appropriate. However, the development has not allowed for sufficient setbacks and landscaped area to provide a landscaped setting to screen and mitigate the bulk and height of the proposal. Fundamentally, it does not achieve the requirements or objectives of a number of other controls including the front setback control, view sharing, and retaining unique environmental features. It is considered to be an over-development of the site and as such applying flexibility to this extent is not supported in this case due to the poor planning outcome.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Comment:

As mentioned above, the topography of the site is such that some flexibility would normally be considered appropriate. However the development has not provided sufficient landscaped area, and has not addressed the unique environmental features (rock outcrops) of the site. It is inconsistent with a number of other controls including built form controls and view sharing. The proposal is considered to be an over-development of the site and allowing flexibility to this extent would not achieve better streetscape, residential amenity or visual/scenic quality outcomes.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

A written request under clause 4.6 is included in the Statement of Environmental Effects which seeks to justify the proposal on environmental planning grounds.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

Comment:

The written request has adequately addressed the matters to be addressed by seeking to demonstrate that there are sufficient planning grounds to contravene the development standard and that full compliance is unnecessary in the circumstances.

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Comment:

The proposal is not considered to be in the public interest as it does not achieve the objectives of the R2 zone. Specifically, the deficient landscaped open space provided and the proposed secondary front setback will not ensure the residential development is characterised by an appropriate landscaped setting. The adverse impact on the rock outcrops and numerous non-compliances with the built form controls will not maintain reasonable view sharing or minimise the impact on the streetscape and natural environment of Warringah.

For the reasons detailed above, the proposal is considered to be inconsistent with the objectives of the R2 zone in the WLEP 2011.

(b) the concurrence of the Director-General has been obtained

Comment:

Planning Circular PS 08-003 dated 9 May 2008, as issued by the NSW Department of Planning, advises that the concurrence of the Director-General may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the inconsistency of the variation to the objectives of the zone, the concurrence of the Director-General for the variation to the Height of buildings Development Standard can not be assumed.

6.2 Earthworks

The objectives of Clause 6.2 - 'Earthworks' require development to:

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

Comment: The proposal will destroy a large portion of the rock outcrops on the site and in the road reserve, it will fall well below the required landscape open space, and will not comply with most of the other built form controls. Given these considerations, there is insufficient justification for the destruction of the rock outcrops and the proposal is considered to have a detrimental impact on features of the surrounding land.

(b) to allow earthworks of a minor nature without requiring separate development consent.

Comment: The proposed earthworks will have consent if this application is approved.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	8.7m	17.24%	No
B2 Number of storeys	N/A	N/A	N/A	N/A
B3 Side Boundary Envelope	5m	Breach west side up to 1.6m North side no breach	N/A N/A	No Yes
B4 Site Coverage	N/A	N/A	N/A	N/A
B5 Side Boundary Setbacks	0.9m	2m (north) 900mm (west)	N/A N/A	Yes Yes
B7 Front Boundary Setbacks	6.5m (primary) 3.5m (secondary)	8.2m (dwelling to south boundary) 600mm (pool and surrounding decking to south boundary) 4.9m - 8.4m (dwelling to south west boundary) 500mm (terraces to east boundary) 1.2m (dwelling wall to east boundary)	N/A 90.8% N/A 85.7% 65.71%	Yes No No No No No
B9 Rear Boundary Setbacks	N/A	N/A	N/A	N/A
B11 Foreshore Building Setback	N/A	N/A	N/A	N/A
B12 National Parks Setback	N/A	N/A	N/A	N/A
B13 Coastal Cliffs Setback	N/A	N/A	N/A	N/A
B14 Main Roads Setback	N/A	N/A	N/A	N/A
B15 Minimum Floor to Ceiling Height	N/A	N/A	N/A	N/A
D1 Landscaped Open Space	40%	22.7%	43.25%	No

(LOS) and Bushland Setting				
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***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B1 Wall Heights	No	No
B3 Side Boundary Envelope	No	No
B5 Side Boundary Setbacks	Yes	No
Side Setbacks - R2	Yes	No
B7 Front Boundary Setbacks	No	No
R2 - All other land in R2 Zone	No	No
Front Boundary Exceptions - R2	No	No
C2 Traffic, Access and Safety	No	No
C3 Parking Facilities	No	No
C4 Stormwater	No	No
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	No
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Residential accommodation - one or two dwellings	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	No	No
D2 Private Open Space	Yes	Yes
D3 Noise	Yes	Yes
D5 Orientation and Energy Efficiency	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	No	No
D8 Privacy	Yes	Yes
D9 Building Bulk	No	No
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front Fences and Front Walls	No	No
D14 Site Facilities	Yes	Yes
D15 Side and Rear Fences	Yes	Yes
D16 Swimming Pools and Spa Pools	No	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D21 Provision and Location of Utility Services	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	No	No
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B1 Wall Heights

Description of non-compliance

The proposal will breach the 7.2m wall height limit in a number of places at the southern corners of the development as it steps down the slope. The largest breach is at the south east corner of the theatre/entertainment room at up to 8.7m above the ground level as the topography slopes down steeply at that point.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

As discussed within this report the proposal is not considered to minimise the visual impact of development when viewed from adjoining properties and the street. The proposal will not comply with the 8.5m overall height limit and does not meet the requirements to be considered for a variation under clause 4.6 of the WLEP2011. The development will not generally comply with the built form controls and will spread across the majority of the site, impact on unique environmental features and cause unreasonable view loss. It is an over-development of the site and the visual impact is not minimised.

- *To ensure development is generally beneath the existing tree canopy level*

Comment:

The proposal will generally be beneath the existing tree canopy level.

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment:

As discussed in this report the proposal is not considered to result in a reasonable sharing of views in accordance with clause D7 of the WDCP. The points of the building breaching the 7.2m wall height limit will not cause the view loss, however the largest breach is part of the theatre/entertainment room which is the element of the building that will cause the main view loss. A reasonable sharing of views is not maintained by the development.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment:

Given the view loss and general non-compliance with the relevant built form controls the development is not considered to minimise impacts on adjoining and nearby properties. The proposal is generally considered to be an over-development of the site.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment:

The non-compliances are generally caused as the site slopes down and the building steps down the site. However, the proposal will destroy large parts of the unique environmental site features (rock outcrops) at the northern end of the site and within the road reserve. The proposal has not responded to the site topography, by addressing the unique environmental features.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposal includes a standard pitched roof, combined with flat roofing above the decks. The roof shape and pitch is sufficiently innovative and varied.

Having regard to the above assessment, it is concluded that the proposed development is not consistent with the aims and objectives of WLEP 2011, WDCP and the objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

B3 Side Boundary Envelope

Description of non-compliance

The proposal will breach the envelope on the western side as it steps down the slope. It will breach by between 0mm and approximately 300mm at the south west corner of the theatre/entertainment room for a length of 1m. It will breach at the south west corner of the level 2 sitting room by between 0mm and approximately 1.6m for a length of approximately 7m. The privacy screening and roof of the adjoining level 2 deck will also breach by between approximately 600mm and 1.3m for a length of 2.66m.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment:

The envelope breaches are not particularly unusual on a sloping site as the building steps down the slope, and will not of themselves cause the development to become visually dominant in the area when compared to other large dwellings to the west along Headland Road. However, the overall development is considered to be too large for the site. The breaches to the height limit are not supported as discussed in this report, and the proposal will spread across the majority of the site, resulting in non-compliances with the landscape open space requirements and other built form controls. The proposal is therefore considered to result in an unreasonable height and bulk.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment:

Light, solar access and privacy are considered to be maintained to a reasonable level to the neighbouring properties. The site is on a north/south orientation and will not overshadow living areas of neighbours for unreasonable periods. Privacy is generally maintained as discussed under clause D8 in this report.

- *To ensure that development responds to the topography of the site.*

Comment:

The proposal steps down with the slope of the site. However, the proposal has generally ignored the main topographical features of the site being the rock outcrops at the northern end, and will largely replace these features with development that is not compliant with the relevant controls. In this regard the proposal is not considered to have adequately responded to the topography.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

B5 Side Boundary Setbacks

Description of non-compliance

The proposal provides for a 900mm setback along the western side boundary and a 2m setback to the north

side boundary and therefore complies with the numerical requirements. However, the proposal fails to achieve the objectives of the control as discussed below.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide opportunities for deep soil landscape areas.*

Comment:

The proposal falls well short of the required area of landscaped open space, and will not provide adequate opportunities for deep soil landscaped areas.

- *To ensure that development does not become visually dominant.*

Comment:

The proposal is considered to be an over-development of the site and will be visually dominant given its spread over the majority of the site.

- *To ensure that the scale and bulk of buildings is minimised.*

Comment:

The bulk and scale of the building has been generally broken up and articulated. However, the overall spread of the building across the majority of the site, along with non-compliance with the built form controls is not considered to minimise the bulk and scale.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

Comment:

Privacy and solar access will be reasonably maintained as discussed in this report. However the proposal is considered to result in an unreasonable impact on views, which will not maintain a reasonable level of amenity to the northern neighbour.

- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

As discussed under clause D7 Views in this report, the proposal is not considered to result in a reasonable sharing of views.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the

Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

B7 Front Boundary Setbacks

Description of non-compliance

The proposed alterations and additions are within the 3.5m secondary front setback. The non-compliances are caused by the new garage; stairs and bedroom 1 on level 1; terrace, lounge room and sitting room on level 2; and terrace and new roofing on level 3. The existing dwelling is also non-compliant, although the existing stairwell and deck on the eastern side of the existing house which is within the front setback is to be removed. The proposed pool is also within the 6.5m front setback area to the southern boundary.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To create a sense openness.*

Comment:

The non-compliant elements of the development are generally quite open and will not create a significant enclosing effect. The development as a whole is well articulated and broken into two main elements.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The dwellings along Wheeler Parade to the north are generally setback in compliance with the 6.5m front setback requirement. Number 53 is setback approximately 6.5m, number 51 is setback approximately 17m, number 49 is setback approximately 6m and number 47 is setback approximately 25m, as the road crests the hill and bends around. These buildings do not form a particularly distinct visual pattern when viewed from the road due to the topography. The main pattern along the Wheeler Pde frontage is made by landscape elements including the rock outcrops and vegetation along the road and over the peak of the hill. The proposal will have an excessive impact on these elements and is non compliant with the relevant planning controls.

The secondary front setback variation applies where the proposal has demonstrated that it is compatible with the streetscape. Owing to the width of the subject site it is reasonable to apply. However no structures are appropriate within the 3.5m setback to the Wheeler Parade front boundary, other than minor elements like access stairs etc. Habitable floor space, terraces, roofing, and garages are not considered appropriate in the 3.5m setback and will not help to maintain the character of the secondary street frontage. The proposal will not form a transition in setbacks from the corner allotment to the neighbouring properties along the street to the north, and will have an excessive impact on the main landscape features of the streetscape.

In this regard, the proposal will not maintain these elements or the visual continuity between them.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The rock outcrops in the road reserve and the northern end of the subject site form a significant part of the streetscape. The proposal will largely replace these features with development, and will not maintain a compliant setback. A landscaped front setback will not be maintained by the proposal to screen and reduce the impact of the built form. The visual quality of the streetscape is not considered to be protected and enhanced by the proposal.

- *To achieve reasonable view sharing.*

Comment:

The proposal is not considered to maintain reasonable view sharing as discussed under D7 Views in this report. The upper level terrace does not comply with the front setback requirement and will contribute to view loss.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C2 Traffic, Access and Safety

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To minimise traffic hazards.*

Comment:

Council's Development Engineers raised concerns with sight lines from the proposed northern driveway due to the rock outcrop. The applicants submitted a report from TAR Technologies which stated that at 50km per hour the rock outcrop would need to be further modified to achieve safe sight distances. However, it states that because cars would be slowing down as they approach Headland Road, such that they would only be travelling at 40km per hour, at this speed no further modification of the rock outcrop would be required.

Regardless, the proposal involves construction of two new driveways where only one is required by the controls, and where there is adequate on-street parking available in the immediate area to cater for residents. There is no necessity for the northern driveway which may cause some traffic hazard depending on the speed of cars coming over the crest of the hill approaching Headland Road. The proposal is not considered to minimise traffic hazards.

- *To minimise vehicles queuing on public roads.*

Comment:

The proposal, for a single dwelling and secondary dwelling, is not likely to cause queuing.

- *To minimise the number of vehicle crossings in a street.*

Comment:

The proposal involves two driveways and two double garages where only one is required. There is ample on street parking available in the area and the extra driveway and garage is unnecessary to comply with the relevant controls. Additionally the northern driveway will impact unnecessarily on the rock outcrop in the road reserve, and may cause a traffic hazard. It is not considered to minimise the number of vehicle crossings in the street.

- *To minimise traffic, pedestrian and cyclist conflict.*

Comment:

The proposal is not likely to cause any unreasonable traffic, pedestrian and cyclist conflict.

- *To minimise interference with public transport facilities.*

Comment:

There is a bus stop across the road from the subject site, however the proposal is unlikely to have any adverse impact on the operation of public transport, given it is for a single dwelling and secondary dwelling, with a low rate of traffic generation.

- *To minimise the loss of "on street" kerbside parking.*

Comment:

The construction of two driveways will mean some extra on street parking is lost. However there is ample on street parking available in the area and the loss of the area proposed for an extra driveway will have a negligible impact. The loss of on street parking is considered to be adequately minimised.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C3 Parking Facilities

Description of non-compliance

The control requires that where garages and carports face the street, development must ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.

The proposal includes two garage doors side by side, which are each less than 6m wide but combined are approximately 13.4m wide, including 1.8m of wall in between, with two separate driveways.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To provide adequate off street carparking.*

Comment:

Two car spaces are required by Appendix 1, and no further parking is required for secondary dwellings. Four spaces are provided. More than adequate off street parking is therefore provided.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

Given that only two spaces are required for the development, two garages side by side with two driveways are considered to be excessive and will have an unreasonable visual impact on the street frontage. There is ample on-street parking available in the immediate area. It is also noted that the northern garage and driveway is to be introduced at the expense of the rock outcrops in the road reserve. Given these considerations, the proposal will not have a minimal visual impact on the street frontage.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

Given that the development will remove unique environmental site features to provide more parking than is required, the proposed double garages side by side are considered to be unnecessarily dominant in the street frontage. They will have a total combined width of 13.4m and will give the building the appearance of being a dual occupancy development, where only single dwellings and secondary dwellings are permissible.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C4 Stormwater

The application proposes to drain stormwater to the street. Council's Development Engineers have stated that an on site detention system (OSD) is required as the proposal is for a new dwelling. The applicants were asked to submit plans showing which parts of the proposal are to be retained, to ensure that the development qualified as 'alterations and additions' as opposed to a 'new dwelling'. The plans provided do

not adequately demonstrate exactly which parts of the existing dwelling are to be retained. Given the scale of the new works the proposal has not adequately demonstrated that it should be considered as 'alterations and additions', and therefore OSD is required. As no OSD plans were provided, this constitutes insufficient information and will be included in the reasons for refusal.

C7 Excavation and Landfill

The proposal complies with the requirements of the control. However, it is not considered to achieve the objectives as discussed below.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*

Comment:

The proposal will have an excessive impact on the existing rock outcrops both in the site and in the road reserve. These rock outcrops form a visually attractive part of the natural environment and the proposal will largely replace them with a development that is generally non-compliant with the relevant planning controls. The development is therefore considered to have an adverse effect upon the visual and natural environment.

- *To require that excavation and landfill does not create airborne pollution.*

Comment:

The development will not result in any unreasonable airborne pollution.

- *To preserve the integrity of the physical environment.*

Comment:

The application includes a preliminary geotechnical report that states that the site is stable and that a full geotechnical report should be undertaken prior to commencement of works. To ensure the physical integrity of the site is maintained a condition of consent will therefore require a full geotechnical report prior to issue of a Construction Certificate should the development be approved.

- *To maintain and enhance visual and scenic quality.*

Comment:

The proposal will cause large parts of the rock outcrops to be destroyed. These natural features currently form an attractive and distinctive part of the streetscape. As the landscaped area on the site is not compliant with the 40% requirement, and the proposed front setback along the eastern boundary will not allow for any significant landscaping to improve the streetscape, the proposal is not considered to maintain and enhance the visual and scenic quality of the area.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

D1 Landscaped Open Space and Bushland Setting

Description of non-compliance

The control requires 40% of the site to be landscaped open space with minimum dimensions of 2m, and such areas are to be at ground level. The original plans provided for 2.6% landscaped open space (comprised of the water surface of the proposed swimming pool).

The amended plans have replaced the proposed decking at the southern end of the site with turf and created a 2m northern setback (up from 900mm). The amended plans provide for 22.7% (129sqm) landscaped open space.

The Statement of Environmental Effects provided with the application stated that the original plans included 239.3sqm or 42% landscaped open space but no calculations or plan indicating which parts of the site were to be included as landscaped open space was provided. The applicant has not sought to justify the non-compliance associated with the amended plans.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The amended plans have provided for greater planting area within the southern front setback area. However the eastern front setback area will contain little landscaping to maintain and enhance the streetscape. The two driveways, decking and terraces within the front setback area will dominate the eastern frontage and will not enable adequate planting to maintain and enhance the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

The development will not conserve and enhance the topographical features consisting of the rock outcrops at the northern end of the site and within the northern road reserve. These features would largely be destroyed and replaced by a development which is generally not compliant with the relevant built form controls.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

Comment:

The landscaped area provided is well below the 40% required, and is insufficient to provide adequate landscaping to mitigate the visual impact of the height, bulk and scale of the building. Council's Landscape Officer has assessed the proposal and has not given support to the application based on the removal of significant environmental features and the lack of opportunity for adequate landscape provision on the site.

- *To enhance privacy between buildings.*

Comment:

The landscaping is sufficient to help maintain privacy between buildings. The proposal is generally orientated towards the south and east. The 2m northern setback will allow some planting in the setback to help reduce privacy impacts to the north.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment:

The pool and turf area at the southern end of the site is sufficient to accommodate appropriate outdoor recreational opportunities. The courtyard provided above the northern garage will also provide outdoor space, however this courtyard is not at ground level and does not qualify as landscaped open space.

- *To provide space for service functions, including clothes drying.*

Comment:

A clothesline has been provided in the courtyard area above the northern garage. It is noted that this area is not included in the 22.7% landscaped open space calculation as it is not at ground level. Additionally, although the landscape plan provided shows this area as having trees and shrubs, the floor plans show this area as being mostly paved. Regardless, there is room for service functions on site.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The proposal will maintain little landscaped area to facilitate infiltration of stormwater. Council's Development Engineers have assessed the proposal and are not satisfied with provisions for stormwater.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

D7 Views

Objections regarding views were received from two properties - 53 and 51A Wheeler Parade.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To allow for the reasonable sharing of views.*

Comment:

In determining the extent of potential view loss to adjoining and nearby properties, the four (4) steps contained in the Planning Principle outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, have been applied to the proposal.

1. Nature of the views affected

"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment on Step 1:

The views affected are water views towards Curl Curl Beach and its headlands and North Head.

53 Wheeler Parade - The property has views south-east towards Curl Curl Beach and North Head, and north-east towards Dee Why Beach/Long Reef Headland. Curl Curl Lagoon is also partially visible though screened by trees. The views are highly valuable. North Head and Longreef Headland are considered to be iconic. The view south is a 'whole view' including the whole of Curl Curl Beach and North Head. The interface of land and water is visible along much of Curl Curl Beach, Curl Curl Lagoon, South Curl Curl headland and North Head.

51A Wheeler Parade - The views from 53 are very similar to the ones available from 51A, but are from higher and further to the west. The property has views south-east towards Curl Curl Beach and North Head, and north-east towards Dee Why Beach/Long Reef Headland. The views are highly valuable. North Head and Longreef Headland are considered to be iconic. The views south to Curl Curl Beach and North Head are partially obstructed by trees and the dwelling at 92 Headland Rd. The interface of land and water is visible along some of Curl Curl Beach, Curl Curl Lagoon, South Curl Curl headland and North Head.

2. What part of the affected property are the views obtained

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

Comment on Step 2:

53 Wheeler Parade - The dwelling is single storey. The views affected are from the kitchen, living room, front deck and front yard, and are across the side boundary.

51A Wheeler Parade - The views affected are from the music room and balcony on the first floor, first floor study (sitting and standing), upper floor master bedroom and balcony, and upper floor bedroom.

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment on Step 3:

53 Wheeler Parade - From the kitchen, the view will be obstructed for the northern half of Curl Curl Beach including the entrance to the lagoon. North Head will remain visible. From the living room windows, the proposal will block much of Curl Curl Beach and North Head, although North Head will remain partially visible from the western living room window. From the front deck the proposal will block the southern Curl Curl headland and the district view towards south Curl Curl and Curl Curl Lagoon. From the front yard area it will partially block the view of the lagoon and district view to the south. The view impact on these locations will generally be severe.

However, the property will maintain unobstructed views north towards Longreef Headland from the living room, front deck and front yard area, and partial views of Curl Curl and North Head from these locations also. It is also noted that the existing single storey dwelling on site is likely to be developed up to the 8.5m height limit at some point in the future. Given these considerations the view loss for the whole of the property is considered to be moderate to severe in the context of the Tenacity principles.

51A Wheeler Parade - The impact on 51A is far less than on 53. The development will not impact on the view towards the majority of Curl Curl Beach and North Head. The development will partially impact on the view of the Curl Curl Lagoon entrance from some parts of the dwelling. However, as a proportion of the whole view available from the whole of the property it will only have a minor impact in the context of the Tenacity principles.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If

the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment on Step 4:

The element causing the view loss is the northerly Level 3 comprised of Theatre / Entertainment Room and Terrace. The height of the roof of this floor is compliant at the northern elevation, but is 8.72m high at the southern end of the ridge as the land slopes down. It is noted that the south east corner of the roof is up to 9.17m high as the topography drops suddenly away, however this corner does not cause the view loss.

The proposed terrace is not compliant with the front setback control and although partially see-through, will contribute to the view loss from 53.

The proposal to alter and add to the existing dwelling provides only 22.7% of the site as landscaped open space. Given that the existing dwelling is proposed to be retained, the extension of the dwelling at the northern end of the site, which is causing the non-compliance, will contribute to the view loss also. It will also mean that a unique environmental feature of the site, a large rock outcrop at the northern end, will be largely destroyed.

The proposal does not comply with the building envelope at the south-west corner of the upper northern element of the building and this will also contribute to the view loss.

The proposal is not considered to comply with the planning controls, and will impact moderately to severely on a 'whole view' of Curl Curl Beach and the iconic North Head. The proposal is not considered to result in a reasonable sharing of views. The site enjoys excellent views to the south without the need to push development right to the highest (northerly) point of the site. A more skillful design would retain far greater views for neighbours, and still maintain excellent amenity in the form of views for the subject site.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The design is not considered to improve the urban environment, and is not innovative enough to maintain a reasonable sharing of views without overdeveloping the site.

- *To ensure existing canopy trees have priority over views.*

Comment:

There are no existing canopy trees on site relevant to the view sharing assessment.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

D9 Building Bulk

The proposal is generally well articulated and broken up, however it does not provide adequate landscaped area to allow for sufficient planting to screen and soften the visual bulk of the new building and works.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage good design and innovative architecture to improve the urban environment.*

Comment:

The design of the building is generally interesting and innovative, is well articulated and broken up into different elements. However, it will cover the majority of the site and will fall well short of the required landscaped area. Further, the proposal has not addressed the unique environmental feature, being the rock outcrop at the northern end of the site and fails to achieve the requirements and objectives of the built form controls. The overall size and spread of the building will not improve the urban environment in the area.

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The visual impact of the development is not considered to be minimised given the size and spread of the proposed building across the majority of the site. It is not compliant with the relevant built form controls and will have an unreasonable impact on the unique environmental features (rock outcrops). It is not considered to maintain reasonable view sharing, and in this regard the proposal does not minimise the visual impact of development when viewed from adjoining properties and the street.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

D13 Front Fences and Front Walls

The Statement of Environmental Effects states that proposed front fencing is to be consistent with the style and character of the surrounding development. However, no front fencing is shown on the plans submitted, other than the pool fencing, which is not on the boundary. There is a black line shown on the west (side) elevation which is labelled 1800 high timber paling fence. There is a similar black line shown on the east (front) elevation, but it is not labelled as a fence and no details are shown. Insufficient information has been provided to assess any proposed front fence. Therefore, no new front fencing will be approved if this application is approved.

D16 Swimming Pools and Spa Pools

The proposed pool is located within the southern front setback area to Headland Road, which is the primary front setback for the site.

Merit consideration

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*

Comment:

The location of the swimming pool will not have any unreasonable impact on the natural environment, streetscape or residential amenity. The area is currently lawn area. It is behind an existing front fence and will be adjacent to the neighbouring garage, and will not cause unreasonable impacts on the neighbours.

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

Given the topography of the site the area proposed for the pool is the most practical, and will not cause any significant negative impacts.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

E6 Retaining unique environmental features

The site contains a large rock outcrop at the northern end forming a unique environmental feature. The rock outcrops continue into the road reserve of Wheeler Parade, although the outcrops in the road reserve are not as visually attractive as the ones within the site. The proposal would largely destroy these rock outcrops. From the road, the combination of the rock outcrops both in the site and in the road reserve form a visually attractive streetscape as demonstrated by photo 1 in the Statement of Environmental Effects.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To conserve those parts of land which distinguish it from its surroundings.*

Comment:

The proposal does not conserve the only part of the land that is a distinguishing feature. The rock outcrops qualify as landscaped open space and given that the proposal falls far short of the required 40% landscaped area, the destruction of the rock outcrops to be replaced by non-compliant building works is unacceptable. Additionally, the building works in the vicinity of the rock outcrops are within the 3.5m required secondary front setback.

The proposal also includes two driveways and two double garages, where only two car spaces are required. The parking situation in the area is not overloaded and there is no pressing need for extra onsite parking where adequate on-street parking exists. The destruction of a large part of the rock outcrop in the road reserve in order to implement a second driveway is not justified in this area.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

The proposal has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, in this regard the application is not considered to be acceptable and is recommended for refusal.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Inconsistent with the objectives of the DCP
- Inconsistent with the zone objectives of the LEP
- Inconsistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Inconsistent with the objects specified in S.5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2013/0656 for the Alterations and additions to a dwelling house and construction of a secondary dwelling Pursuant to SEPP (ARH) 2009 and a swimming pool and fencing. on land at Lot 10 DP 11866,86 Headland Road, NORTH CURL CURL, subject to the reasons outlined as follows:

1. **Warringah Local Environmental Plan 2011 - Zone R2 Low Density Residential**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone in that it does not provide a landscaped setting that is in harmony with the natural environment of Warringah.
2. **Warringah Local Environmental Plan 2011 - 4.3 Height of buildings**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the maximum building height under clause 4.3 Height of Buildings of the Warringah Local Environmental Plan 2011.
3. **Warringah Local Environmental Plan 2011 - 6.2 Earthworks**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of clause 6.2 Earthworks of the Warringah Local Environmental Plan 2011.
4. **Warringah Development Control Plan - B1 Wall Heights**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the maximum wall height under clause B1 Wall Heights of the Warringah Development Control Plan 2011.
5. **Warringah Development Control Plan - B3 Side Boundary Envelope**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the required side boundary envelope under clause B3 Side Boundary Envelope of the Warringah Development Control Plan 2011.
6. **Warringah Development Control Plan - B5 Side Boundary Setbacks**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives for side boundary setbacks under clause B5 Side Boundary Setbacks of the Warringah Development Control Plan 2011.
7. **Warringah Development Control Plan - B7 Front Boundary Setbacks**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the required front setback to Wheeler Parade under clause B7 Front Boundary Setbacks of the Warringah Development Control Plan 2011.
8. **Warringah Development Control Plan - C2 Traffic, Access and Safety**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the requirements and objectives of clause C2 Traffic, Access and Safety of the Warringah Development Control Plan 2011.
9. **Warringah Development Control Plan - C3 Parking Facilities**
Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed

development is inconsistent with clause C3 Parking Facilities of the Warringah Development Control Plan 2011.

10. **Warringah Development Control Plan - C4 Stormwater**

Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the requirements under clause C4 Stormwater of the Warringah Development Control Plan 2011.

11. **Warringah Development Control Plan - D1 Landscaped Open Space and Bushland Setting**

Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the minimum landscaped open space requirement under clause D1 Landscaped Open Space of the Warringah DCP 2011.

12. **Warringah Development Control Plan - D7 Views**

Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the view sharing provisions of clause D7 Views of the Warringah Development Control Plan 2011.

13. **Warringah Development Control Plan - D9 Building Bulk**

Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and requirements under clause D9 Building Bulk of the Warringah DCP 2011.

14. **Warringah Development Control Plan - E6 Retaining unique environmental features**

Pursuant to Section 79(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives and requirements under clause E6 Retaining Unique Environmental Features of the Warringah DCP 2011.

Design opportunities

Subject lot is steep sloping a terraced building form.

The land is a corner block which has distinct planning and design advantages. Development is less likely to impact on neighbours as there are fewer adjacent properties. Improved access opportunity along broad side.

Proposal

Existing gabled timber framed roof house altered and extended into a new split level cement rendered brick veneer gabled house, also incorporating a granny flat.

Views to Sydney city

Views into the valley over roof tops toward Curl Curl lagoon reserves and beach.

Drawing schedule	Name	Issue dated
1	Site analysis plan	
2	Area calculations	
3	Level ground	
4	Level 1	
5	Level 2	
6	Level 3	
7	Roof	
8	Elevations	
9	Sections	
10	Perspective	
11	Shadow diagrams	
12	Shadow diagrams	
13	Shadow diagrams	
14	Shadow diagrams	
15	Shadow diagrams	
16	Existing site	
17	Existing floor plan	
18	Existing elevations	
19	Existing elevations	

Magnetic North

This neighboring site and house sits on the crest of the hill. The ridge line is considered as a relevant height to remain consistent with.

Existing gabled roof house altered and extended into a new split level cement rendered gabled house, also incorporating a granny flat

Stair access through rocky verge

1 Plan - Site analysis
Scale 1:400 at A3

2 Site section
Scale 1:400 at A3

Views over the crest of the hill to Dee Why beach

WHEELER PARADE, NORTH CURL CURL

Existing driveway shown dotted. New driveways as per council guides.

Existing building extent shown dotted. Ridge height to remain along front section

South

East

Not for construction DA 06.03.2013

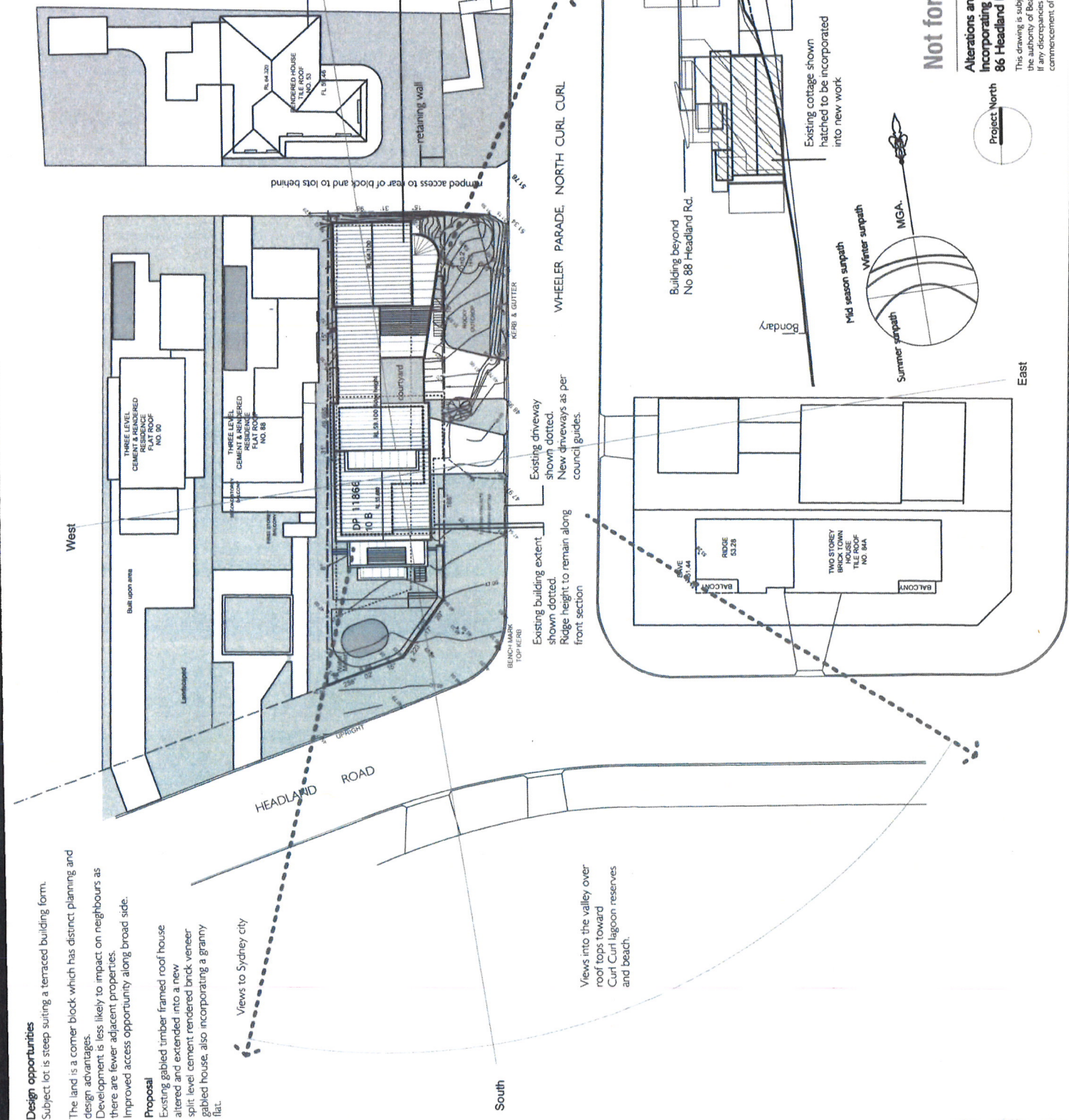
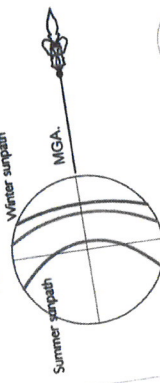
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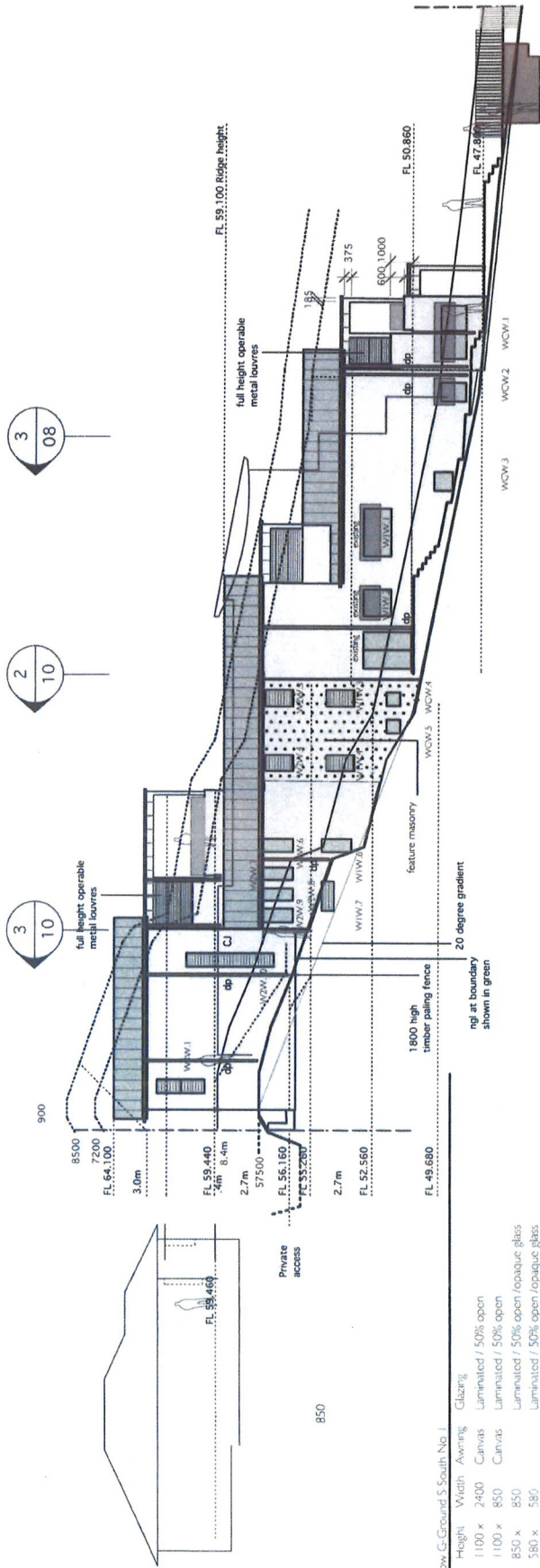
Alterations and Additions to an Existing Dwelling
Incorporating a Granny Flat
86 Headland Road, North Curl Curl

Project North

Registered Architect 6584
Beattie Co
ABN 50 448 936 188
M: 0400 040 888
118 Henderson Road
ALEXANDRIA NSW 2015

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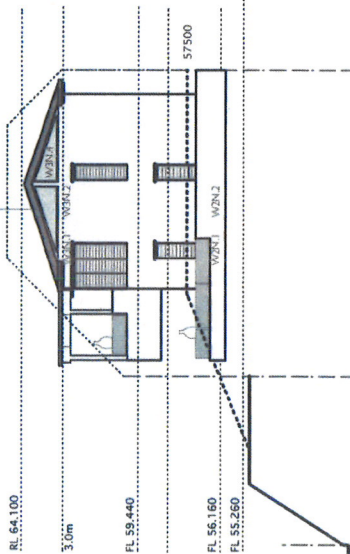




1 West Elevation
Scale 1:200 at A3

- Rendered and painted masonry
- Metal roofing
- Feature masonry
- Glazing with operable blinds
- Glazing
- Balustrade glazing

2 North Elevation
Scale 1:200 at A3



2 North Elevation
Scale 1:200 at A3

Window schedule - W Window G-Ground S-South No. 1				
Number	Frame	Height	Width	Awning
WCW1	Aluminium	1100 x	2400	Canvas
WCW2	Aluminium	1100 x	850	Canvas
WCW3	Aluminium	850 x	850	Canvas
WCW4	Aluminium	580 x	580	Canvas
WCW5	Aluminium	580 x	580	Canvas
WCW6	Aluminium	580 x	580	Canvas
WCW7	Aluminium	580 x	580	Canvas
WCW8	Aluminium	580 x	580	Canvas
WCW9	Aluminium	580 x	580	Canvas
WCW10	Aluminium	580 x	580	Canvas
WCW11	Aluminium	580 x	580	Canvas
WCW12	Aluminium	580 x	580	Canvas
WCW13	Aluminium	580 x	580	Canvas
WCW14	Aluminium	580 x	580	Canvas
WCW15	Aluminium	580 x	580	Canvas
WCW16	Aluminium	580 x	580	Canvas
WCW17	Aluminium	580 x	580	Canvas
WCW18	Aluminium	580 x	580	Canvas
WCW19	Aluminium	580 x	580	Canvas
WCW20	Aluminium	580 x	580	Canvas
WCW21	Aluminium	580 x	580	Canvas
WCW22	Aluminium	580 x	580	Canvas
WCW23	Aluminium	580 x	580	Canvas
WCW24	Aluminium	580 x	580	Canvas
WCW25	Aluminium	580 x	580	Canvas
WCW26	Aluminium	580 x	580	Canvas
WCW27	Aluminium	580 x	580	Canvas
WCW28	Aluminium	580 x	580	Canvas
WCW29	Aluminium	580 x	580	Canvas
WCW30	Aluminium	580 x	580	Canvas
WCW31	Aluminium	580 x	580	Canvas
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WCW92	Aluminium	580 x	580	Canvas
WCW93	Aluminium	580 x	580	Canvas
WCW94	Aluminium	580 x	580	Canvas
WCW95	Aluminium	580 x	580	Canvas
WCW96	Aluminium	580 x	580	Canvas
WCW97	Aluminium	580 x	580	Canvas
WCW98	Aluminium	580 x	580	Canvas
WCW99	Aluminium	580 x	580	Canvas
WCW100	Aluminium	580 x	580	Canvas

Window schedule - W Window G-Ground N-North No. 1				
Number	Frame	Height	Width	Awning
WCN1	Aluminium	2100 x	580	450 Alu
WCN2	Aluminium	2100 x	580	450 Alu
WCN3	Aluminium	2100 x	580	450 Alu
WCN4	Aluminium	2100 x	580	450 Alu
WCN5	Aluminium	2100 x	580	450 Alu
WCN6	Aluminium	2100 x	580	450 Alu
WCN7	Aluminium	2100 x	580	450 Alu
WCN8	Aluminium	2100 x	580	450 Alu
WCN9	Aluminium	2100 x	580	450 Alu
WCN10	Aluminium	2100 x	580	450 Alu
WCN11	Aluminium	2100 x	580	450 Alu
WCN12	Aluminium	2100 x	580	450 Alu
WCN13	Aluminium	2100 x	580	450 Alu
WCN14	Aluminium	2100 x	580	450 Alu
WCN15	Aluminium	2100 x	580	450 Alu
WCN16	Aluminium	2100 x	580	450 Alu
WCN17	Aluminium	2100 x	580	450 Alu
WCN18	Aluminium	2100 x	580	450 Alu
WCN19	Aluminium	2100 x	580	450 Alu
WCN20	Aluminium	2100 x	580	450 Alu
WCN21	Aluminium	2100 x	580	450 Alu
WCN22	Aluminium	2100 x	580	450 Alu
WCN23	Aluminium	2100 x	580	450 Alu
WCN24	Aluminium	2100 x	580	450 Alu
WCN25	Aluminium	2100 x	580	450 Alu
WCN26	Aluminium	2100 x	580	450 Alu
WCN27	Aluminium	2100 x	580	450 Alu
WCN28	Aluminium	2100 x	580	450 Alu
WCN29	Aluminium	2100 x	580	450 Alu
WCN30	Aluminium	2100 x	580	450 Alu
WCN31	Aluminium	2100 x	580	450 Alu
WCN32	Aluminium	2100 x	580	450 Alu
WCN33	Aluminium	2100 x	580	450 Alu
WCN34	Aluminium	2100 x	580	450 Alu
WCN35	Aluminium	2100 x	580	450 Alu
WCN36	Aluminium	2100 x	580	450 Alu
WCN37	Aluminium	2100 x	580	450 Alu
WCN38	Aluminium	2100 x	580	450 Alu
WCN39	Aluminium	2100 x	580	450 Alu
WCN40	Aluminium	2100 x	580	450 Alu
WCN41	Aluminium	2100 x	580	450 Alu
WCN42	Aluminium	2100 x	580	450 Alu
WCN43	Aluminium	2100 x	580	450 Alu
WCN44	Aluminium	2100 x	580	450 Alu
WCN45	Aluminium	2100 x	580	450 Alu
WCN46	Aluminium	2100 x	580	450 Alu
WCN47	Aluminium	2100 x	580	450 Alu
WCN48	Aluminium	2100 x	580	450 Alu
WCN49	Aluminium	2100 x	580	450 Alu
WCN50	Aluminium	2100 x	580	450 Alu
WCN51	Aluminium	2100 x	580	450 Alu
WCN52	Aluminium	2100 x	580	450 Alu
WCN53	Aluminium	2100 x	580	450 Alu
WCN54	Aluminium	2100 x	580	450 Alu
WCN55	Aluminium	2100 x	580	450 Alu
WCN56	Aluminium	2100 x	580	450 Alu
WCN57	Aluminium	2100 x	580	450 Alu
WCN58	Aluminium	2100 x	580	450 Alu
WCN59	Aluminium	2100 x	580	450 Alu
WCN60	Aluminium	2100 x	580	450 Alu
WCN61	Aluminium	2100 x	580	450 Alu
WCN62	Aluminium	2100 x	580	450 Alu
WCN63	Aluminium	2100 x	580	450 Alu
WCN64	Aluminium	2100 x	580	450 Alu
WCN65	Aluminium	2100 x	580	450 Alu
WCN66	Aluminium	2100 x	580	450 Alu
WCN67	Aluminium	2100 x	580	450 Alu
WCN68	Aluminium	2100 x	580	450 Alu
WCN69	Aluminium	2100 x	580	450 Alu
WCN70	Aluminium	2100 x	580	450 Alu
WCN71	Aluminium	2100 x	580	450 Alu
WCN72	Aluminium	2100 x	580	450 Alu
WCN73	Aluminium	2100 x	580	450 Alu
WCN74	Aluminium	2100 x	580	450 Alu
WCN75	Aluminium	2100 x	580	450 Alu
WCN76	Aluminium	2100 x	580	450 Alu
WCN77	Aluminium	2100 x	580	450 Alu
WCN78	Aluminium	2100 x	580	450 Alu
WCN79	Aluminium	2100 x	580	450 Alu
WCN80	Aluminium	2100 x	580	450 Alu
WCN81	Aluminium	2100 x	580	450 Alu
WCN82	Aluminium	2100 x	580	450 Alu
WCN83	Aluminium	2100 x	580	450 Alu
WCN84	Aluminium	2100 x	580	450 Alu
WCN85	Aluminium	2100 x	580	450 Alu
WCN86	Aluminium	2100 x	580	450 Alu
WCN87	Aluminium	2100 x	580	450 Alu
WCN88	Aluminium	2100 x	580	450 Alu
WCN89	Aluminium	2100 x	580	450 Alu
WCN90	Aluminium	2100 x	580	450 Alu
WCN91	Aluminium	2100 x	580	450 Alu
WCN92	Aluminium	2100 x	580	450 Alu
WCN93	Aluminium	2100 x	580	450 Alu
WCN94	Aluminium	2100 x	580	450 Alu
WCN95	Aluminium	2100 x	580	450 Alu
WCN96	Aluminium	2100 x	580	450 Alu
WCN97	Aluminium	2100 x	580	450 Alu
WCN98	Aluminium	2100 x	580	450 Alu
WCN99	Aluminium	2100 x	580	450 Alu
WCN100	Aluminium	2100 x	580	450 Alu

Not for construction DA 06.03.2013

Alterations and Additions to an Existing Dwelling
Incorporating a Granny Flat
86 Headland Road, North Curl Curl

Registered Architect 6584
Beattie Co
 ABN 50 448 936 188
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 118 Henderson Road
 ALEXANDRIA NSW 2015

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