

Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Alterations and Upper level
Addition to an Existing Dwelling and the
installation of a Pool**

at

No 44 Cumberland Avenue, Collaroy

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Planning) April 2024**

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TABLE OF CONTENTS

	PAGE NO
1.0 INTRODUCTION	1
2.0 THE SITE AND ITS CONTEXT	2
2.1 The Subject Site	2
2.2 Site Context	3
3.0 PROPOSED DEVELOPMENT	6
3.1 Design Approach	6
4.0 WARRINGAH LEP 2011	8
5.0 WARRINGAH DCP 2011	12
6.0 SECTION 4.15 CHECKLIST	29
7.0 CONCLUSION	32

1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application, which is being submitted to Northern Beaches Council. The applicant seeks development consent to undertake the following development on land known as No 44 Cumberland Avenue, Collaroy:

- Construct an upper level addition comprising of:
 - A master bedroom with a walk-in robe and ensuite;
 - Three additional bedrooms;
 - A sitting/living area;
 - A linen closet;
 - Wet bar;
 - A bathroom; and
 - An internal staircase accessing the lower level.

- Ground level alterations and addition to the existing dwelling include:
 - Demolish some internal walls and block up other areas to provide a well-defined kitchen and living areas.
 - Replace all existing windows in existing openings;
 - Square up corners on brick veneer façade;
 - New laundry and bathroom;
 - Demolish and replace the existing external stair access and alter garage to create double garage; and
 - Construct rear covered tiled BBQ area the installation of a pool.

The proposal has been prepared in accordance with the provisions of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

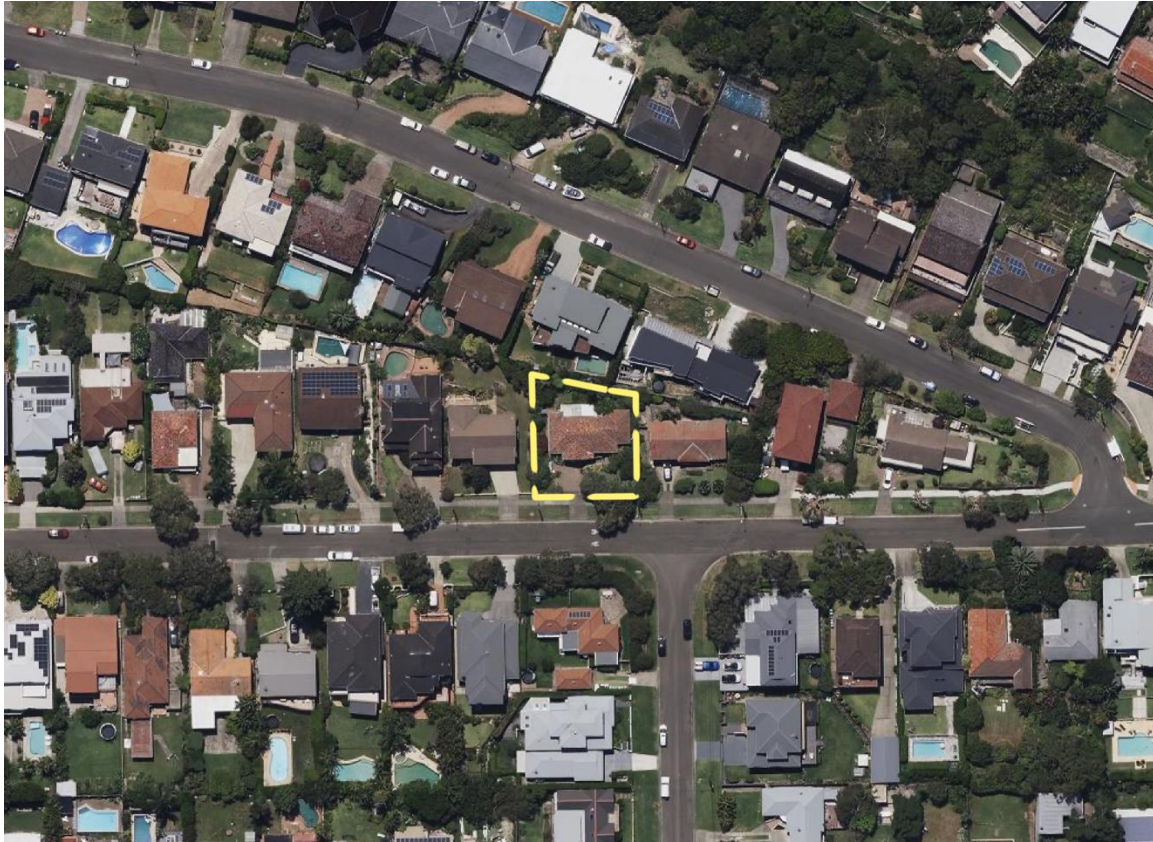
A description of the site and the locality and a description of the proposed development. A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979 and conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Betts White Home Design*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site comprises of an irregular shaped allotment situated on the northern side of Cumberland Avenue. The property is known as No 44 Cumberland Avenue Collaroy and is legally identified as being Lot 12 in DP 563881.



Locality Plan

The subject site has a fall from the rear towards the site frontage. The subject site has a total area of approximately **580.7m²**. The subject site is irregular in shape with a relatively wide frontage. A signed survey plan is included with the development plans.

The existing dwelling is single storey residence of brick and tile construction. The existing dwelling is reasonably well presented and is modest in size. The existing dwelling is set deep into the property with the principal areas of open space situated to the front and rear of the allotment. A garage and storeroom are located on a lower level due to the slope of the site.



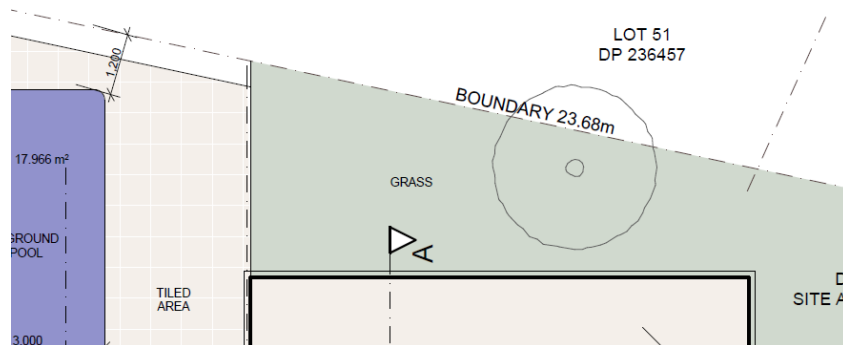
View of the existing dwelling

The building is not listed under the Warringah Local Environmental Plan 2011 as having any heritage significance nor is it in the immediate vicinity of any items of heritage significance.

The applicant does not propose to alter the existing drainage arrangements as the proposed works are mostly contained over the existing dwelling.

The subject site is accessed from Cumberland Avenue via a single driveway crossing.

No trees require removal to facilitate the proposed development. The rear yard contains shrubs and small trees under 5m in height except for one tree situated near the rear boundary which exceeds 5m in height. The applicant proposes to extend a deck to within 3m from the base of the tree. Only shallow footings (spread apart) are proposed to support the deck which will have no adverse impact on this tree. The tree will retain deep soil around its base for the full diameter ensuring its prosperity.



View of deck and proximity to the tree

Ample green space exists around the dwelling to assist with natural absorption.

2.2 Site Context

The subject site is situated within an established low density residential precinct characterised by a mix of single and two storey dwellings. The buildings in the precinct are generally well presented with a mix of renovated and new large dwellings. Existing development on the immediately adjoining properties comprises of the following:

Adjoining the subject site to the west is a large two storey dwelling known as No 42 Cumberland Avenue, Collaroy. This dwelling of brick and tile construction is substantially setback from the subject site and sits generally equal deep on the allotment comparative to the subject dwelling. The driveway entry and garage to this existing dwelling is situated adjacent to the common boundary between the two properties providing additional separation. It is noted that there are only highlight type windows proposed along the western elevation of the proposed upper-level addition. The existing substantive setback on the adjacent site coupled with the design solution will ensure that adequate levels of privacy are maintained between the two dwellings. Shadows cast by the proposed addition will primarily fall within the front yard of the subject site. Some minor additional overshadowing will occur to the front of the adjoining western and eastern dwellings. The additional overshadowing is minor and is acceptable regarding the residential context and orientation of the site.



View of the adjoining western dwelling

Adjoining the subject site to the east is a well-presented modern style two storey dwelling of brick construction known as No 46 Cumberland Avenue, Collaroy. The subject dwelling is substantially setback from this adjoining dwelling as it is located mid-block. In addition, the driveway entry and garage to this existing dwelling is situated adjacent to the common

boundary between the two properties providing additional separation. The proposed addition incorporates only two upper-level windows along the eastern elevation further enhancing and protecting privacy between the two dwellings. The substantial setbacks coupled with the design initiatives will ensure that there is ample separation between the two dwellings. Most additional shadows cast because of the proposed development will fall within the subject site. There may be some minimal shadow affectation to the front of this adjoining property.



View of the adjoining eastern dwelling

Shadows cast by the proposed addition will fall in a sweeping motion towards the south primarily within the property and partially across the front yards of the adjoining eastern and western dwellings. Any additional shadow affectation to adjoining dwellings will be minor given the generous separation between dwellings.

It is noted that there are examples of recent upper-level additions and new two storey dwellings in the vicinity of the site. The subject dwelling will not obstruct any existing views as it is not located within an established view corridor.

The precinct is well serviced by public transport facilities with regular bus services running along nearby Pittwater Road to the wider Northern Beaches. Recreational facilities existing nearby with the Dee Why and Long Reef Beach are within a short walking distance of the subject site. The enhancement of the floor space on-site is therefore consistent with urban renewal initiatives.

3.0 PROPOSED DEVELOPMENT

The applicant seeks development consent to undertake the following at No 44 Cumberland Avenue, Collaroy:

- Construct an upper level addition comprising of:
 - A master bedroom with a walk-in robe and ensuite;
 - Three additional bedrooms;
 - A sitting/living area;
 - A linen closet;
 - Wet bar;
 - A bathroom; and
 - An internal staircase accessing the lower level.

- Ground level alterations and addition to the existing dwelling include:
 - Demolish some internal walls and block up other areas to provide a well-defined kitchen and living areas.
 - Replace all existing windows in existing openings;
 - Square up corners on brick veneer façade;
 - New laundry and bathroom;
 - Demolish and replace the existing external stair access and alter garage to create double garage; and
 - Construct rear covered tiled BBQ area and the installation of a pool.

3.1 Design Approach

The proposed upper-level addition is sought to provide most needed quality internal living space to meet the needs of the residents. The proposed addition is mostly contained over the existing lower-level dwelling footprint and has been suitably articulated to present well across the frontage. The proposed upper level will complement the overall appearance of the dwelling. The proposal includes a conventional skillion roof to minimise bulk and scale when viewed from the street.

In addition, the proposed upper level is well setback from all adjoining dwellings and the street and will not be prevalent when viewed from the street.

The design solution ensures that privacy issues are well resolved through design. The outlook from the proposed addition is oriented towards the street front and the rear yard of the dwelling and not into adjoining properties.

Shadows cast by the proposed addition will generally fall in a sweeping motion within the site across the frontage and partly over the front yards of the adjoining eastern and western dwellings. The extent of overshadowing is minimal and acceptable given the site circumstances and the general scale of dwellings in the locality.

The substantial separation between dwellings coupled with the extensive landscaping around the adjoining dwellings will ensure that privacy and overshadowing issues are reasonably resolved.

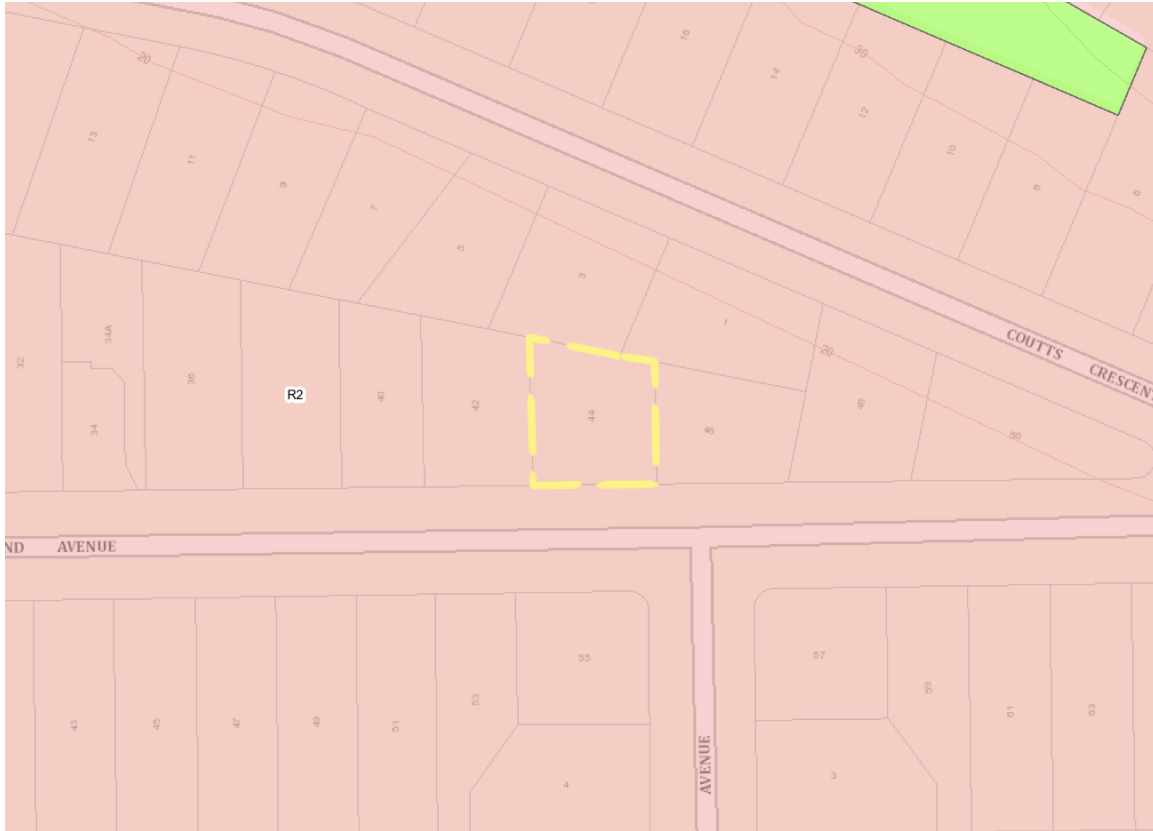


Artists Impression of the Proposed Addition

4.0 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

4.1 Zoning and Zone Objectives

The subject land is zoned **R2 Low Density Residential** pursuant to Warringah LEP 2011.



Land Zoning Extract – R2 Low Density Residential

A dwelling is defined to mean *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposed works are ancillary to a dwelling and complies with the above definitions. The proposal is permissible in the zone with development consent.

The specified zone objectives for the R2 zone are as follows:

- *To provide for the housing needs of the community within a medium 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.*

Comment:

An assessment of the proposal against the zone objectives indicates that the zone objectives can be met.

The salient elements of this assessment follow:

- The proposed development provides an enhanced level of amenity to the residents on-site. No change in intensification of the use of the dwelling is proposed thus maintaining the existing residential environment. The subject site will continue to benefit from quality green space on-site to the front and rear.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this statement of environmental effects. The proposal is appropriate in this regard.
- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the immediate area. The proposal will be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment.
- There is no proposal to carry out other land use activities.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

4.2 Relevant Clauses of the LEP

Clause 4.3 of the LEP sets a maximum **height** for development in accordance with the Building Height Map. The building height map specifies a maximum height limit within the R2 zone of 8.5m.

Comment:

The proposed development experiences a technical breach with the maximum height standard, given that the proposed upper-level addition extends in part over the lower level excavated parking and storage rooms. The extent of the non-compliance is 0.8m or 9.4%.

Clause 4.4 of the LEP relates to **Floor Space Ratio**.

Comment:

There is no floor space ratio control applicable to the site.

Clause 4.6 relates to **Exceptions to development standards**.

Comment:

The applicant proposes to rely on Clause 4.6 as part of this application to justify the building height variation. A clause 4.6 justification is provided under separate cover.

Clause 5.10 of the LEP relates to **Heritage**.

Comment:

The subject site is not heritage listed or within a heritage conservation area. No heritage items are within the subject site locality.

Clause 5.21 of the LEP relates to **Flood planning**.

Comment:

The subject site is not flood affected.

Clause 6.1 of the LEP relates to **Acid Sulphate Soils**.

Comment:

The subject site is not subject to acid sulphate soil consideration. Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

Clause 6.2 of the LEP relates to **Earthworks**.

Comment:

Minimal earthworks are required associated with footings and utility service connections to facilitate the proposal. Earthworks will also be required to excavate the pool. No major considerations with regards to earthworks are identified, the location of proposed development is suitable.

Clause 6.4 of the LEP relates to Development on sloping land and states the following:

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:

The subject site is situated within a Landslip Area D – Collaroy Plateau Area Flanking Slopes 5-15 of the Warringah LEP. The works are essentially minor and will not disturb the existing terrain. The proposed works will have no influence on existing water flows. Please refer to Geotechnical Assessment Report prepared in support of the proposal. The report elaborates on a geotechnical assessment of the proposed works and recommendations for preliminary design and construction.

5.0 DEVELOPMENT CONTROL PLAN 2011

Warringah Development Control Plan (DCP) 2011 was adopted by Council on 12th May 2010 and came into effect on 9th November 2010.

The DCP applies to land within the historic Warringah Local Government Area (LGA) and provides complimentary controls and considerations to the Warringah Local Environmental Plan (LEP) 2011.

The DCP is to be read in conjunction with LEP 2011.

The DCP contains 4 relevant parts relating to built form controls, siting factors, design and the natural environment.

Part B - Built Form Control Objectives

B1 Wall Height

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

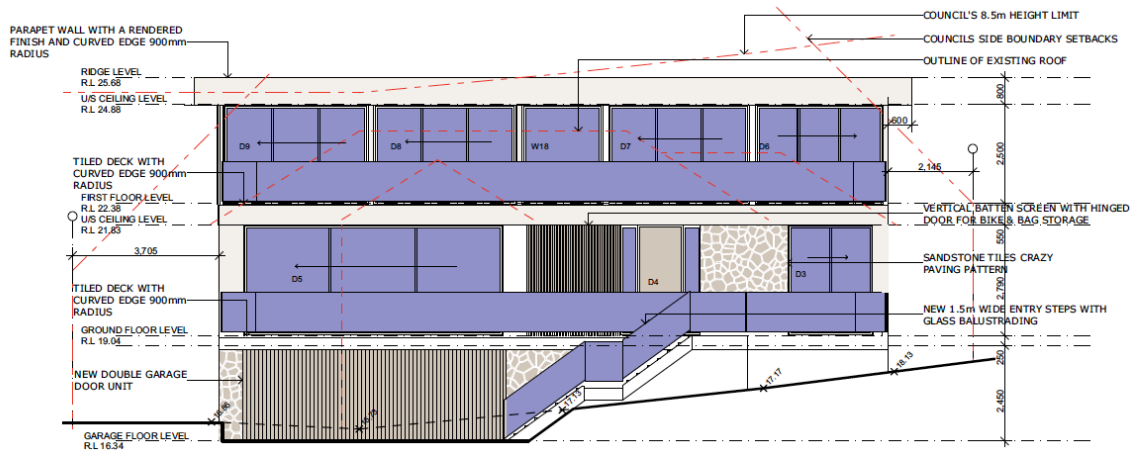
- *Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).*

Exceptions

- *This control may be varied for land shown on DCP Wall Height Map 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.*

Comment:

The proposal complies with the wall height control. A minor departure occurs in relation to the overall building height control from a technical point of view because of the subject site's slope. Given the circumstances of the case, the variation is justified pursuant to clause 4.6 of the WLEP. The proposal is reasonable in this instance.



Site Section

B2 Number of Storeys

Objectives

- To ensure development does not visually dominate its surrounds.
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.
- To provide equitable sharing of views to and from public and private properties.
- To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.
- To provide sufficient scope for innovative roof pitch and variation in roof design.
- To complement the height of buildings control in the LEP with a number of storeys control.

Comment:

The Number of Storeys DCP map does not indicate a maximum number of storeys applying to the subject site.

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
- 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.

Comment:

The proposed upper-level addition encroaches slightly into the building envelope along the western side of the addition. This occurs because of the positioning of the existing dwelling close to the common western boundary and the elevated nature of the existing ground floor on the sloping site.

The siting of the proposed upper level over the ground floor is determined by the location of the existing internal staircase and garage. Notwithstanding it is noted that the adjoining western dwelling is setback a substantial distance from the common side boundary. The minor encroachment gives rise to no adverse impact on the western property in terms of privacy.

The development ensures that the built form does not become visually dominant and ensures adequate light, solar access and privacy by providing spatial separate between existing surrounding buildings.

As noted the proposed encroachment is minor and is acceptable given site circumstances.



Site Section

B4 Site Coverage

Comment:

Not applicable.

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

- *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.*
- *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.*
- *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.*

Comment:

As identified on the DCP Map Side Boundary Setbacks, the required minimum for this site is 0.9m. The proposed setbacks on either side are 3.675m and 2.145m which complies with the above control.

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*
- *Development is to maintain a minimum setback to road frontages.*
- *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.*
- *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.*
- *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.*

Comment:

The prescribed front setback is 6.5m. The proposed setback is unchanged from the existing building and is well setback from the front boundary. The existing setbacks have been previously approved by Council.

B9 Rear Boundary Setbacks*Objectives*

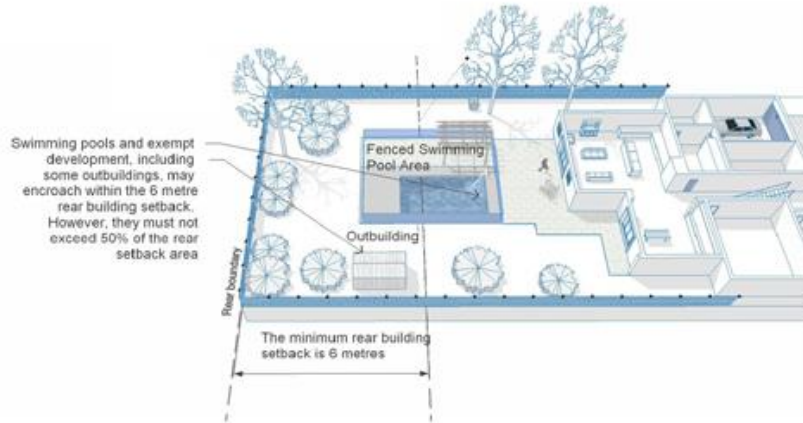
- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Requirements

- *Development is to maintain a minimum setback to rear boundaries.*
- *The rear setback area is to be landscaped and free of any above or below ground structures.*

Rear building setback - larger allotment



Comment:

The rear boundary setback is not proposed to be altered as part of this application. The existing setbacks have been previously approved by Council. When considering the location of the existing building and the lot dimensions, the pool development is appropriate in this regard.

Part C - Siting Factors

C1 Subdivision

Comment: Not applicable.

C2 Traffic Access and Safety

Objectives

- *To minimise:*
- *traffic hazards;*
- *vehicles queuing on public roads*
- *the number of vehicle crossings in a street;*
- *traffic, pedestrian and cyclist conflict;*
- *interference with public transport facilities; and*
- *the loss of "on street" kerbside parking.*

Comment:

The subject site presently accommodates 1 on-site car space within an attached single garage. It is proposed to provide additional parking as part of this application through the alterations to create a double garage.

The existing lower level will be used for storage purposes.

C3 Parking Facilities

Objectives

- *To provide adequate off street car parking.*
- *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.*

Comment:

The proposal will result in the ability to park two cars on-site through the construction of a new attached double garage. The double garage door does not dominate the façade and is less than 6m width.

C4 Stormwater

Objectives

- *To ensure the appropriate management of stormwater.*
- *To ensure the appropriate management of stormwater.*
- *To minimise the quantity of stormwater run-off.*
- *To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.*
- *To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).*

Comment:

No change is proposed to the existing drainage arrangements on-site.

C5 Erosion and Sediment Control

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.*

Comment:

Appropriate measures will be undertaken during construction so as to minimise disruption to surrounding residents and the natural environment. The applicant will abide by appropriate conditions of consent in this regard.

C6 Building Over or Adjacent to Constructed Council's Drainage Easements

Objectives

- *To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property.*

Comment: Not applicable.

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.*

Comment:

Minimal excavation is required associated with footings and for the pool. No issues arise in this regard as excavation will be contained away from side and rear boundaries.

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.*

Comment: Noted.

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.*
- *To discourage illegal dumping.*

Comment:

Appropriate waste management procedures will be implemented during the construction phase. A waste management plan accompanies the development plans.

Part D – Design

D1 Landscape 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.*

Comment:

The applicant proposes a minor alteration to the landscape content on-site.

There will be no adverse effect on native vegetation. It is noted that there is a requirement to provide 40% landscape content on site. The proposed landscape content will be embellished with the inclusion of the pool and deck.

Appropriate design measures have been undertaken to provide an attractive addition and minimise privacy loss.

Ample open space and private recreation space exists on-site to the benefit of the residents.

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.*

Comment:

The open space areas on site benefit from ample solar access, particularly across the rear private open space. The private open space will be embellished through the provision of the development works. A minimum of 50sqm is provided to the rear including tiled area, grass and pool.

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.*

Comment:

The proposed upper-level addition maintains compliant setbacks when considering the nature of the site and surrounding developments. No adverse noise is anticipated from a typically domestic use.

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.*

Comment: 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.*
- *To promote passive solar design and the use of solar energy.*

Note: Overshadowing by vegetation will not form part of Council's assessment of access to sunlight.

The planning principle established in the Benevolent Society v Waverly Council (2010) NSWLEC 1082 will be used in the assessment of sunlight.

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*

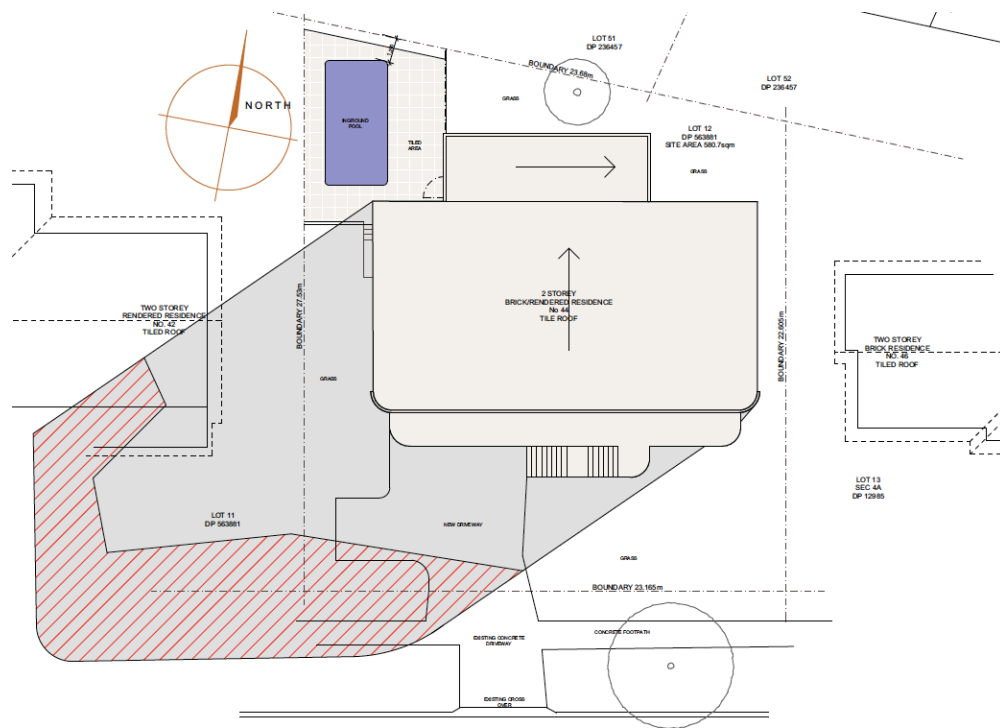
ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.

Comment:

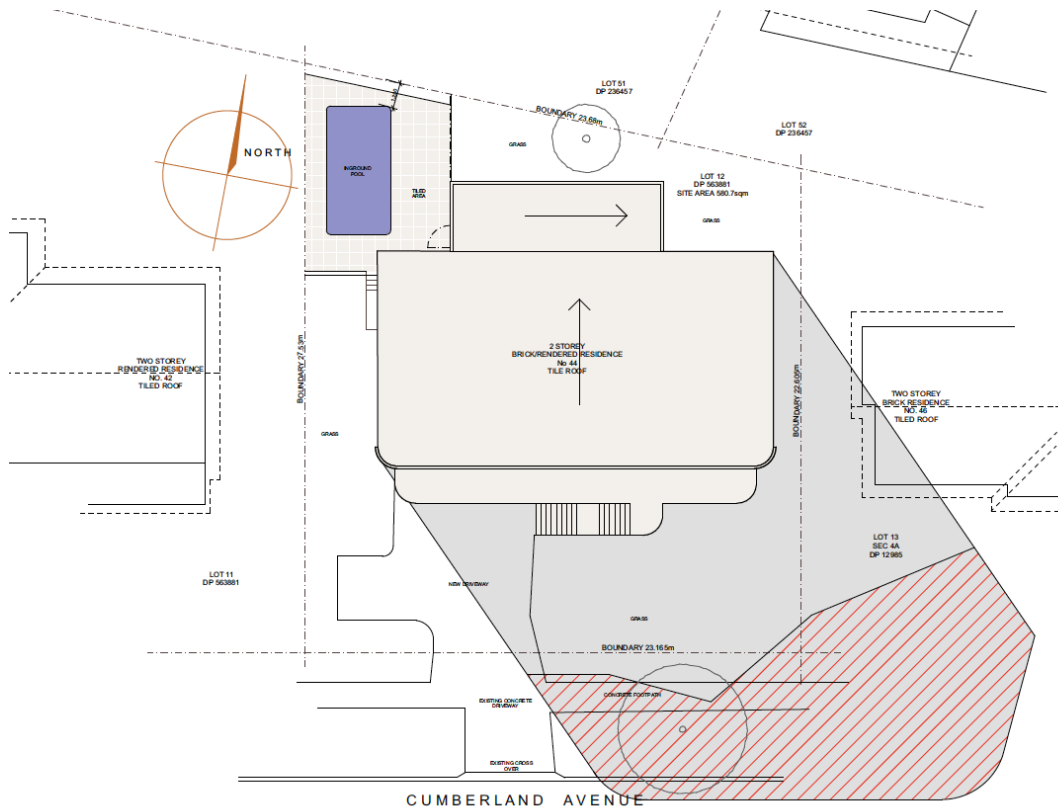
Shadow diagrams are provided in the plan set.

Shadows cast by the proposed upper level will effectively fall towards the front of the subject site and will be predominantly contained within the body of the subject site. Some shadows will be projected across the front yards of the adjoining eastern and western properties during the winter solstice. The shadow impacts are reasonable in the context of the site, including separation between dwellings and given the modest scale of the proposed upper-level addition.

Accordingly, no issues arise in respect of overshadowing in the context of site circumstances, site orientation and design initiatives.



Shadow Diagram 9am



Shadow Diagram 3pm

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.*

Note: Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting v Warringah Council (2004) NSWLEC 140.

Comment:

There are no substantive views available from dwellings in this part of Cumberland Avenue. The proposed upper-level addition will not impact on any existing views enjoyed by any nearby dwellings.

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.*

Comment:

The proposed addition to the dwelling is suitably designed to direct outlook towards the front and rear of the allotment only. Side windows generally employ the use of highlight windows for solar access while maximising visual privacy.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

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.*

Comment:

The proposed upper floor addition is architecturally treated along all elevations to present well when viewed from adjoining properties. The proposed upper level is well setback from the street and adjoining dwellings ensuring there will be no adverse impacts due to building bulk.

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.*

Comment:

The proposed addition will be sympathetic to the built environment in terms of colour and materials. The colour tones selected for the site reflect the existing established vegetated environment and the character of the surrounding built form. A tasteful upgrade of the front façade is proposed.



View of Proposed Building from Street

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.*

Comment:

A conventional skillion roof is proposed with the addition. The skillion roof is proposed to minimise bulk when viewed from the street.

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.*

Comment:

The proposed development being domestic in nature and situated on a local road will not result in any undue impact with regards to overspill glare and reflection.

D13 Front Fences and 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.*

Comment:

No change is proposed to boundary fencing.

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.*

Comment: All site facilities are currently available to the site in accordance with Clause D14. It is not proposed to alter the current arrangement.

D15 Side and Rear Fences

Objectives

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

Comment:

No change is proposed.

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.*

Comment:

A swimming pool installation is proposed as part of the application.

The pool is not located within the front setback. No trees are proposed to be in the proximity of the pool.

D17 Tennis Courts

Comment: Not applicable.

D18 Accessibility

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.*

Comment: Not applicable.

D19 Site Consolidation in R3 and IN1 Zones

Comment: It is not proposed to consolidate the site.

D20 Safety and Security

Objectives

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

Comment: The entrance to the building is easily identified and well lit. The entrance to the dwelling will be emphasised with the proposed staircase and portico. Subtle lighting will also enhance the ambience and pronounce the entry to the dwelling.

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.*

Comment: Not applicable.

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.*

Comment:

The proposed development is to incorporate the following ESD design features in the completed development:

- *Appropriate insulation which achieves an “R” value is to be included in wall cavities, roof and ceiling.*
- *The addition has been designed to facilitate cross ventilation by virtue of external openings on opposing walls.*
- *Water efficient fixtures are to be installed in the addition to lessen the demand for mains water and wastewater discharge.*
- *Energy efficient globes are to be installed in the dwelling.*

Part E – The Natural Environment

E1 Private Property Tree Management

Objectives

- *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect human life and property through professional management of trees in an urban environment.*
- *To provide habitat for local wildlife.*
- *Promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community. See Warringah Natural Area Survey, August 2005.*
- *To preserve and enhance the area’s amenity.*

Comment:

Some minor vegetation is proposed to be removed to provide for the pool and upgraded backyard. Development has been sited to minimise impacts on vegetation while still providing adequate amenity for the occupants. Due to the layout of the site and existing constraints, no reasonable alternative is identified.

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.*

Comment: Not applicable.

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

Comment: Not applicable

E4 Wildlife Corridors

Comment: Not applicable.

E5 Native Vegetation

Comment: Not applicable.

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.*

Comment: Not applicable.

E7 Development on land adjoining public open space

Comment: Not applicable.

E8 Waterways and Riparian Lands

Comment: Not applicable.

E9 Coastline Hazard

Comment: Not applicable.

E10 Landslip Risk

Comment:

The subject site is situated within a Landslip Area D – Collaroy Plateau Area Flanking Slopes 5-15 of the Warringah LEP.

The works are essentially minor and will not disturb the existing terrain. The proposed works will have no influence on existing water flows.

Please refer to Geotechnical Assessment Report prepared in support of the proposal. The report elaborates on a geotechnical assessment of the proposed works and recommendations for preliminary design and construction.

E11 Flood Prone Land

Comment: Not applicable.

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6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(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

(iii) any development control plan, and

(iiia) 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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

The proposal is permissible and satisfies the objectives and numerical standards of Warringah Local Environmental Plan 2011 and prescriptive and performance controls of the DCP pursuant to clause 4.6 of the WLEP.

The proposed development is reasonable in consideration of the streetscape objectives, overshadowing and privacy.

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.

Comment:

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposal provides for a high degree of amenity for future occupants and is respectful of the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

c. the suitability of the site for the development.

Comment:

The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

d. any submissions made in accordance with the Act or the regulations.

Comment: Nil

e. the public interest

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space on-site contained within the footprint of the existing dwelling therefore satisfying urban consolidation initiatives and furthering the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note.

The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and

(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Comment: Not applicable.

7.0 CONCLUSION

The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to improving the quality of living space on-site.

The proposed development accords with the numerical development standards contained within the Warringah LEP 2011 pursuant to clause 4.6.

The applicant has specifically sought to provide a development with a high-quality design, which reflects contemporary planning and design initiatives. A site-specific design has been developed in this instance.

The proposed development is respectful of the amenity of neighbouring properties and will not give rise to adverse overshadowing or privacy impacts in the context of site circumstances. The proposal is reasonable pursuant to the provisions of the LEP/DCP.

In view of the above, the proposed development is appropriate and Council approval is recommended.