

**Four Towns
Planning**

Planning and property consultant

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition of Existing
Dwelling House and
Construction of a New
Dwelling House and
Associated Works**

**1130 Pittwater Road,
Collaroy NSW 2097**

✉ mathew@fourtowns.com.au

☎ 0425232018

www.fourtowns.com.au

PO Box 361, Balgowlah NSW 2093

This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

Report prepared by:

Mathew Quattroville
Director – Four Towns Pty Ltd

Report prepared for:

Azzwic Holdings Pty Ltd

13 September 2023

Disclaimer

This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.

© Four Towns Pty Ltd

NOTE: This document is the property of Four Towns Pty Ltd (trading as Four Towns Planning). This document is Copyright, no part may be reproduced in whole or in part, without the written permission of Four Towns Pty Ltd.

Table of Contents

1. Introduction and Background Information	4
1.1 Introduction	4
1.2 Background Information	4
2. Site Profile	5
2.1 Property Description	5
2.2 Site and Locality Description	5
3. Proposal	12
4. Statutory Planning Controls	13
4.1 Environmental Planning and Assessment Act 1979 (as amended)	13
4.2 State Environmental Planning Policies	13
4.3 Warringah Local Environmental Plan 2011	18
4.4 Warringah Development Control Plan	32
5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended)	63
6. Summary and Conclusion	67

1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for the demolition of existing dwelling house and construction of a new dwelling house and associated works at 1130 Pittwater Road, Collaroy, being Lot 1 in Deposited Plan 121939.

This report has been prepared following instructions from the clients Azzwic Holdings Pty Ltd. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Architectural Plans prepared by Map Architects;
- Geotechnical Investigation Report prepared by Nepean Geotechnics;
- Survey Plan prepared by CMS Surveyors Pty Ltd;
- Parking Design Certification prepared by Fernway Engineering;
- Stormwater Drainage Plans prepared by Deboke Engineering Consultants;
- Landscape Plan prepared by Contour Landscape Architecture;
- Collaroy Rock Revetment Survey Works prepared by Coastwide Civil;
- Sewer Design Plan prepared KBR Pty Ltd.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being demolition of existing dwelling house and construction of a new dwelling house and associated works is permissible with development consent and is consistent with the relevant statutory planning instruments including Warringah Local Environmental Plan 2011 and relevant planning policies of Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

1.2 Background Information

The site has been the subject of various applications relating to the coastal protection works between properties 1126 and 1144 Pittwater Road and also a Complying Development Certification for the demolition of the existing garage.

The proposal was not the subject of any pre-lodgement meetings with council.

2. Site Profile

2.1 Property Description

The subject allotment is described as 1130 Pittwater Road, Collaroy, being Lot 1 within Deposited Plan 121939. The site is zoned R2 Low Density Residential under Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is it located within a heritage conservation area.

2.2 Site and Locality Description

The site is located on the eastern side of Pittwater Road. The site is irregular in shape with a splayed frontage of 10.065m to Pittwater Road. The site has vehicular access to Pittwater Road. The total site area is 385.7sqm. The locality is a mix of dwelling houses and residential flat buildings ranging in bulk and scale from two storey dwelling houses to eight storey residential flat buildings.

The locality maps below show the location and area of the site:



Source: Nearthmap 2023

Visual Analysis:



Photograph of the site – 1130 Pittwater Road, Collaroy – note bulk and scale and high pitched roof designs of adjoining properties



Photograph of the site – 1130 Pittwater Road, Collaroy – note bulk and scale of the immediate Pittwater Road properties



Photograph of the site from the rear boundary looking west back to the dwelling existing



Photograph of the site from the dwelling looking east to Collaroy Beach



Photograph from the site from the rear boundary looking north-west to the adjoining properties



Photograph from the site from the rear boundary looking south-west to the adjoining properties



Photograph from the sites frontage looking west



Photograph of the properties to the north of the site – note existing front setbacks and garage alignments



Photograph of the properties to the south of the site – note existing front setbacks, hardstand and garage alignments

3. Proposal

The proposed development is for the demolition of an existing dwelling house and construction of a new dwelling house and associated works at 1130 Pittwater Road, Collaroy. The proposal remains consistent with the locality. The proposal is consistent with relevant Council controls and ensures privacy and solar access are maintained for surrounding properties and the site.

Demolition Works

The proposal includes the demolition of the existing dwelling house and ancillary structures. Refer to architectural plans for a full analysis of all works to be demolished.

Dwelling House

Ground Plan

New permeably paved driveway
Double garage with small section of rear storage
Laundry
Bathroom
Entry
Stairwell
In ground wine cellar
Kitchen with pantry
Dining
Living area
Outdoor alfresco

First Floor Plan

Bedroom 1 with Ensuite
Study nook
Bedroom 2
Stairwell
Bedroom 3
Bathroom
Master bedroom with WIR, ensuite and balcony

Roof Plan

Roof with skylights

Outdoor/Landscaping

Landscaping works as depicted on the Landscape Plan prepared by Contour Landscape Architects for a full description of proposed landscape works.

*Refer to architectural plans prepared by Map Architects for a full description of all works.

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004. A BASIX Certificate and NatHERS assessment have been prepared and submitted with the application which outlines the proposal's compliance with the provisions of BASIX and Energy Efficiency.

SEPP (Resilience and Hazards) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

4.6 *Contamination and remediation to be considered in determining development application*

(1) A consent authority must not consent to the carrying out of any development on land unless—

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

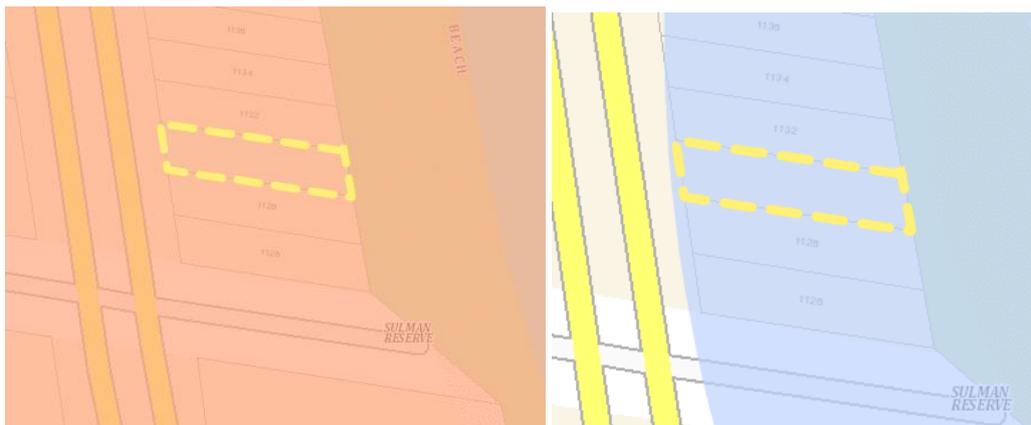
(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

It is submitted that the site has been used as residential accommodation for decades. The builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials. A site inspection was undertaken with no evidence of landfill on the site. It is our professional opinion that no further studies are required with this application and the site is considered low risk.

Chapter 2 Coastal Management of the SEPP (Resilience and Hazards) 2021 requires the consent authority to review if the site is located within coastal areas such as coastal environment or coastal vulnerability areas. As per the maps below, the site is located within the coastal environment area and coastal use area, and therefore, the following assessment is provided below:



Coastal Environment Area Map

Coastal Use Area Map

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

Comments:

A review of section 1 is below:

- The proposal will not result in any adverse impacts to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
- The proposal does not impact the coastal environmental values or natural coastal processes of the area.
- The proposal will maintain water quality and will not impact any marine estates.
- The proposal does not impact any marine vegetation, native vegetation and fauna and flora. The proposal will enhance the existing landscaping on the site.
- The proposal does not result in any impacts upon Aboriginal cultural heritage, practices or places.
- The proposal does not impact the use of the surf zone.

A review of section 2:

- The proposal has been designed and sited to avoid any adverse impacts referred to in Section 1 above. The building footprint has been designed to be consistent with other developments and is consistent with the front building alignment of neighbouring properties.
- The development has been designed considering the surrounding coastal and built environment and the bulk, size and scale of the development. The proposal is appropriate for the site and considered to be compatible with the existing and future character of the neighbourhood and surrounding environment. The site increases the usability of landscaping to that existing and is compatible in terms of building height and appearance for the locality.

A review of section 3:

- The site is not located within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#), therefore this clause applies to the site.

The proposal is supported by the Collaroy Rock Revetment Survey Works letter which confirms that the require works to the coastline have been undertaken.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

Comments:

A review of section 1(a) is below:

- The proposal will not result in any adverse impacts to the existing safe access provided to Collaroy beach and any headland or rock platform in this immediate locality where members of the public have access to.
- The proposal does not result in overshadowing, wind funneling or the loss of any significant views from a public place to the foreshores.
- The proposal does not result in any impacts upon Aboriginal cultural heritage, practices or places.
- The cultural and built environment heritage in this locality are not impacted by the proposed development.

A review of section 1(b):

- The proposal has been designed and sited to avoid any adverse impacts referred to in Section (a) above. The building footprint has been designed to be consistent with other developments and is consistent with the front building alignment of neighbouring properties.

- The development does not have any adverse impacts that need to be minimised to be compliant with section 1(a) above.

A review of section 1(c):

- The development has been designed considering the surrounding coastal and built environment and the bulk, size and scale of the development. The proposal is appropriate for the site and considered to be compatible with the existing and future character of the neighbourhood and surrounding environment. The site increases the usability of landscaping to that existing and is compatible in terms of building height and appearance for the locality.

A review of section 2:

- The site is not located within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#), therefore this clause applies to the site.

The proposal is supported by the Collaroy Rock Revetment Survey Works letter which confirms that the required works to the coastline have been undertaken.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPs that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

It is our professional opinion that the proposal meets the relevant provisions of the State Policy as detailed in the landscape plan prepared by Contour Landscape Architects.

4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under the WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>(d) in relation to residential development, to—</p> <p>(i) protect and enhance the residential use and amenity of existing residential environments, and</p> <p>(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and</p> <p>(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,</p> <p>(f) in relation to environmental quality, to—</p> <p>(i) achieve development outcomes of quality urban design, and</p> <p>(ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and</p> <p>(iii) achieve land use relationships that promote the efficient use of infrastructure, and</p> <p>(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and</p> <p>(v) protect, conserve and manage biodiversity and the natural environment, and</p> <p>(vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,</p>	<p>Complies – the proposal relates to the demolition of an existing dwelling and construction of a new dwelling house and associated landscaping works. The development is compatible with the residential development in the immediate area and is consistent with the bulk and scale of residential development in the locality, noting the vast array of residential flat buildings and dwelling houses of significant bulk and scale.</p> <p>The proposal is consistent with the character of the area and will enhance the environmental qualities of the site through new landscaping which is well thought out and integrates with the new dwelling and existing landscaping of the area.</p> <p>The proposal meets the aims of WLEP2011.</p>

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	600sqm	N/A	N/A - No change to existing lot size
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A

4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	8.95m	Merit Assessment – the proposal has a minor variation to the maximum building height. Refer to Clause 4.3 Heading for full assessment and also Clause 4.6 Variation to Development Standard Report.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	N/A
4.6 Exceptions to development standards	Noted	Yes	A Clause 4.6 Variation to Development Standard report is submitted with the DA package to support the minor variation to the maximum building height under Clause 4.3.

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Controls relating to secondary dwellings on land in a rural zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A

5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent – playing and performing music	N/A
5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public Bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	The site is identified as Class 4 and 5 acid sulfate soils.
6.2 Earthworks	The proposed excavation/fill works comply with Clause 6.2. The proposal is supported by a geotechnical report prepared by Nepean Geotechnics. Refer to assessment under Heading 6.2 Earthworks after this table.
6.3 (Repealed)	N/A
6.4 Development on sloping land	The site is identified as Area A Landslip Risk. The proposal is supported by a geotechnical report prepared by Nepean Geotechnics. Refer to assessment under Heading 6.4 Development on Sloping Land after this table.
6.5 Coastline hazards	The site is identified on the coastline hazards map as reduced foundation capacity and area of wave impact and slope adjustment. The proposal is supported by a letter confirming the installation of the Collaroy Rock Revetment.
6.6 Erection of dwelling houses in Zone C3 Environmental Management	N/A
6.7 (Repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A

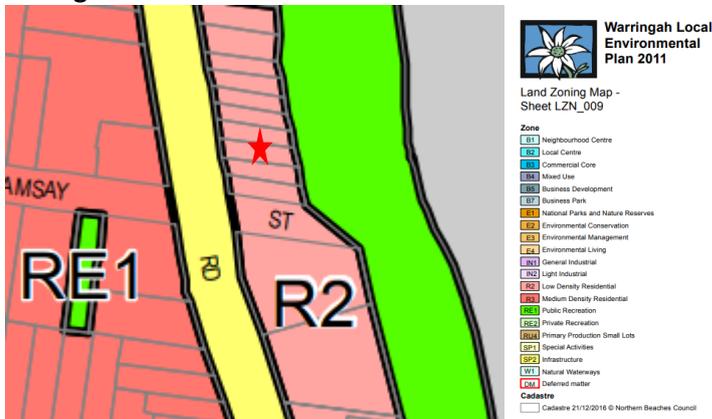
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

Zoning Provisions



Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Comment:

The site is zoned R2 Low Density Residential. A dwelling house is a permissible land use with Council's consent. The development meets the objectives of the zone as outlined below:

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

The site provides a new enhanced dwelling on the site that will be utilised for decades to come. The proposal creates a low-density dwelling house (noting the variety of land uses in the immediate area) and creates a new landscape haven which integrates the dwelling with the existing natural environment.

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

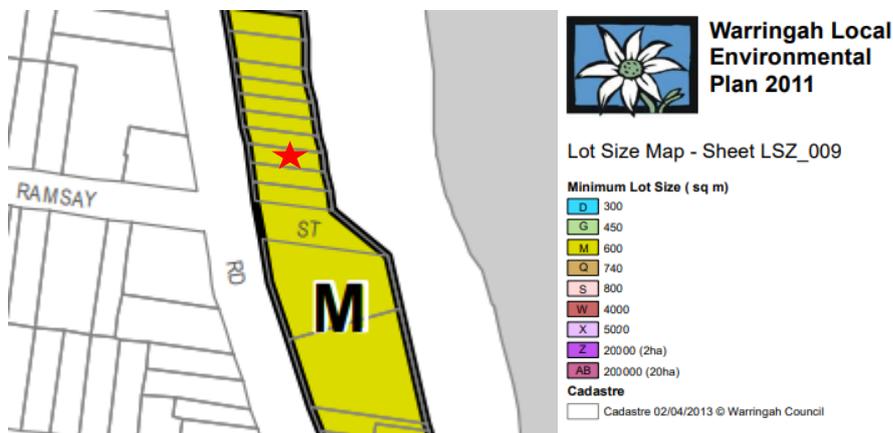
Not applicable – the proposal retains the use of the site for residential purposes.

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

The proposal includes a new enhanced landscape setting with a new designed landscape scheme for the site that integrates the proposed dwelling with the existing natural environment. The proposal will be in harmony with the natural environment of Warringah as supported by the Landscape Plan from Contour Landscape Architecture.

Part 4 Principal development standards

4.1 Minimum subdivision lot size



(1) *The objectives of this clause are as follows—*

- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,
 - (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,
 - (c) to protect the integrity of land holding patterns in rural localities against fragmentation,
 - (d) to achieve low intensity of land use in localities of environmental significance,
 - (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,
 - (f) to protect and enhance existing remnant bushland,
 - (g) to retain and protect existing significant natural landscape features,
 - (h) to manage biodiversity,
 - (i) to provide for appropriate stormwater management and sewer infrastructure.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
 - (b) by any kind of subdivision under the Community Land Development Act 1989.

Comment:

Not applicable - The site has a minimum lot size of 600sqm. The proposal does not include subdivision works; therefore Clause 4.1 is not applicable.

4.3 Height of buildings



- (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,
 - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
 - (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

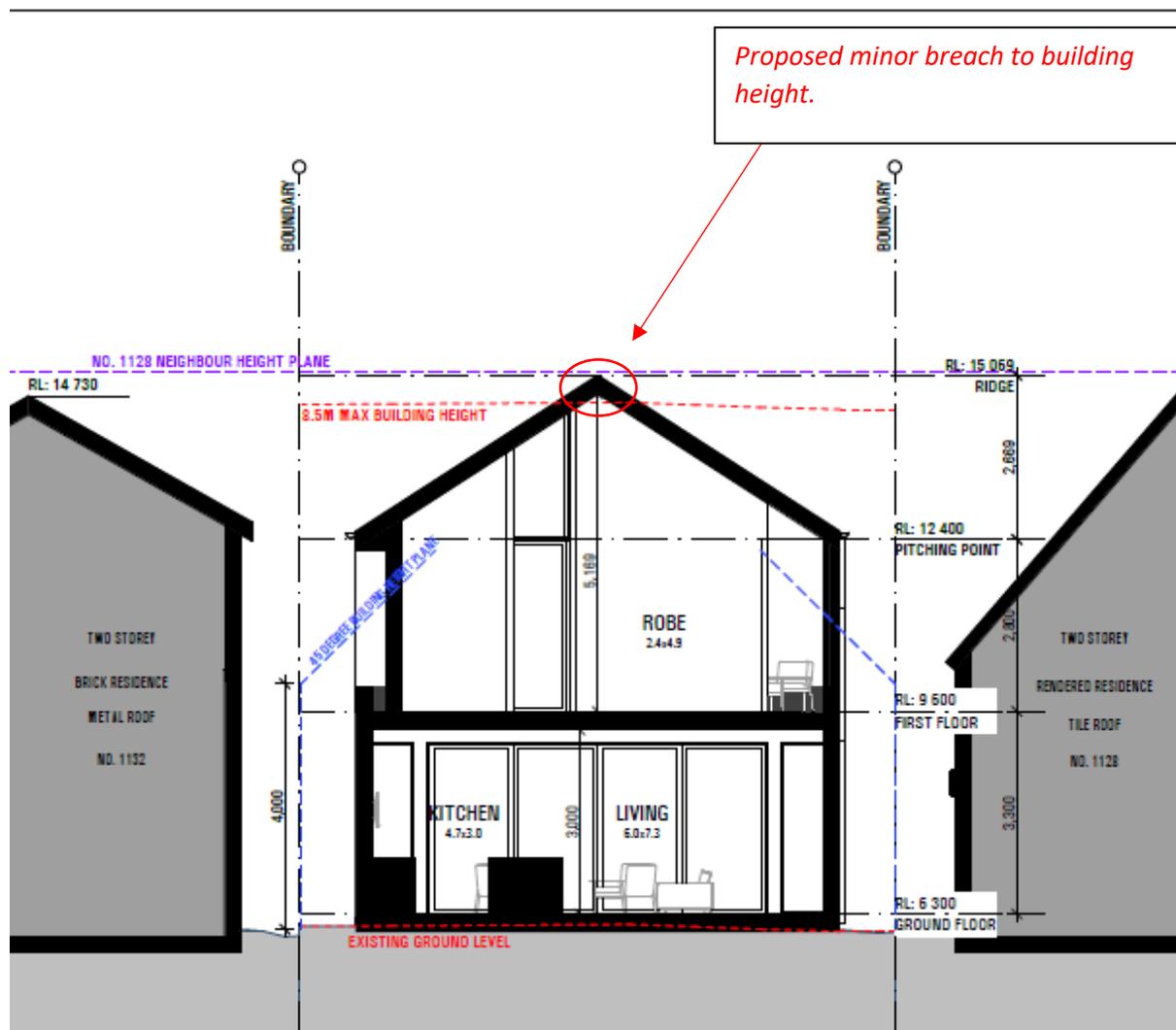
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

Comment:

The site has a maximum building height provision of 8.5m. The proposal has a maximum building height of 8.95m (to ground level existing) which is a minor non-compliance of 5.3%. The application is supported by a Clause 4.6 Variation to Development Standard report which provides environmental planning grounds to support the minor variation.

The proposed minor breach relates to one portion of the dwelling only in the form of an architecturally designed pitched roof form that aligns with the adjoining sites and relates to require ground floor RL requirements due to the coastal zone. See below:



A review of the objectives of Clause 4.3 are outlined below, which confirm notwithstanding the numerical variation, the objectives of the control are still achieved:

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

The site existing is not compatible with the height and scale of surrounding and nearby development noting the adjoining developments. Refer to the streetscape and visual analysis which outlines the bulk and scale and varying nature of Pittwater Road with building heights in excess of 12m. The project architects have provided the building outlines of adjoining properties to show the compatibility of building height between the adjoining neighbours and the proposed dwelling on our site. It is noted that notwithstanding the proposed minor breach to the building height, our proposal is consistent with the adjoining properties to the north and south. It is important for Council to recognise and acknowledge the existing streetscape of Pittwater Road, which has a varied appearance with some three to eight storey buildings. It is noted that many dwellings are built within the required front setback, and over the maximum 8.5m height limit. Strict adherence for our site would impact the existing streetscape and create a dwelling that is out of character and not compatible with the locality.

It is noted that the proposed variation relates to a small portion of the proposed new roof. It is important to acknowledge that the owners are creating an architecturally designed dwelling which will create visual interest and vitality to the Collaroy area, which is consistent with other roof forms within the immediate area.

As noted, the sites minor variation relates to the tip of the roof pitch, with the adjoining properties at 1128 and 1132 Pittwater Road having similar height variations. Further, Council recently approved DA2023/0173 at 1126 Pittwater Road, for alterations and additions with a variation to the building height at 9.27m (9%). The following is emphasised from the assessment officers report which supported the variation to the building height:

Notwithstanding the non-compliance to this Clause, the resultant building mass will achieve compatibility and consistency with the building bulk of adjoining properties along the eastern side of Pittwater Road. In this instance, the overall building height will not adversely or unreasonably impact upon the existing character of the streetscape and beachscape.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

It is our professional opinion that the proposal is consistent and compatible with the height and scale of the surrounding and nearby development. The proposal is of a bulk and scale acceptable for the area, noting the increased and varied side setbacks to ensure modulation and articulation to the dwelling. On this basis, the proposal meets objective (a).

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

The proposal has been strategically designed by the project architect to minimise any impacts relating to visual impact, views, privacy and loss of solar access. The proposal will not have a visual impact as the design is consistent with the bulk and scale of the immediate locality and any impacts to views would be minimal noting the main direction to the western side of Pittwater Road through a south-easterly direction to Ramsey Street. The proposal has been designed with minimal windows to the side boundaries, therefore no loss of privacy to neighbours at 1128 and 1132 Pittwater Road. On this basis, the proposal meets objective (b).

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

The proposal has been designed as a quality, long term architectural solution which integrates the proposed dwelling with the landscaping on the site. The proposal will not dominate the scenic quality of Warringah's coastal and bush environments. The design is consistent with adjoining properties, therefore fitting in with the character and enhancing the scenic quality through new landscaping to the site. On this basis, it is our professional opinion that the proposal meets objective (c).

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The site adjoins Collaroy Beach to the east. The proposal has been designed with due regard to the adjacent public place (Collaroy Beach) with the proposal designed to be recessive in nature through the careful articulation and elements of key facades. If the proposal were to comply with the building height it would create a disparity between the site and the adjoining properties. Due to the existing building heights, bulk and scale and the required RLs of sites, the visual impact of the proposal is consistent with the bulk and scale precinct. Further, the variation relates to roof which is consistent with adjoining sites and of architectural merit which provides visual interest, therefore not been of visual impact. On this basis, it is our professional opinion that the proposal meets objective (d).

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

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

(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.*

(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*
 - (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, and*
- (b) the concurrence of the Planning Secretary has been obtained.*

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4.*

(8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.

(8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.

Comment:

The proposal has a minor non-compliance to the building height by 0.45m (5.3%). The development application is supported by a Clause 4.6 Variation to Development Standard report. It is our professional opinion that the proposed variation is well founded and there are sufficient environmental planning grounds to allow a variation to Clause 4.3 Building Height.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

(1) Objectives The objectives of this clause are as follows—

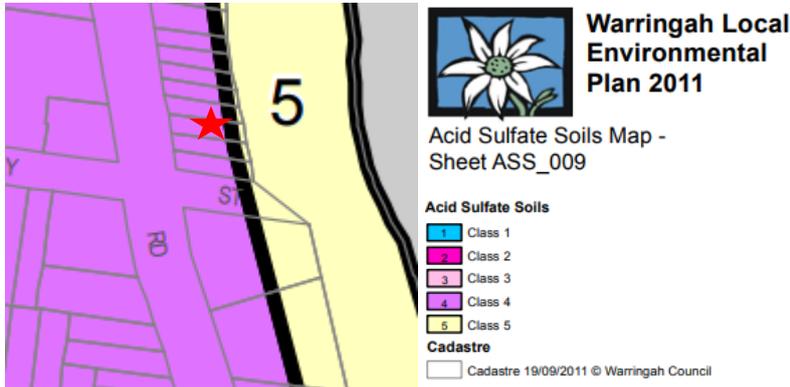
- (a) to conserve the environmental heritage of Manly,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

Part 6 Additional local provisions

6.1 Acid sulfate soils



- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Comment:

Complies – the proposal is identified as Class 4 and 5 Acid sulfate soils on the map. It is our professional opinion that the proposed earthworks do not trigger the requirement for an acid sulfate soils management plan.

6.2 Earthworks

- (1) *The objectives of this clause are as follows—*
- (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,*
 - (b) *to allow earthworks of a minor nature without requiring separate development consent.*
- (2) *Development consent is required for earthworks unless—*
- (a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*

(b) the work is ancillary to other development for which development consent has been given.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

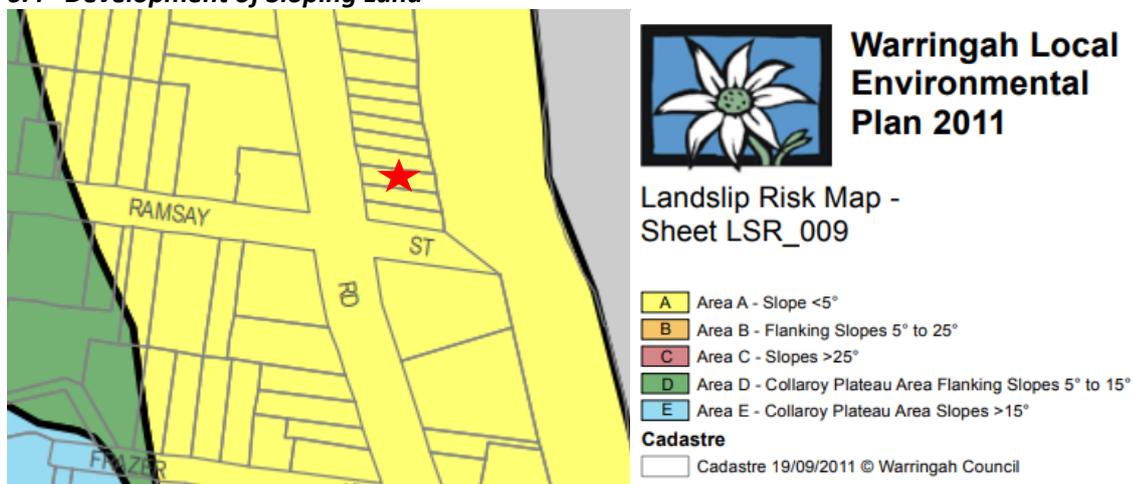
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

Comment:

Complies – the proposal will require excavation of the site. The proposed earthworks comply with the objectives of Clause 6.2 as the application is supported by a geotechnical assessment. Refer to Report on Geotechnical Site Investigation prepared by Nepean Geotechnics for full assessment of the proposed development.

6.4 Development of Sloping Land



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

(a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,

(b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,

(c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.

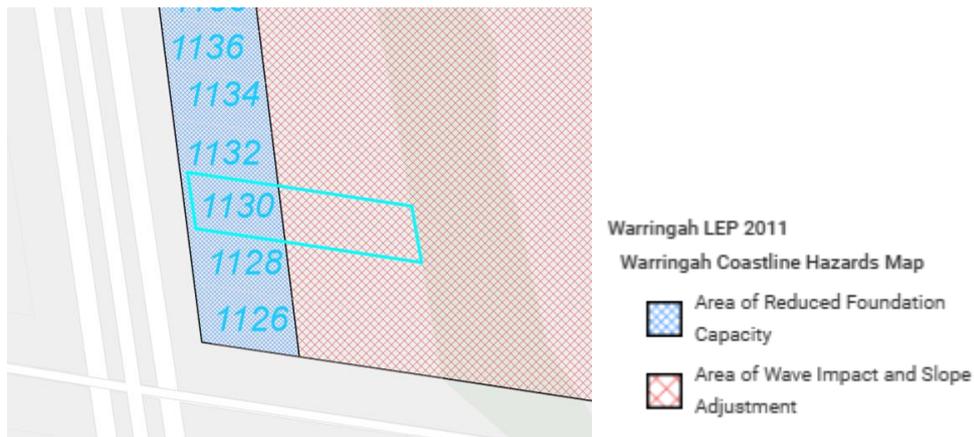
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

Comment:

Complies - the site is located within Area A of the Landslip Risk map. The development application is supported by a Geotechnical Site Investigation prepared by Nepean Geotechnics.

6.5 Coastline Hazards



- (1) The objectives of this clause are as follows—*
 - (a) to avoid significant adverse impacts from coastal hazards,*
 - (b) to enable evacuation of coastal risk areas in an emergency,*
 - (c) to ensure uses are compatible with coastal risks,*
 - (d) to preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.*
- (2) This clause applies to the land shown on the Coastline Hazard Map as—*
 - (a) Area of Wave Impact and Slope Adjustment, and*
 - (b) Area of Reduced Foundation Capacity.*
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—*
 - (a) will not significantly adversely affect coastal hazards, and*
 - (b) will not result in significant detrimental increases in coastal risks to other development or properties, and*
 - (c) will not significantly alter coastal hazards to the detriment of the environment, and*
 - (d) incorporates appropriate measures to manage risk to life from coastal risks, and*
 - (e) avoids or minimises exposure to coastal hazards, and*
 - (f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.*
- (5) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guidelines: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this Plan.*

Comment:

The proposal is identified on the coastline hazards map as “area of wave impact and slope adjustment” and “area of reduced foundation capacity.” The proposal has been strategically designed to be significantly setback from the foreshore to manage the associated risks. It is noted that the Collaroy Rock Revetment is in its final stages of completion as per DA2017/0591. The proposal is supported by a letter – Collaroy Rock Revetment Survey Works which confirms the works have been installed as approved under DA2017/0591.

General

The site is not identified on the following maps within WLEP2011:

- Bushfire Map
- Land Reservation Acquisition Map
- Heritage Map
- Key Sites Map
- Additional Permitted Uses Map
- Land Reclassification (Part Lots) Map
- Floor Space Ratio Map
- Centres Map

4.4 Warringah Development Control Plan (WDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the WDCP.

Key components of the DCP have been detailed in the table below.

Warringah Development Control Plan		
	Requirement	Proposed
Wall Height	7.2m	Complies – 6.35m
Side Boundary Envelope	4m then 45 degrees from a height above ground level (existing) at the side boundaries	Merit Assessment
Front Setback	6.5m	Merit Assessment – due to the irregular shape of the lot and constraints imposed by access, a variation to the front setback will be sought with the application.
Side Setbacks	0.9m	Merit Assessment – the proposal generally complies with a proposed architectural feature to the front southern boundary for a planter built to boundary.
Rear Setback	6m	Complies
Landscaping	40%	Merit Assessment – Due to the small nature of the site and consistency with adjoining properties, the proposal requests a variation to the landscaped area.
Private Open Space	A dwelling house with 3 or more bedrooms will require 60sqm of private open space area	Complies – the proposed private open space area complies with the minimum 60sqm requirements.
Access to Sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21	Complies – refer to shadow diagrams provided within the architectural package.

Part A – Introduction

A.5 Objectives

The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:

Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comments:

The proposal is for the demolition of the existing dwelling house and the construction of a new dwelling house and associated works. The proposed development is compatible with existing residential development along Pittwater Road noting the existing bulk and scale and varying front setbacks less than the 6.5m requirement. The development has been strategically designed to minimise any amenity impacts on neighbouring properties. The proposal meets the objectives of Warringah DCP.

Part B – Built Form Controls

B1 Wall Heights

Objectives

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Requirements

1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

Exceptions

This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:

- *does not exceed the 8.5 metre height development standard;*
- *is designed and located to minimise bulk and scale; and*
- *has a minimal visual impact when viewed from the downslope sides of the land*

Comments:

Complies – the proposal has been designed with a maximum wall height of 6.35m. The proposal provides varying, generally compliant side setbacks to provide articulation and modulation and avoids long, continuous wall planes.

B3 Side Boundary Envelope

Objectives

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

Requirements

1. *Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:*

- *4 metres, or*
- *5 metres*

as identified on the map.

2. *On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.*

Exceptions

Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway

For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:

- *Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope.*
- *Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.*

Comments:

Merit Assessment – The proposal requests a minor variation to the side boundary envelope requirements due to constraints of the lot, namely, the small width and irregular shape of the lot. The proposal is consistent with adjoining developments noting similar non compliances at 1132 Pittwater Road. A review of the objectives is provided below:

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

The proposal has been designed to be consistent with the bulk and scale of adjoining properties. This includes similar ridgelines and side setbacks. It is our opinion that the proposal is not visually dominant and fits in with the existing streetscape noting wall heights well under the maximum allowance of 7.2m

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

The proposal allows adequate retention of light, solar access and privacy. The proposal allows adequate spatial separation noting the constraints of the site due to the small lot size and coastal zones.

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

The proposal has been designed to respond to requirements of the coastal hazards, including the requirement for the ground floor to be raised. This has a flow on impact to other planning controls noting the requirement to measure from ground level (existing). The proposal has a minor fall with the proposal responding as required to the site constraints and coastal hazard requirements.

B5 Side Boundary Setbacks

Objectives

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

Requirements

1. *Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.*
2. *Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.*
3. *On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.*

Exceptions

Land Zoned R2

All development:

- *Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback*

Ancillary to a dwelling house:

- *Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause*

Comments:

Merit Assessment - the development is generally compliant with the prescribed side boundary setback controls for the proposed dwelling house apart from the architectural feature of the first-floor planting which is built to the southern boundary for only 2.3m in length. It is our professional opinion this is an architectural feature to the dwelling which enables a softening approach to Pittwater Road with the planter and landscaping. The proposed side setbacks are as following:

Southern Side Setback:

Dwelling - varying setbacks from 0.9m to 2.07m

Planter – nil setback

Northern Side Setback:

Dwelling - varying setbacks from 0.9m to 3.6m

B7 Front Boundary Setbacks

Objectives

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

Requirements

1. *Development is to maintain a minimum setback to road frontages.*
2. *The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.*
3. *Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.*
4. *For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

Comments: Merit Assessment - The application proposes a variation to the front setback due to the irregular nature of the lot which has an angled primary frontage of 10.065m. The proposal has a varying front setback to the proposed garage of 0.9m to 3.35m. The proposal provides an increased front setback to the proposed first floor varying from 3.18m to 4.73m.

It is further noted that the site previously had a detached garage structure with a nil front setback that was demolished previously (due to safety concerns). The application is supported by a Parking Design Certification prepared by Fernway Engineering which ensures the proposal complies with AS2890.1:2004.

The proposed variation in the front setback control will have no adverse amenity impacts on neighbouring properties and does not result in unacceptable bulk and scale impacts on the streetscape. A review of the immediate locality supports the proposed variation, noting a range of front setbacks along the eastern side of Pittwater Road for similar parking structures to facilitate on-site parking due to restricted parking facilities on the street. A review of the objectives is provided below to support the variation:

- *To create a sense of openness.*

The proposed design has varying setbacks to the front and elements to create a sense of openness with the addition of a planter to soften the front façade. It is our considered opinion that the proposal has been skilfully designed with regards to the unique irregular shape of the lot. The proposal creates a sense of openness through varying side setbacks.

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

The proposal has been designed to enhance the existing site with a new dwelling that fits in with the immediate streetscape. It is noted that strict compliance with the front setback control would be unreasonable, noting the existing provisions on site and the dwellings along the eastern side of Pittwater Road to the north and south with garages and other structures within the front setback. The proposal has been designed to fit in with the visual continuity of the street, and therefore our

professional opinion that the application will provide a new modern dwelling consistent with the streetscape with an enhanced landscape regime within the front setback.



Photograph looking north-east past the site noting garages to the street for 1132, 1134, 1136, 1138 and 1140 Pittwater Road

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

The proposal enhances the visual quality of the street by demolishing an existing old dwelling house. The proposal introduces new building methods while working with the existing streetscape and non-compliant front setbacks. The varying side setbacks and architectural features create a dwelling that is consistent with the streetscape and enhancing the visual quality of the area. It is noted that a compliant front setback would deter from the streetscape considering that it would be setback over 6m behind other dwellings.

- *To achieve reasonable view sharing.*

The proposed front setback will not adversely impact reasonable view sharing. It is noted that the building has been designed as per the built form of the adjoining dwellings. Refer to assessment under control D7 for full analysis of views.

On the basis of the above, it is our professional opinion that the proposed variation to B7 Front Boundary Setbacks is warranted and can be supported by Council.

B9 Rear Boundary Setbacks

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape*

elements.

- To provide opportunities to maintain privacy between dwellings.

Requirements

1. Development is to maintain a minimum setback to rear boundaries.
2. The rear setback area is to be landscaped and free of any above or below ground structures.
3. On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.
4. The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.
5. The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access

Exceptions

Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway

On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.

Comments:

Complies – the proposal provides a varying rear setback of 6.8m to 13m. The proposal has been designed to allow for deep soil landscaped areas within the rear setback. The rear setback maintains the visual continuity of the area and ensures privacy and amenity of adjoining properties is retained. The proposal complies with the objectives of B9 Rear Boundary Setbacks.

Part C – Siting Factors

C2 Traffic, Access and Safety

Objectives

To minimise:

- a) traffic hazards;
- b) vehicles queuing on public roads
- c) the number of vehicle crossings in a street;
- d) traffic, pedestrian and cyclist conflict;
- e) interference with public transport facilities; and
- f) the loss of "on street" kerbside parking.

Requirements

Vehicular Access

1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.
2. Vehicle access is to be obtained from minor streets and lanes where available and practical.
3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.
4. Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.
5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.

On-site loading and unloading

6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.

Exceptions

Reference should be made to Part G for additional, site specific requirements

Comments:

Complies – the proposal retains the intent of the existing entrance to the site with a new upgraded crossover and permeable driveway. The application is supported by a Parking Design Certification prepared by Fernway Engineering.

C3 Parking Facilities

Objectives

- To provide adequate off street carparking.*
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Requirements

1. The following design principles shall be met:

- Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;*
- Laneways are to be used to provide rear access to carparking areas where possible;*
- Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;*
- Parking is to be located so that views of the street from front windows are not obscured; and*
- Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.*

2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:

- the land use;*
- the hours of operation;*
- the availability of public transport;*
- the availability of alternative car parking; and*
- the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.*

3. Carparking, other than for individual dwellings, shall :

- Avoid the use of mechanical car stacking spaces;*
- Not be readily apparent from public spaces;*
- Provide safe and convenient pedestrian and traffic movement;*
- Include adequate provision for manoeuvring and convenient access to individual spaces;*
- Enable vehicles to enter and leave the site in a forward direction;*
- Incorporate unobstructed access to visitor parking spaces;*
- Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;*
- Provide on site detention of stormwater, where appropriate; and*
- Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.*

4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.
5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.
6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.
7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.
8. For Forest Way Village car parking at ground level is to be provided for individual units.

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot. Cross reference is in appendix 1.

Comments:

Complies – the proposed dwelling house includes a two-car garage. The garage is integrated into the design intent of the dwelling with building materials utilised to blend and contrast the garage into the dwelling design to ensure the garage does not dominate the front façade. The proposed garage will be compliant with all relevant Australian Standards. The garage has dimensions of 6.6m by 6m which allows for two parking spaces and ancillary storage at the rear of the garage.

C4 Stormwater

Objectives

- To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;
- To minimise the risk to public health and safety;
- To reduce the risk to life and property from flooding;
- Integrate Water Sensitive Urban Design measures into the landscape and built form to maximise amenity.
- To manage and minimise stormwater overland flow, nuisance flooding and groundwater related damage to properties.
- To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised.
- To minimise the quantity of stormwater runoff from new development on Council's drainage system.

Requirements

1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.
2. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.

Exceptions

- Refer to Council's Water Management Policy for exceptions.

Comments:

Complies - A stormwater management plan has been prepared in accordance with Northern Beaches Councils requirements by Deboke Engineering Consultants.

C5 Erosion and Sedimentation

Objectives

- To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.
- To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.
- To prevent any reduction in water quality downstream of the development site.

Requirements

1. All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.
2. Any erosion and sedimentation is to be managed at the source.
3. Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.
4. An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m² of land.
5. Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m² of land.

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Comments:

Complies – the proposal can meet adequate erosion and sediment control requirements. Refer to Erosion and Sediment Control Plan prepared by Deboke Engineering Consultants.

C6 Building over or adjacent to Constructed Council Drainage Easements



Objectives

To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property

Comments:

Complies – the site is adjacent to a Council stormwater pipe along the north-western boundary of the site. It is noted that the pipe is mapped as 375mm on Councils mapping system. As a result, the proposed dwelling house and associated works have been designed to have no impact on the Council's stormwater pipe.

The proposal meets the relevant objectives of C6 Building over or adjacent to Constructed Council Drainage Easements.

C7 Excavation and Landfill

Objectives

- *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.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Requirements

1. *All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.*
2. *Excavation and landfill works must not result in any adverse impact on adjoining land.*
3. *Excavated and landfill areas shall be constructed to ensure the geological stability of the work.*
4. *Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.*
5. *Rehabilitation and revegetation techniques shall be applied to the fill.*
6. *Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.*

Comments:

Complies - The development application is supported by a geotechnical assessment. Refer to Report on Geotechnical Site Investigation prepared by Nepean Geotechnics for full assessment of the proposed development.

C8 Demolition and Construction

Objectives

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- *To discourage illegal dumping.*

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

Complies - The proposal will be constructed in accordance with relevant Australian Standards and Conditions of Consent as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

C9 Waste Management

Objectives

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

Complies - The proposal will adequately demolish and construct the proposed works as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

Part D - Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *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.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Requirements

1. *The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:*

a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;

b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;

c) Landscaped open space must be at ground level (finished); and

d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.

2. *Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as "Bushland Setting", a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.*

3. *In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.*

Exceptions

Any conflicting requirements in Part G override this control

Comments:

Merit Assessment – the site is subject to a minimum landscaped open space of 40%. The development proposes a landscaped open space area of 31.3% of the site area being 120.74sqm. It is noted that existing landscaping is approximately 125sqm, therefore consistent with existing proposal albeit enhanced through new native plantings. Further, it is important to acknowledge the small lot sizes and existing landscape areas on other sites along the eastern side of Pittwater Road, with many around 20% landscaping only. A landscape plan has been submitted as part of the Development Application which has been designed to enhance the existing planting and vegetation on site, which provides privacy between buildings and facilitates stormwater provisions on the site. A review of the objectives is provided below to support the variation:

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

The proposal has been designed to enhance the streetscape of Pittwater Road. The proposal includes multiple deep soil areas and a planter to the front façade to facilitate new plantings on site with a new landscaped courtyard area to provide articulation and modulation. The proposed landscaping fits in with the new modern dwelling and retains and enhances the natural environment of the area.

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

The site existing does not have any substantial landscaping or mature trees. The proposed landscape plans outline various areas proposed for new landscaping which will enhance the site and its roll within the wildlife corridor to Collaroy Beach. The proposal will enhance indigenous vegetation for habitat and wildlife.

- *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.*

The landscaping allows for various types and sizes of low and medium shrubs and canopy trees. The proposal has been designed to mix the types of vegetation to mitigate the height, bulk and scale of the building, both to the front and rear facades. The use of planter boxes on the dwelling also assists to soften the built form and create a visually pleasing development and how it presents to the streetscape of Pittwater Road.

- *To enhance privacy between buildings.*

The proposed landscaping has been used in certain key areas such as the east and west boundaries to enhance privacy between neighbouring properties. It is noted that the dwelling has been designed to avoid direct overlooking and the use of landscaping assists in enhancing privacy.

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

The proposal has been designed to provide outdoor recreational space to the rear ground floor. The proposed landscaping helps to define the outdoor space with varying recreational uses and an aesthetically pleasing development from a recreational perspective.

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

The site provides adequate facilities for clothes drying.

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

The proposal is supported by a stormwater management plan prepared by Deboke Engineering Consultants.

D2 Private Open Space

Objectives

- *To ensure that all residential development is provided with functional, well located areas of private open space.*
- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*
- *To ensure that private open space receives sufficient solar access and privacy.*

Requirements

1. *Residential development is to include private open space for each dwelling.*
2. *The minimum area and dimensions of private open space are as follows:*

DWELLING Type	Area and Minimum Dimensions per dwelling
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres

3. *Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.*

4. *Private open space is to be located and designed to ensure privacy of the occupants of adjacent*

buildings and occupants of the proposed development.

5. Private open space shall not be located in the primary front building setback.

6. Private open space is to be located to maximise solar access.

Comments:

Complies – the development provides a functional private open space area of approximately 110sqm located off the ground floor proposed living area.

D3 Noise

Objectives

- To encourage innovative design solutions to improve the urban environment.*
- To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Requirements

1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.

See also NSW Industrial Noise Policy Appendices

2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.

3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.

4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.

5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.

Comments:

Complies – the proposed development is for a dwelling house. The use will remain as existing and will not produce a large amount of noise from the use of the premises. The architects have strategically designed noise sensitive rooms away from high use areas.

D4 Electromagnetic Radiation

Objectives

- To ensure the safety of the community from electromagnetic radiation.*
- To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Requirements

Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements:

Telecommunications Act 1997

Comments:

Not applicable.

D6 Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

Requirements

1. *Development should avoid unreasonable overshadowing any public open space.*
2. *At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

Exceptions

Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

Comments:

Complies – the proposed development has been designed with varying setbacks, wall heights and building heights to ensure adequate and reasonable access to sunlight is provided for both the site and adjoining neighbours. The proposal also includes separate private open space areas and living areas to ensure access to sunlight can be maintained throughout the entire day. The proposal utilises a practical roof design which ensures passive solar access with the topography of the land. It is our professional opinion that the proposal complies with the objectives and controls of D6 Access to Sunlight.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

Requirements

1. *Development shall provide for the reasonable sharing of views.*

Comments:

The site is located on the foreshore of Collaroy Beach; therefore, it is to be expected that some minor view corridors will be impacted. A site inspection has been undertaken and a review of properties on the western side of Pittwater Road have been assessed as practically possible without site inspections. On this basis, and as per real estate photos below, it is our professional opinion that a view impact assessment is not required as the main property at 1A Ramsey Street has a view corridor to the south-west along the road and road reserve of Ramsey Street. Further, the design of the dwelling has maintained a similar rear setback to ensure the adjoining properties at 1132 and 1128 Pittwater Road maintain reasonable cross boundary views.

Unit 12/1A Ramsey Street



Image provided by sale online – note impact in south-westerly directly to Ramsey Street

Unit 9/1A Ramsey Street



Image provided by sale online – note impact in south-westerly directly to Ramsey Street. Image to directly to the east does not show any views through 1130 Pittwater Road.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
3. *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
4. *The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*
5. *Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

Comments:

Complies – the proposed development has been strategically designed to ensure there will be minimal overlooking impacts from the proposed dwelling house to the adjoining properties. The development provides generous side boundary setbacks with varying side setbacks to further increase privacy between properties.

The proposal has been strategically designed to ensure privacy to both the occupants and adjoining neighbours whilst maximising the views to the east.

The proposal has been designed with minimal windows to the sides of the dwelling to improve and maintain privacy between the subject site and adjoining dwellings. The proposal has been designed to have low impact rooms along the side boundary with high use rooms such as the living area located to the rear of the proposed ground floor. All terraces and balconies will have adequate privacy screens to ensure privacy of the occupants and adjoining properties. There will be no unreasonable direct overlooking from the proposed development.

It is therefore our professional opinion that the objectives of D8 Privacy have been met through the siting and design of the building which provides a high level of visual and acoustic privacy for occupants and neighbours.

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Requirements

1. *Side and rear setbacks are to be progressively increased as wall height increases.*
2. *Large areas of continuous wall planes are to be avoided by varying building setbacks and using*

appropriate techniques to provide visual relief.

3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:

The amount of fill is not to exceed one metre in depth.

Fill is not to spread beyond the footprint of the building.

Excavation of the landform is to be minimised.

4. Building height and scale needs to relate to topography and site conditions.

5. Orientate development to address the street.

6. Use colour, materials and surface treatment to reduce building bulk.

7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.

8. Articulate walls to reduce building mass.

Comments:

Complies – the proposed development does not result in unacceptable bulk and scale impacts. The proposed dwelling house is sufficiently modulated and articulated, with the dwelling designed with varying setbacks from all sides to reduce any potential adverse impacts from the scale of the building. The proposal reduces cut and fill where possible. The proposal has been designed to create an improved visual relationship to the existing streetscape of Pittwater Road noting the existing front setbacks, building heights and two-three-storey built form surrounding the site. As per the requirements, the proposal complies as follows:

- The side setbacks have been designed with varying widths to create articulation and modulation.
- The proposal does not have large continuous wall planes.
- The site is constrained by the irregular shaped lot, small width and angled front boundary. The project architects have created a dwelling which is consistent with the streetscape. The design does not require significant cut or fill and is consistent with approvals in the area.
- The building height and scale meets the needs of the topography and the existing streetscape. As noted in the visual and streetscape analysis, the proposed building height is compatible with the adjoining buildings and is significantly smaller scale than dwelling at 1134.
- The site is constrained by the coastal hazards which raise the ground level above that existing.
- The proposal improves the existing streetscape while enhancing the site with a new dwelling.
- The project architect has utilised colours and materials which assist to reduce the bulk and scale and create a sense of openness.
- The proposed landscape plan will enhance the site and the area, noting the current cleared site with no vegetation. The site will create a new haven for flora and fauna with the design also reducing the visual bulk of the new building works.
- The dwelling has varying setbacks and heights which provides articulation to reduce the building mass.

The proposal is a great architectural outcome for the Collaroy precinct. It is noted that the site is surrounded by similar dwelling houses and is in close proximity to 3-8 storey residential flat buildings. The proposal has been strategically designed with a two-storey appearance to Pittwater Road with a roof pitch consistent with adjoining dwellings. The project architects have provided articulation and modulation with a dwelling that is sympathetic to the adjoining neighbours with varying side setbacks. The proposal is a great design with sustainable and innovative architecture which will enhance the area that has many old, neglected buildings that in the short to medium future will be upgraded and enhanced to contemporary buildings.

It is therefore our professional opinion that the objectives of D9 Building Bulk have been met through a great architectural design with innovative architecture including roof features which improve the urban environment of Collaroy.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Requirements

- 1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.*
- 2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.*
- 3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.*
- 4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.*

Comments:

Complies – the development application provides a materials and details schedule. The proposal has been designed with modern building materials and colours which are sympathetic to the surrounding natural and built environment. The proposal complies with the objectives of D10 Building Colours and Materials.

D11 Roofs

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Requirements

- 1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.*
- 2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.*
- 3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.*
- 4. Roofs shall incorporate eaves for shading.*
- 5. Roofing materials should not cause excessive glare and reflection.*
- 6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.*

Comments:

Complies – the development proposes a pitched roof form which creates innovative design solutions to improve the urban environment of Pittwater Road. The roof complements the local skyline therefore meeting the relevant objectives of D11 Roofs.

D12 Glare and Reflection

Objectives

- To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.
- To maintain and improve the amenity of public and private land.
- To encourage innovative design solutions to improve the urban environment.

Requirements

1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;
 - Minimising the lit area of signage;
 - Locating the light source away from adjoining properties or boundaries; and
 - Directing light spill within the site.
2. Any glare from artificial illumination is to be minimised by utilising one or more of the following:
 - Indirect lighting;
 - Controlling the level of illumination; and
 - Directing the light source away from view lines.
3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:
 - Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;
 - Orienting reflective materials away from properties that may be impacted;
 - Recessing glass into the façade;
 - Utilising shading devices;
 - Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and
 - Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.

Comments:

Complies – the development does not propose materials that will result in an unacceptable amount of glare. The proposal meets the relevant objectives of D12 Glare and Reflection.

D13 Front Fences and Front Walls

Objectives

- To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.
- To encourage innovative design solutions to improve the urban environment.
- To avoid a 'walled in' streetscape.

Requirements

1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.
2. Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.
3. Fences located within the front building setback area are to complement the existing streetscape character.
4. Fences are to be constructed to allow casual surveillance, except where there is excessive noise.

5. Gates are not to encroach over the property boundary when opening or closing.
6. Fences should complement the architectural period of the building.

Exceptions

No solid front fences or front walls will be permitted on flood prone land.
Reference should be made to Part G Belrose Corridor for site specific requirements.

Comments:

Not applicable – no new front fence or wall proposed.

D14 Site Facilities

Objectives

- To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.
- To encourage innovative design solutions to improve the urban environment.
- To make servicing the site as efficient and easy as possible.
- To allow for discreet and easily serviceable placement of site facilities in new development.

Requirements

1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:

- Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;
- All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;
- Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;
- Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and
- Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.

Comments:

Complies – the development proposes a screened bin area within the northern side boundary setback. The proposal also includes provision for mailbox and clothes drying facilities. The proposal meets the relevant objectives of D14 Site Facilities.

D15 Side and Rear Fences

Objectives

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

Requirements

1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.
2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.

3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.

Comments:

Not applicable – The proposal does not include new side or rear fences.

D16 Swimming Pools and Spa Pools

Objectives

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- *To encourage innovative design solutions to improve the urban environment.*

Requirements

- 1. Pools are not to be located in the front building setback.*
- 2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.*
- 3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*

Comments:

Not applicable – the proposal does not include any new swimming pools or spas.

D17 Tennis Courts

Objectives

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

Requirements

- 1. Tennis courts are to be located behind the front building setback.*
- 2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.*
- 3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*
- 4. The height and location of court fencing is to enable:*
 - a) Sharing of views from surrounding residences; and*
 - b) Provision of sunlight to surrounding properties.*
- 5. Fencing material is to be a dark colour.*
- 6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.*

Comments:

Not applicable – the proposal does not include a tennis court.

D18 Accessibility and Adaptability

Objectives

- *To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*
- *To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.*

- *To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

Comments:

Not applicable – whilst D18 Accessibility and Adaptability is not essentially required for dwelling houses it is noted that the owners have designed the dwelling to comply and adapt to relevant Australian Standards.

D19 Site Consolidation in the R3 and IN1 Zone

Objectives

- *To encourage lot consolidation to allow efficient use of land.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid lot sterilization.*

Comments:

Not applicable.

D20 Safety and Security

Objectives

- *To ensure that development maintains and enhances the security and safety of the community.*

Requirements

1. *Buildings are to overlook streets as well as public and communal places to allow casual surveillance.*
2. *Service areas and access ways are to be either secured or designed to allow casual surveillance.*
3. *There is to be adequate lighting of entrances and pedestrian areas.*
4. *After hours land use activities are to be given priority along primary pedestrian routes to increase safety.*
5. *Entrances to buildings are to be from public streets wherever possible.*
6. *For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).*
7. *Buildings are to be designed to allow casual surveillance of the street, for example by:*
 - a) *Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;*
 - b) *Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;*
 - c) *Locating high use rooms to maximise casual surveillance;*
 - d) *Clearly displaying the street number on the front of the building in pedestrian view; and*
 - e) *Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.*
8. *Casual surveillance of loading areas is to be improved by:*
 - a) *Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and*
 - b) *Providing adequate day and night lighting which will reduce the risk of undesirable activity.*
9. *Design entrances to buildings from public streets so that:*
 - a) *Building entrances are clearly identifiable, defined, lit and visible;*

- b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;*
- c) Main entrances are clearly identifiable;*
- d) Pavement surfaces and signage direct pedestrian movements; and*
- e) Potential conflict between pedestrians and vehicles is avoided.*

Exceptions

Reference should be made to Part G4 Warringah Mall for site specific requirements.

Comments:

Complies – the proposed dwelling house includes adequate casual surveillance opportunities facing Pittwater Road to allow for passive surveillance of the street. The proposal meets the relevant objectives of D20 Safety and Security.

D21 Provision and Location of Utility Services

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

Requirements

- 1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.*
- 2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.*
- 3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:
 - a) A reduction in the number of trenches required;*
 - b) An accurate location of services for maintenance;*
 - c) Minimising the conflict between services;*
 - d) Minimising land required and cost;**
- 4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.*
- 5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.*
- 6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.*
- 7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.*
- 8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.*

Comments:

Complies - The site is adequately serviced by the essential utilities (i.e. water, electricity, sewer).

D22 Conservation of Energy and Water

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure energy and water use is minimised.*

Requirements

1. *The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.*
2. *Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.*
3. *Buildings are to be designed to minimize energy and water consumption.*
4. *Landscape design is to assist in the conservation of energy and water.*
5. *Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.*
6. *All development must comply with Council's Water Management Policy.*

Comments:

Complies - The proposal is supported by a BASIX Certificate and NatHERS Certificate. In line with passive design principles, the orientation, roof forms, glazing and spatial planning have been carefully designed to minimise energy consumption over the life of the dwelling. The proposal meets the relevant objectives of D22 Conservation of Energy and Water.

D23 Signs

Objectives

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comments:

Not applicable.

Part E – The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*

- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comments:

Complies – the existing site has minimal to no vegetation or trees on site. The proposal includes a revised landscaping scheme which will enhance the site and area.

E2 Prescribed Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Requirements

1. *The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:*

All native vegetation identified on:

a) DCP Map Threatened and High Conservation Habitat

b) DCP Map Wildlife Corridors

c) DCP Map Native Vegetation

d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

2. *Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.*

Comments:

Complies - The site is located within the DCP Map Wildlife Corridor. The site has no existing vegetation. The landscape designers have come up with an integrated scheme while enhancing the site with new proposed landscape areas and plantings. The proposed development incorporates new native flora species that are suitable for the site and will enhance the area. It is our professional opinion that these have been satisfied and therefore sufficient in addressing the objectives of Control E2 Prescribed Vegetation.

E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

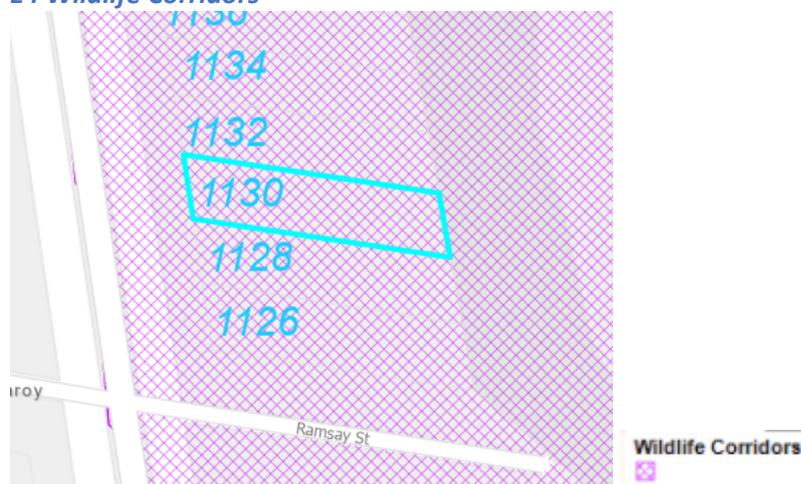
Objectives

- To protect and promote the recovery of threatened species, populations and endangered ecological communities.
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.
- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.

Comments:

Not applicable.

E4 Wildlife Corridors



Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.

Requirements

1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m² or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
 - i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and
 - ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and

enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.

2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.

Comments:

The site is identified within a wildlife corridor. The proposal includes compliant rear setbacks and is supported by a landscape plan which substantially enhances the landscaping on the site noting that it is currently cleared, therefore increasing the natural habitat of the area. As noted under controls E1 and E2 the proposal enhances the natural amenity of the site and the immediate locality. The proposal will have a positive impact to the natural habitat for local wildlife through the enhancement of native vegetation to the area. The proposal will assist in maintaining the wildlife corridor and providing a habitat for both fauna and flora.

The proposal meets the relevant objectives of E4 Wildlife Corridors.

E5 Native Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.*
- *To maintain the amount, local occurrence and diversity of native vegetation in the area*

Comments:

Not applicable - The site is not located within the DCP Map Native vegetation.

E6 Retaining unique environmental features

Objectives

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

Requirements

- 1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
- 2. Development should respond to these features through location of structures, outlook, design and materials.*

Comments:

Complies – the site has no known environmental features such as rock outcrops or escarpments.

E7 Development on land adjoining public open space

Objectives

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the*

natural qualities of the environment.

• Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.

Comments:

Complies – the site adjoins Collaroy Beach. The proposal has been designed to enhance the site with a new dwelling which is consistent with the surrounding built form. The proposal also integrates new landscaping which helps to buffer the rear yard and integrate it into the new sea wall and beach areas.

E8 Waterways and Riparian Lands

Objectives

- Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.*
- Encourage development to be located outside waterways and riparian land.*
- Avoid impacts that will result in an adverse change in watercourse or riparian land condition.*
- Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.*
- Maintain and improve access, amenity and scenic quality of waterways and riparian lands.*
- Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

Comments:

Not applicable.

E9 Coastline Hazard

Objectives

- To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman’s Beach.*
- To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman’s Beaches.*
- To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

Comments:

The site is identified on the coastline hazards map. The proposal has been designed to mitigate any adverse impacts associated with coastline hazards. It is noted that the Collaroy Rock Revetment is in its final stages of completion as per DA2017/0591. The proposal is supported by a letter – Collaroy Rock Revetment Survey Works which confirms the works have been installed as approved under DA2017/0591.

E10 Landslip Risk

Objectives

- To ensure development is geotechnically stable.*
- To ensure good engineering practice.*
- To ensure there is no adverse impact on existing subsurface flow conditions.*
- To ensure there is no adverse impact resulting from stormwater discharge.*

Requirements

1. The applicant must demonstrate that:

- The proposed development is justified in terms of geotechnical stability; and
- The proposed development will be carried out in accordance with good engineering practice.

2. Development must not cause detrimental impacts because of stormwater discharge from the land.

3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.

4. To address Requirements 1 to 3:

i) For land identified as being in Area A:

Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.

If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.

Comments:

Complies - The proposal is located within Area A of the Landslip Risk Area map. A geotechnical assessment has been prepared by Nepean Geotechnics and concludes that the proposed excavation is acceptable for the site and the proposed development will not have an adverse landslip risk.

E11 Flood Prone Land

Objectives

- Protection of people.
- Protection of the natural environment.
- Protection of private and public infrastructure and assets.

Comments:

Not applicable.

Part H – Appendices

Appendix 1 Car Parking Requirements

Comments:

Complies - The proposal provides a two-car garage.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) The provision of any Environmental Planning Instrument

Comment: The proposed demolition of the existing dwelling and the construction of a new dwelling house and associated works is permissible with consent and is consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 as they are reasonably applied to the proposed works given the constraints imposed by the sites location, environmental and constraints such as the lot size, irregular shape and small width.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: Not applicable.

(iii) Any development control plan

Comment: The proposal has been reviewed and assessed under Warringah Development Control Plan 2011.

(iia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment: Not applicable.

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: Not applicable.

(v) (repealed)

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting:

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

Comment:

The proposed demolition of the existing dwelling, and construction of a new dwelling house and associated works is compatible with adjoining residential development and will not result in any unreasonable amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

Comment: These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The development proposes a two-car garage which has been integrated into the design of the building and will not dominate the front façade of the premises. The proposal will retain the existing vehicle crossing location to Pittwater Road.

Public Domain

Comment: The proposed development will have no adverse impact on the public domain.

Utilities

Comment: Existing utility services will connect to service the dwelling.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna.

Waste Collection

Comment: Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

Comment: The site is located within Landslip Risk Area A. The proposal is identified as coastline hazards. The site is not identified on the flooding or bushfire maps.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i) Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

Comment: These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

Comment: The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the existing use of a dwelling house to remain.

(d) Any submissions received in accordance with this act or regulations

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposed works are permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied to the proposed construction of a new dwelling house and associated works. The development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal for the demolition of the existing dwelling and associated structures, construction of a new dwelling house and associated works is permissible with consent and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The application is supported by a Clause 4.6 Written Request to Vary the Building Height which determines there are sufficient environmental planning grounds, therefore it would be unreasonable and unnecessary to enforce full compliance.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, irregular shape, small width, constraints and adjoining land uses.

Accordingly, the proposal for the demolition of existing dwelling house and construction of a new dwelling house and associated works at 1130 Pittwater Road, Collaroy, being Lot 1 in Deposited Plan 121939, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.