

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN
EXISTING DWELLING**

LOCATED AT

4 IAN AVENUE, NORTH CURL CURL

FOR

MANNY KASTELLAS



**Prepared
December 2023**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans detailing the proposed construction of alterations and additions to the existing dwelling at 4 Ian Avenue, North Curl Curl prepared by Sammy Fedele on behalf of Manny Kastellas.

The submission comprises plans prepared by Sammy Fedele, dated 6 December 2023.

- DA01 Site Plan
- DA02 Existing / Demolition Lower Ground Floor Plan
- DA03 Existing / Demolition Ground Floor Plan
- DA04 Existing / Demolition First Floor Plan
- DA05 Existing / Demolition Roof Plan
- DA06 Proposed Lower Ground Floor Plan
- DA07 Proposed Ground Floor Plan
- DA08 Proposed First Floor Plan
- DA09 Proposed Roof Plan
- DA10 Elevation
- DA11 Elevation
- DA12 Elevation
- DA13 Section
- DA14 Existing and Proposed Calculation
- DA15 Shadow Diagram
- DA16 Shadow Diagram
- DA17 Shadow Diagram

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 4 Ian Avenue, North Curl Curl, being Lot 33 within Deposited Plan 16602 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is identified within the Coastal Environment Area pursuant to SEPP (Resilience and Hazards) 2021. This matter will be discussed further within this submission.

The site is identified as Class 5 Acid Sulfate Soils. This matter will be discussed in further detail within this statement.

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

The land is noted as being within Area A on Council's Landslip Risk Map and accordingly this matter will be discussed in further detail within this submission. A Preliminary Geotechnical Assessment is not considered warranted in this case. Furthermore, the extent of earthworks proposed as part of the proposal is minimal.

No other identified hazards have been identified.

3.0 Site Description

The property is located on the southern side of Ian Avenue, with a gentle fall towards the east .

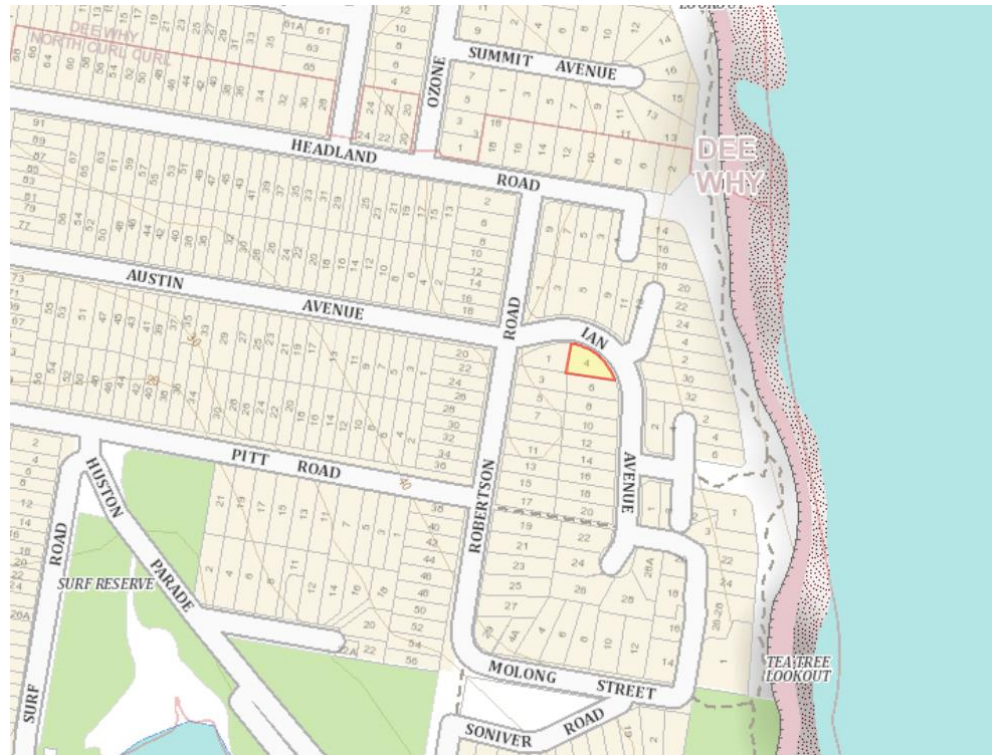
The site is irregular in shape, with an arc-shaped frontage to Ian Avenue of 43.146m, the north-western side boundary measures 20.98m and the rear south-eastern boundary measures 35.24m. The land has a total site area of 529.9m².

Stormwater from the roof areas will be directed to the existing stormwater system which directs stormwater to the street gutter yard.

The site is currently developed with a one and two storey rendered and timber clad residence with a metal roof. An in-ground pool is located in the front yard.

Vehicular access is available to the site from Ian Avenue via a concrete driveway to a garage and carport under the dwelling.

The details of the site are as indicated on the survey plan prepared by Adam Clerke Surveyors Pty Ltd, Project No. 11715A, dated 11 March 2022, which accompanies the DA submission.



**Fig 1: Location of subject site
(Source: Six Maps)**



Fig 2: View of the subject site, looking south from Ian Avenue



Fig 3: View of the subject dwelling and looking south to the adjacent neighbor at No 6 Ian Avenue



Fig 4: View of the subject site, looking south-west from Ian Avenue



Fig 5: View of the site and looking south-west towards the adjacent neighbour at No 6 Ian Avenue



Fig 6: View looking south-east east along the western boundary of the site



Fig 7: View of the subject site (LHS of view) and adjoining neighbour at No 2 Ian Avenue

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

Properties in the area enjoy district views to the north-east and east.

The site and its surrounds are depicted in the following aerial photograph:



Fig 8: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Sammy Fedele Architectural Drafting Services, the proposal seeks consent for the construction of alterations and additions to an existing dwelling.

The new works will comprise:

Lower Ground Floor

- Demolish existing driveway and crossing
- Demolition of the existing garage and carport
- Alterations and additions to existing lower ground floor level to provide for new double car garage with internal access stairs to ground floor and external access stairs to ground floor balcony.

Ground Floor

- Demolish existing living room and balcony over the garage/carport below
- Alterations and additions to existing ground floor level to provide for a new living room with attached balcony
- External stair access to yard

First Floor

- Demolish Bedroom 1, roof over and existing balcony
- Alterations and additions to the existing first floor level to provide for extension of primary bedroom with new ensuite, walk in robe and attached balcony.
- Internal reconfiguration to provide for walk in robes.

External Works

- New driveway
- New stairs
- New spa and attached deck with pergola

The proposed works adopt a similar architectural style with a low pitched skillion roof and matching external finishes. As detailed in Sheet DA12, the external finishes of the new works have been selected to complement the existing dwelling.

The proposal will be sited largely within the existing building footprint and will increase the existing area of soft landscaping, and will not require the removal of any significant vegetation.

The proposal results in the following development indices:

Site Area:	529.9m ²
Required Landscaped Area:	40% or 211.96m ²
Existing Landscaped Area:	28.3% or 150m ²
Proposed Landscaped Area:	29.06% or 154m ² (See DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(1) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The subject site is identified as being within the coastal environment area and therefore Clause 2.10 of the SEPP applies to the proposed development.

The stated Aim of the Policy under Clause 2.1 is to:

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the*

- sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
 - (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
 - (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
 - (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
 - (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
 - (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the Chapter 2 of SEPP (Resilience and Hazards) 2021, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Resilience and Hazards) 2021 are addressed as follows:

Division 3 Coastal environment area

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.*

Comment:

The proposal provides for the construction of minor alterations and additions to an modest existing dwelling. The proposed works will be carried out in accordance with the recommendations of the Consulting Structural Engineers which will ensure that appropriate structural integrity for the site will be maintained.

The existing stormwater arrangements will remain unchanged. Sediment and erosion control

measures will be carried as deemed necessary out to minimise the impact of the works on the waterway.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment: Noted

6.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Development for the purposes of alterations and additions to a dwelling house are permissible in this zone under the WLEP 2011.

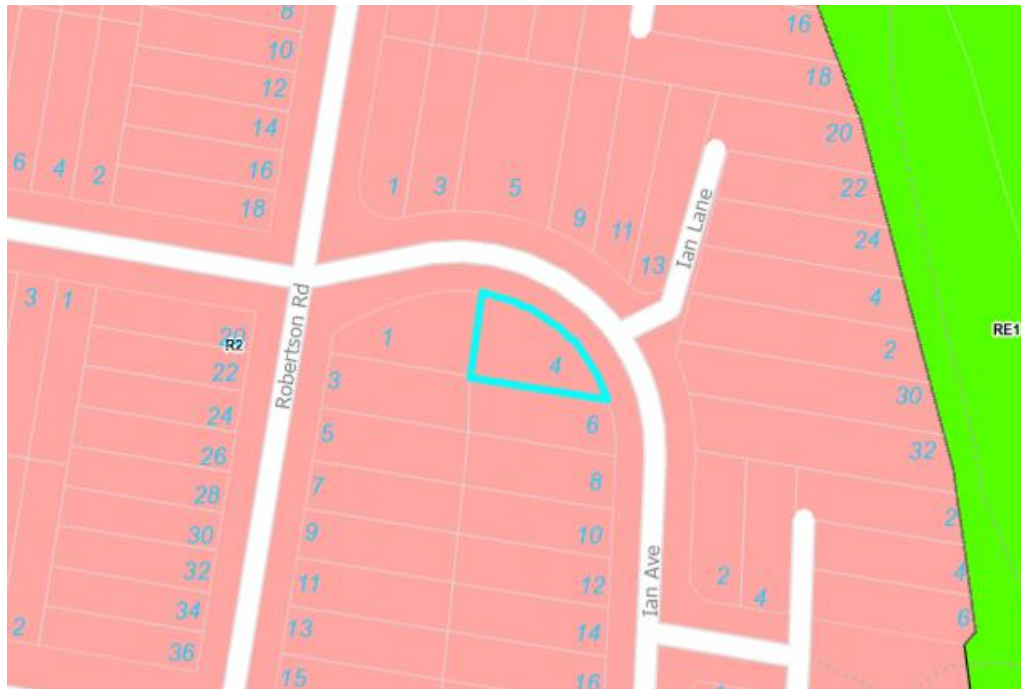


Fig 9: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.

- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing dwelling and surrounding development.
- The proposal does not have any impact on the existing landscaped area nor long distance views. Suitable view sharing opportunity is maintained past the dwelling to the north-east.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Ian Avenue is 8.5m. The proposed new works will provide for a maximum building height of 8.5m which complies with this control.



Fig 10: Extract of Warringah Local Environmental Plan 2011 Maximum Building Height Map

Clause 6.2 relates to earthworks. The proposal will not require any excavation to accommodate the proposed new works. All site works will be carried out in accordance with the recommendations of the Consulting Structural Engineers and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is noted as Area A on Council's Geotechnical Risk Mapping. Accordingly, and as previously stated, due to the site's location and nature of proposed works, it is considered that a preliminary geotechnical assessment is not warranted in this case.



Fig 11: Extract of Warringah Local Environmental Plan 2011 Landslip Risk Map

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.5 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	6.793m	Yes – as existing
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope	Building envelope 45 degrees from 5m.	The noted in Sheet DA12, the additions comply with the building envelope control as it applies to the southern boundary.	Yes
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	<p>The proposed ground floor level pool and pergola over will stand from 923mm to the western side boundary.</p> <p>The proposed additions to the dwelling will stand from 1372mm to the southern side boundary.</p> <p>The proposed side boundary setbacks comply with this control.</p>	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	The proposed new works to the dwelling will stand from 3.962m to the curved front boundary, which is consistent with the existing setback of the	Yes

		<p>north-eastern corner of the dwelling.</p> <p>The proposed pool and pergola will stand to within 1.165m from the front boundary at the north-western corner of the site.</p> <p>There is no viable alternate location for the placement of the pool and as indicated in Figure 7, the location of the pool is well screened from the street view by the existing high front fence.</p> <p>In this instance, as the majority of the new work replicate the existing front setback of the north-eastern corner of the dwelling and the proposed pool pergola is not prominently visible from the road, the front setback objectives of Council's controls are reasonably observed. .</p>	
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	As an unusually shaped site on a curved portion of the road, the site presents as a corner allotment and therefore would not generally be subject to a rear boundary of requirement.	N/A

		The works to maintain the existing setbacks of the works and in this regard, relationship to the surrounding properties is considered to be compatible with the existing built form.	
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing concrete driveway to be removed and replaced with a new concrete driveway. The existing crossing is maintained.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Existing garage and carport to be replaced with new double garage.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Stormwater directed to be directed to existing system which disperses stormwater within the site in accordance with existing arrangements.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained		
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available within new garage.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposed works will see a minor increase in the landscaped area of the site, largely as a result of the slight increase in the width of the front north facing ground floor terrace.</p> <p>Currently the site presents a landscaped area of 150m². The site landscaped ratio will increase to 154m². This minor change will not present any substantial change to the visual appearance of the site from the street, with the bulk of the building largely maintained.</p> <p>In this instance, notwithstanding the slight increase in landscaped area, the amenity introduced by the more usable front terrace which provides for a north easterly outdoor space which can enjoy good solar access, is considered to be resulting in a better outcome for the site.</p>	Yes – on merit
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The proposal will maintain a substantial area of private open space, which is directly accessible from the dwelling and will maintain good access to the northern sun.	Yes

D3 – Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	<p>The proposal includes a new small spa pool, which will have the pool filter equipment enclosed within a acoustic enclosure to ensure there is no amenity issues introduce for the neighbouring properties.</p>	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	<p>Dwellings to be orientated to receive northern sun</p> <p>Appropriate construction to enhance thermal properties and ventilation/natural cooling</p> <p>Compliance with SEPP (BASIX) requirements</p>	<p>The site enjoys an northerly aspect with excellent access to northern sun to the yard area.</p>	Yes
D6 – Access to sunlight	<p>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.</p>	<p>The site is accompanied by shadow diagrams which demonstrate the impact of the proposal on solar access.</p> <p>Due to the northly orientation of the subject site and neighbouring properties, as well as the minimal works to the first floor and building envelope generally, the subject and neighbouring properties will retain suitable solar access to their internal and external living areas.</p>	Yes

D7 – Views	View sharing to be maintained	<p>The controls require that development should enable the reasonable sharing of views.</p> <p>The proposal will not significantly alter the envelope and height of the existing dwelling at the first floor, therefore the works will not unreasonably impact on the outlook and amenity for the neighbouring properties. Views over and past the new works to add to the front façade of the existing dwelling will be maintained for the surrounding properties.</p>	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed renewal of the existing first floor balcony incorporates privacy balustrading and proposed new covered deck 02 has timber screening to the eastern side boundary, while window openings on the first floor will not be altered and therefore will not result in any adverse privacy impacts to neighbouring properties.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with	The existing surrounding development comprises a mix of one and two storey	Yes

	structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	dwelling. The form of the proposed new works will maintain a height and scale that complements the prevailing scale of the surrounding development.	
D10 – Building Colours and materials		The new works will utilise recessive colours and finishes to match the surrounding area and existing dwelling.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposal does not alter the existing roof form which will remain consistent with the established character of the surrounding area.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed external finishes and colours will be selected to minimise glare and will complement the existing dwelling. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	The proposal includes no change to the existing front fence.	Yes – on merit
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Discreet garbage storage areas in proposed garage provided, and mail box maintained	N/A

D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Side fences unchanged.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Existing swimming pool unchanged. No spa proposed	Yes
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate has been provided to support the proposed development.	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality.	No signage proposed	N/A

	Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.		
Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposal will not require the removal of any significant trees.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map	The works are wholly within the private land and will not have any direct impact on the adjacent public land. The modest height and scale of the works will not present any significant visual impacts either to or from the public areas surrounding the site.	Yes
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.	As previously noted, the proposal requires minimal earthworks to be undertaken and due to this it is not considered warranted for a preliminary geotechnical	Yes

		assessment to be undertaken.	
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 Any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument has been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the landscaped area control is a reasonable alternative solutions to compliance where the site conditions results in a challenge to designing for additions and alterations to an existing development which fully respects these controls.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the construction of alterations and additions to an existing dwelling, which have been located and designed to appropriately minimise impacts on the amenity of adjoining properties, are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an existing dwelling.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not adversely impact upon the environment; the character of the locality and will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for construction of alterations and additions to an existing dwelling, which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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