



# STATEMENT OF ENVIRONMENTAL EFFECTS

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beacon hill nsw

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# SECTION 1 | Introduction

This report has been prepared on behalf of the property owner/s of the subject site.

This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000. The purpose of this document is to describe the existing characteristics of the site, describe the proposed development, review the applicable planning controls relating to the proposal and site, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any detriment to environmental amenity have been addressed in this report.

## Section 1.1 | Development Application Summary

Site Address	10 Courtley Road, Beacon Hill NSW 2100
Legal Title Identifier	Lot 7 DP 238331
Local Government Area	Northern Beaches Council
Property Owner/s	F J Nile
Proposed Development	Demolition of dwelling house, construction of a two (2) storey dwelling house and associated landscaping works.

## Section 1.2 | Author

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Dated | 21 November 2018

## Section 1.3 | Executive Summary

The development proposal relates to a new two storey dwelling which is to replace an existing two storey dwelling on a suburban residential site.

The site is located on an S-bend on Courtley Road which presents the property as quite unique in terms of its shape and access, with adjoining properties facing a different street or a different orientation.

The site has a moderately steep topography with an average gradient of 10-11% which falls across the side from East to West.

The land is mapped as being within Landslip Risk Area B. A preliminary landslip assessment has been carried out by a consultant geotechnical engineer who generally supports the development proposal, subject to conditions. None of which requires revision to the architectural design.

The development proposal is compliant with development standards and controls under the DCP with the exception of:

1. Front boundary setback,
2. Rear boundary setback, and
3. Solar access to required private open space area.

In our opinion, the variations being sought are acceptable for the following reasons:

- Front and rear boundary setback variations are a result of site constraints relating to the irregular shape of the lot, consisting of one side being quite shallow in depth causing an angled rear boundary.
- The variation to the front boundary setback will not interrupt any regimented building alignment in the immediate vicinity.
- The variation to the rear boundary setback relates to only a portion of the dwelling house due to the angle of the rear boundary and does not prevent high quality private open spaces and deep soil planting being provided.
- The variation to solar access to private open space is minor in magnitude and the development design provides for alternate private open spaces with adequate solar access which can be utilised at the discretion of the future occupants.

The replacement dwelling incorporates a rotation of orientation (compared to existing dwelling orientation) directly to street frontage which improves presentation of the building in relation to adjoining properties. By doing this, spacing between buildings has been improved and windows between adjacent dwellings are further offset improving amenity of privacy.

The new dwelling is well articulated and suits the sloping site.

The development will enable improved vehicular and pedestrian site entry. Although the application seeks the removal of a street tree, the tree has a Low retention value and impedes the access to the site. Replacement street tree could be provided if necessary.

The construction of a replacement dwelling will present an excellent opportunity to refreshen the landscaping of the site. A professionally prepared landscape design is provided which will integrate the new dwelling house into the streetscape.

The development overall will undoubtedly enhance the streetscape and is consistent with desired streetscape character principles.

## SECTION 2 | The Development Site

### Section 2.1 | Locality

Beacon Hill is a suburb on the Upper North Shore of Sydney being 17 kilometres North East of the CBD and is within the Local Government Area of Northern Beaches Council.

Beacon Hill is a suburb predominantly characterised by single detached dwellings generally within the context of a suburban setting. The suburb has a school, parks, playing fields and bushland.

Typically, dwellings in the vicinity range in ages and feature a mix of façade designs comprising cladding material, face brickwork or rendered masonry, in a range of conditions from fair to relatively new. The area was developed from around the 1960s era with some original buildings intact along redeveloped sites of recent times. The majority of dwellings are one, two or three storeys, contain landscaped front setback areas often enclosed by front fencing of various forms and scale.

The majority of neighbouring houses are moderately setback from the street. Parts of Beacon Hill are characterised by moderately steep topography which has resulted in some dwellings being two or more storeys in height.



## Section 2.2 | Site Description

The subject site is an irregular shaped allotment located on the Southern side of a bend on Courtley Road, approximately 25m South of Kadigal Place. The site is 557.4 sqm in area.

The site dimensions are:

Front - Northern boundary	15.20m
Rear - Southern boundary	30.39m
Side - Eastern boundary	33.785m
Side - Western boundary	19.80m

The site has a cross fall in an Easterly direction with an average gradient of approximately 10-11%.

At the time of this Statement, the site contains a single detached 2 storey dwelling house, carport, brick front fence, paved areas and gardens.

### Section 2.2.1 | Existing Use

The existing use of the site is Dwelling House. It is not known when this use was approved or commenced.

### Section 2.2.2 | Bushfire Prone Land

The site is not considered Bushfire Prone Land according to RFS mapping.

s4.14 of Environmental Planning and Assessment Act 1979 provides:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3 (2)) unless the consent authority:*
  - (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*

- (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

(1A) *If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.*

(1B) *This section does not apply to State significant development.*

(1C) *The regulations may exclude development from the application of this section subject to compliance with any requirements of the regulations. The regulations may (without limiting the requirements that may be made):*

- (a) *require the issue of a certificate by the Commissioner of the NSW Rural Fire Service or other qualified person in relation to the bush fire risk of the land concerned, and*
- (b) *authorise the payment of a fee for the issue of any such certificate.*

(2) *In this section:*

***special fire protection purpose*** *has the same meaning as it has in section 100B of the Rural Fires Act 1997.*

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In response to s4.14, a Bushfire Hazard Assessment Report is not necessary in this instance.



### **Section 2.2.3 | Flood Liable Land**

The site is not subject to flood controls according to Northern Beaches mapping.

### **Section 2.2.4 | Other Environmental Hazards**

The site is located within Landslip Risk Area (categories A and B) according to Council maps. Geotechnical assessment is discussed in the LEP section below at LEP clause 6.4.

### **Section 2.2.5 | Heritage**

The site does not contain a heritage item and is not within a Heritage Conservation Area. The site is not within the vicinity of a heritage item.

### **Section 2.2.6 | Services**

According to a recent Dial Before You Dig application, the availability of services to the site are as follows:

- Reticulated water supply –available (Sydney Water Corporation)
- Reticulated sewerage drainage – available (Sydney Water Corporation)
- Electricity – available (Ausgrid)
- Reticulated gas – available (Jemena Gas)
- Communications – available (Telstra)

## **Section 2.3 | Easements and Restrictions**

The site has Restrictions as to User which were relevant in the era of the subdivision (1969), however, have application or effect today. They relate to minimum building value, building materials, dwelling house use only, sewerage connection, fencing and advertising hoarding signage. The development proposal is not impacted by these restrictions.

## Section 2.4 | Site Photography



Image – Aerial view of the subject site



Image – Subject site as seen from Courtley Road





Image – Courtley Road looking North



Image – Courtley Road looking East

## SECTION 3 | Proposed Development

### Section 3.1 | Site Preparation and Demolition

- Demolition of two storey brick dwelling
- Demolition of carport
- Removal of driveway and paved areas
- Removal of a street tree
- Earthworks to form a building platform

### Section 3.2 | Construction

#### Ground Floor level

- Portico entry
- Foyer
- Integrated double garage
- Formal living and dining area
- Open plan kitchen / family area
- Pantry
- Guest bedroom with ensuite
- Study
- Laundry with WC
- Powder room
- Storage room
- Stairwell
- Terrace at the rear

#### First Floor level

- 4 Bedrooms
- 3 Ensuites
- Gallery
- Linen cupboard
- Balcony to master bedroom

#### External

- Landscape retaining walls
- Alterations to existing front fence
- Replacement driveway
- Pathways

## Section 3.3 | Proposed Use

The proposed use will not change from its existing use being a “Dwelling House”.

## SECTION 4 | Evaluation

Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 is considered in this section of the Statement of Environmental Effects.

### Section 4.1 | State Environmental Planning Policies

The SEPPs relevant to this proposal and considered are:

- SEPP (Building Sustainability Index: BASIX) 2004

#### Section 4.1.1 | SEPP (Building Sustainability Index: BASIX) 2004

The proposed building (new dwelling house) is considered a Basix Affected building and will require Basix Certification.

As such, the Basix Certification and plan requirements will be submitted as part of the development application.

## Section 4.2 | Local Environmental Plans

The following Local Environmental Plans are applicable to the subject site:

- Warringah Local Environmental Plan 2011

### Section 4.2.1 | Warringah Local Environmental Plan 2011

The relevant clauses of the LEP are considered as follows:

#### Clause 2.3 | Zone objectives and Land Use Table

The site is zoned **R2 Low Density Residential**

**Dwelling Houses** are permissible subject to development consent within an R2 land use zone.

The objectives of the R2 zone under the LEP are:

- *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 maintain the existing low density residential character of the area.*

The objectives of the zone are met in the following ways:

1. The proposal will provide a high quality architectural design that is sympathetic with the existing and future streetscape character;
2. The proposed development is architecturally detailed and modulated to complement surrounding development in terms of building bulk and visual intrusion;
3. The design and siting of the proposed development maintains view corridors between dwellings from the street and surrounding developments;
4. The proposal provides a sympathetic and visually pleasing dwelling house that is suitable to the locality;
5. The proposed development will improve residential amenity of the occupants with appropriate residential accommodation, car parking, quality private open space and landscaped surrounds;
6. The development will provide features consistent with ecologically sustainable development; and



7. The proposed development is contemplated by and is consistent with the applicable planning controls that apply to the site.

### Clause 4.3 | Height of Buildings

“..

*(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.”*

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According to the HOB Map, the maximum height permissible is 8.5m.

The dwelling will have a building height of 8.449m and is compliant with the building height development standard.

### Clause 6.4 | Development on Sloping Land

“..

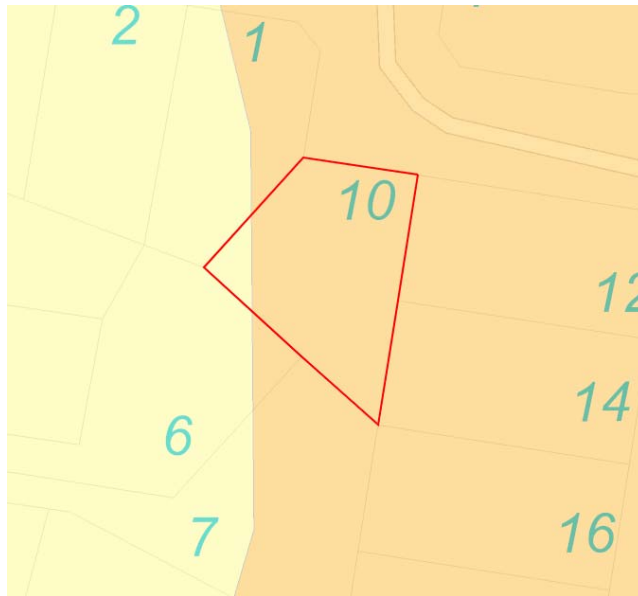
*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (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*

...”

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According to Council mapping provided below, the subject site contains Area A (<5 degrees) and Area B (flanking Slopes from 5 - 25 degrees) classifications.



**Image – Landslide Risk Map – Area A in yellow, Area B in orange (source Northern Beaches Council)**

Geotechnical engineering firm, STS GeoEnvironmental have provided a Geotechnical Investigation Report. Clause 5.4 indicates that a detailed landslip assessment will not be required.

Recommendations are provided throughout the report which could form conditions or be referenced in a conditional development consent.

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Overall, the development proposal does not seek an exception to principal development standards under the LEP.

## Section 4.3 | Development Control Plans

The following Development Control Plans are applicable to the subject site and proposed works:

1. Warringah Development Control Plan 2011 (amendment 13 effective 7/8/17). The parts relevant to the proposal are:
  - Part B – Built Form Controls
  - Part C – Siting Factors
  - Part D – Design
  - Part E – The Natural Environment

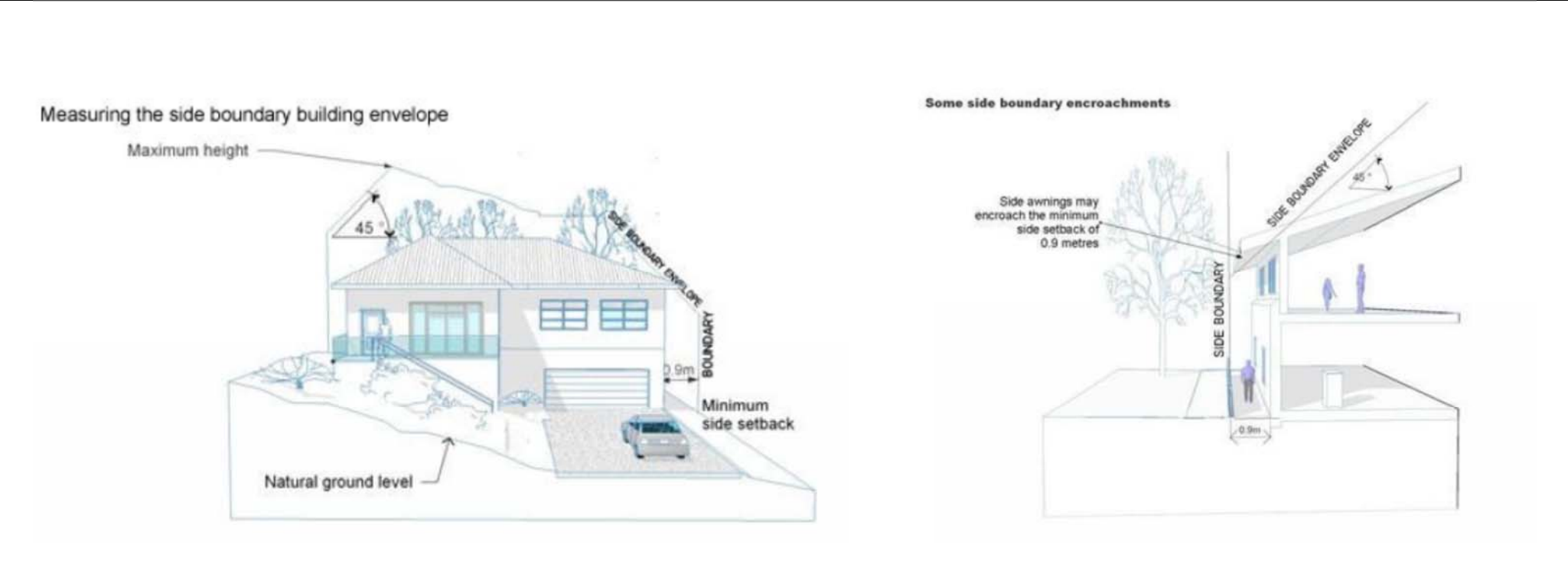
In some instances, control compliance may be referenced to third party consultancy reports by qualified persons. Any such references are noted in the compliance table below.

## Section 4.3.1 | DCP Compliance Table

Warringah Development Control Plan 2011:

PROVISIONS	PROPOSED	COMPLIANCE
Part B – Built Form Controls		
B1 Wall Heights		
<sup>1</sup> 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).	The maximum wall height proposed is 7.0m.	Yes
<p>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:</p> <ul style="list-style-type: none"> <li>• does not exceed the 8.5 metre height development standard;</li> <li>• is designed and located to minimise bulk and scale; and</li> <li>• has a minimal visual impact when viewed from the downslope sides of the land.</li> </ul>	Not necessary in this instance.	N/A

B2 Number of Storeys		
1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The site is not subject to a number of storeys restriction according to the map.	N/A
B3 Side Boundary Envelope		
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: <ul style="list-style-type: none"><li>• 4 metres, or</li><li>• 5 metres</li></ul> as identified on the map.	<p>The site is subject to the 4m + 45 degree side boundary envelope.</p> <p>The side boundary envelope planes are provided on the Elevation and Sections plans. which demonstrate compliance for proposed building works (eave/awning encroachments are permissible as per DCP diagram shown below).</p>	Yes



<p>2.</p> <p>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.</p>	<p>Not applicable to the subject site being within an R2 zone.</p>	<p>N/A</p>
<p>Exception 1:</p> <p><b>Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway</b></p> <p>For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:</p>	<p>Not applicable to the subject site.</p>	<p>N/A</p>



<ul style="list-style-type: none"><li>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.</li><li>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.</li></ul>		
Exception 2:  <b>Land Zoned R3</b> Fascias, gutters, downpipes, eaves, masonry chimneys, flues pipes or other services infrastructure may encroach beyond the side boundary envelope.	Not applicable to the subject site.	N/A
B4 Site Coverage		
1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as: <ul style="list-style-type: none"><li>33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and</li><li>20% = 3,500m2 or 30% &lt;3,500m2 - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m2 where the total building footprint/s must not cover more than 30% of the site area.</li></ul>	The site is not subject to a Site Coverage restriction according to the map.	N/A

<div>B5 Side Boundary Setbacks</div> <div>Note - On corner allotments, to measure the side setback and side boundary envelope, the side boundaries are taken to be the boundaries that do not have frontage to a public street.</div>		
<div>1.</div> <div>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.</div>	<div>The site is subject to the <b>900 mm</b> side boundary setback control.</div> <div>The proposed works will have the following minimum side setbacks:</div> <div><u>Dwelling structure</u></div> <div>Eastern side – 920 mm</div> <div>North Western side – 1126 mm</div>	<div>Yes</div>
<div>2.</div> <div>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.</div>	<div>The side setback areas are landscaped, other than for the provision of pathways (steppers in gravel) for access.</div>	<div>Refer below.</div>
<div>3.</div> <div>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.</div>	<div>Not applicable to the subject site being R2 zone.</div>	<div>N/A</div>

<p>Exceptions:</p> <p>1. Land Zoned RU4 with frontage to The Greenway For land with frontage to "The Greenway", Duffy's Forest:</p> <ul style="list-style-type: none"><li>• Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above natural ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback</li></ul> <p>2. Land Zoned R2 All development:</p> <ul style="list-style-type: none"><li>• 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</li></ul> <p>Ancillary to a dwelling house:</p> <ul style="list-style-type: none"><li>• 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</li></ul> <p>3. Land Zoned R3 – controls not applicable</p> <p>4. Land Zoned B7 – controls not applicable</p> <p>5. Land Zoned E4 All development:</p> <ul style="list-style-type: none"><li>• Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structure not more</li></ul>	<p>Not applicable to the site.</p> <p>No exceptions to side setbacks are sought under the proposal.</p>	<p>N/A</p>
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than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback.		
B6 Merit Assessment of Side Boundary Setbacks		
1. Side boundary setbacks will be determined on a merit basis and will have regard to: <ul style="list-style-type: none"><li>streetscape;</li><li>amenity of surrounding properties; and</li><li>setbacks of neighbouring development</li></ul>	Side setbacks are compliant.	N/A
2. Generally, 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.	Side setbacks are compliant.	N/A
B7 Front Boundary Setbacks		
1. Development is to maintain a minimum setback to road frontages.	The site is subject to the <b>6.5m</b> front setback control.  The proposed front setback will be 4.991m. A variation of 1.509m is requested.	No – refer to DCP variations at section 4.3.2 below.

<p>2.</p> <p>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.</p>	<p>The front setback area will be landscaped with the except for those items permitted under the control.</p>	<p>Yes</p>
<p>3.</p> <p>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.</p>	<p>The primary setback area will not contain structures other than a driveway and landscaping.</p>	<p>Yes</p>
<p>4.</p> <p>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.</p>	<p>Not applicable to the subject site.</p>	<p>N/A</p>
<p>Exceptions:</p> <p>1. Land Zoned R2 or R3</p> <ul style="list-style-type: none"><li>On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.</li></ul>	<p>Not applicable to the subject site.</p>	<p>N/A</p>

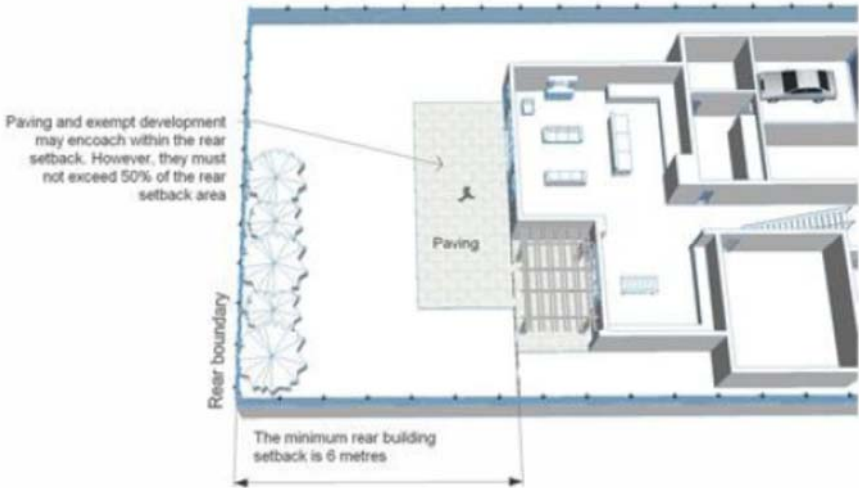
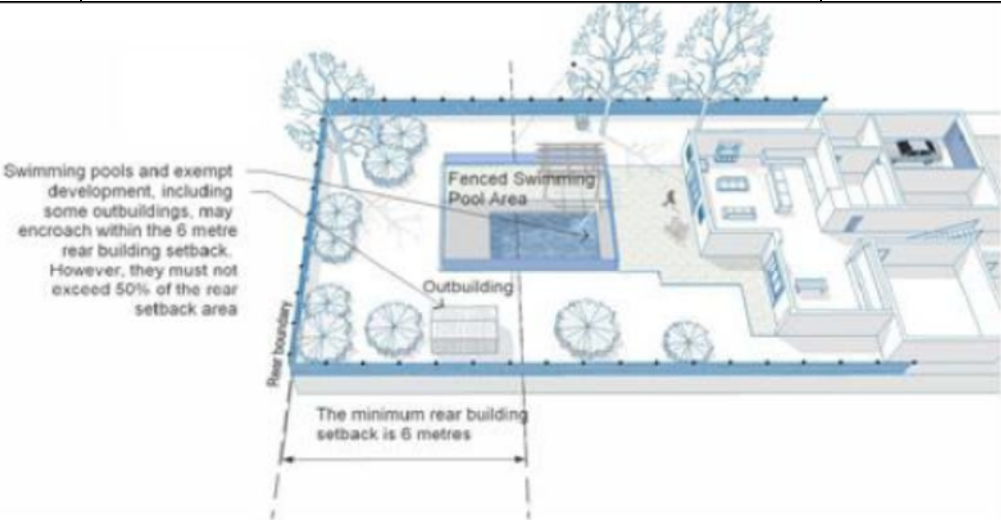
<ul style="list-style-type: none"><li>• Lot 2677 DP752038; Lot2783 DP46992; Lot 2610 DP752038; Lot 2615 DP 752038; Lot 1 DP 822212; Lot 2676 DP752038 10metres.</li></ul> <p>2. Land Zoned RU4 or E3</p> <ul style="list-style-type: none"><li>• On corner allotments or allotments with double road frontages and where such allotments have a frontage to Mona Vale Road, Forest Way or Wakehurst Parkway:</li><li>• Minimum front building setback to roads other than Mona Vale Road, Forest Way or Wakehurst Parkway (the secondary road frontage): 10 metres, provided that the secondary road setback variation considers:<ul style="list-style-type: none"><li>➤ the character of the secondary road; and</li><li>➤ the predominant setback existing in that road</li></ul></li></ul> <p>3. Land Zoned B1 – exceptions not applicable</p> <p>4. All Zones</p> <p>Where the minimum front building setback is 30 metres, ground level carparking may encroach into the setback area, provided that:</p> <ul style="list-style-type: none"><li>• the first 15 metres (measured from the road frontage) is densely landscaped using locally occurring species of canopy trees and shrubs; and</li><li>• the carparking is screened from view from the road</li></ul>		
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B8 Merit Assessment of Front Boundary Setbacks

<p>1.</p> <p>The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the:</p> <ul style="list-style-type: none"><li>streetscape;</li><li>amenity of surrounding properties; and</li><li>setbacks of neighbouring development.</li></ul>	<p>The application seeks a merit assessment in relation to the proposed front setback.</p> <p>The subject site is an irregular shaped allotment which narrows at both the front and rear of the site. The dwelling has been positioned to take advantage of the widest area of the site but will need to sit slightly forward of the 6.5m front setback line to achieve this.</p> <p>The road reserve directly in front of the subject site does not follow the direction of the road which is shaped in an “S” bend, resulting in a very wide road reserve and is unique to the subject site. Therefore, despite the front setback variation, the dwelling will appear well setback from the road and soft footpath area itself alleviating any dominance to the streetscape and will not appear to be forward of the general setback pattern.</p> <p>The design of the dwelling incorporates vertical articulation to the front façade where the upper level is recessed back from the lower level, reducing bulk to the streetscape.</p>	<p>Yes</p>
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	<p>The replacement dwelling is generally in a similar position on the site as the existing dwelling, however, there will be a rotation of the building so that it faces a Northern direction and directly at its front boundary. This will provide relief to neighbouring properties located to the West and South by reducing the bulk of the façade that is within close proximity of those boundaries. The proposed design will provide substantially more spacing between these two neighbours and the subject dwelling.</p> <p>The proposed dwelling will be positioned closer to the Eastern neighbours but the shared boundary acts as the rear boundary for those neighbours where buildings incorporate a greater setback than a typical side setback.</p> <p>Overall, the front setback variation will not have an adverse impact on the streetscape and will improve building spacing between adjoining sites.</p>	
B9 Rear Boundary Setbacks		
1. Development is to maintain a minimum setback to rear boundaries.	The site is subject to the <b>6.0m</b> rear setback control.	No – refer to DCP variations at section 4.3.2 below.

	<p>The rear boundary is technically the South Western boundary. Due to the irregular shape of the allotment, the rear setback varies between 921mm to 11.5m.</p> <p>A rear setback variation is sought due to the constraints of the site.</p>	
<div><div></div><div></div></div>		
<p>2.</p> <p>The rear setback area is to be landscaped and free of any above or below ground structures.</p>	<p>A variation is sought for the dwelling rear setback. There are no other structures proposed between the dwelling house and the rear boundary and will be landscaped.</p>	<p>Yes</p>
<p>3.</p> <p>On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space,</p>	<p>Not applicable to the subject site.</p>	<p>N/A</p>

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.	Not applicable to the subject site.	N/A
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	Not applicable to the subject site.	N/A
Exceptions:  1. Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway <ul style="list-style-type: none"><li>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.</li></ul> 2. Corner Allotments on Land Zoned R2 or R3 <ul style="list-style-type: none"><li>On corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6 metres, the rear building setback does not apply.</li></ul>	Not applicable to the subject site.	N/A

<div>3. Land Zoned R3<ul style="list-style-type: none"><li>On land zoned R3 Medium Density Residential, where the minimum rear setback is 6 metres:<ul style="list-style-type: none"><li>Light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) including steps, landings, pedestrian ramps and stormwater structures, may encroach beyond the required setback to within a minimum of 2 metres of a rear boundary; and</li><li>Entrance and stair lobbies at ground floor level may encroach beyond the required setback to within a minimum of 2 metres of a rear boundary</li></ul></li></ul></div>		
B10 Merit Assessment of Rear Boundary Setbacks		
<div>1. Rear boundary setbacks will be determined on a merit basis and will have regard to:<ul style="list-style-type: none"><li>streetscape;</li><li>amenity of surrounding properties; and</li><li>setbacks of neighbouring development</li></ul></div>	<div>The same rationale applies to the rear boundary setback variation as the front boundary setback variation in this instance, due to the constraints of the site where siting of the dwelling is limited due to the irregular shape of the allotment. The proposed dwelling will improve spacing between buildings to adjoining properties and is considered beneficial.</div>	<div>Yes</div>
<div>2. Development adjacent to Narrabeen Lagoon in the B2 Local Centre zone is to address the water and parkland. Buildings are not to</div>	<div>Not applicable to the subject site.</div>	<div>N/A</div>

dominate the parkland setting and will incorporate generous setbacks where necessary to achieve this.		
B11 Foreshore Building Setback Not applicable		
B12 National Parks Setback Not applicable		
B13 Coastal Cliffs Setback Not applicable		
B14 Main Roads Setback Not applicable		



PROVISIONS	PROPOSED	COMPLIANCE
Part C - Siting Factors		
C1 Subdivision Not Applicable		
C2 Traffic, Access and Safety		
Vehicular Access		
1 Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.	<p>The proposed vehicular access is to be replaced. The replacement crossing is wider than the existing and better positioned so that the crossing section is perpendicular with the curving gutter, rather than its present direction which is angled. The position of the subject site is on an S-bend in the road where visibility is not optimal. Therefore, a wider driveway crossing and corrected angle to that crossing is directly aimed at providing a safer passage for vehicles entering and exiting the site.</p> <p>The position of the garage to the lower side of the site will result in a reduced driveway</p>	Yes

	<p>gradient which improves vehicular access and safety.</p> <p>A separate pedestrian path is provided from the front boundary which will involve alteration to the existing front fence (create new opening) which is for pedestrian safety and improved identification of the site entrance point to the front door.</p>	
<p>2</p> <p>Vehicle access is to be obtained from minor streets and lanes where available and practical.</p>	<p>The site has a single frontage only and is a minor road.</p>	<p>Yes</p>
<p>3</p> <p>There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.</p>	<p>Not applicable to the subject site.</p>	<p>N/A</p>
<p>4</p> <p>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.</p>	<p>A replacement vehicular crossing is proposed. The crossing will be wider and re-directed to improve access and safety.</p>	<p>Yes</p>
<p>5</p> <p>Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.</p>	<p>Vehicular crossing specifications could be stipulated by conditions of a development consent or considered upon a driveway crossing application subsequent to development consent.</p>	<p>Condition recommended</p>

C3 Parking Facilities

<p>1.</p> <p>The following design principles shall be met:</p> <ul style="list-style-type: none"><li>• 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;</li><li>• Laneways are to be used to provide rear access to carparking areas where possible;</li><li>• Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;</li><li>• Parking is to be located so that views of the street from front windows are not obscured; and</li><li>• 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.</li></ul>	<p>Garage doors will be integrated into the dwelling design.</p> <p>The garage will not obscure views of the street from the dwelling.</p> <p>The garage opening will be 5.2m and 29% of the building width.</p>	<p>Yes</p>
<p>2.</p> <p>Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"><li>• the land use;</li><li>• the hours of operation;</li><li>• the availability of public transport;</li><li>• the availability of alternative car parking; and</li><li>• the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.</li></ul>	<p>The off street parking relates to a dwelling house. The provision of a double garage is considered reasonable for the scale of the development.</p>	<p>Yes</p>

<p>3.</p> <p>Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"><li>• Avoid the use of mechanical car stacking spaces;</li><li>• Not be readily apparent from public spaces;</li><li>• Provide safe and convenient pedestrian and traffic movement;</li><li>• Include adequate provision for manoeuvring and convenient access to individual spaces;</li><li>• Enable vehicles to enter and leave the site in a forward direction;</li><li>• Incorporate unobstructed access to visitor parking spaces;</li><li>• Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;</li><li>• Provide on site detention of stormwater, where appropriate; and</li><li>• Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.</li></ul>	<p>Not applicable to the development type.</p>	<p>N/A</p>
<p>4.</p> <p>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.</p>	<p>Appendix 1 states:</p> <p><i>2 spaces per dwelling, except for land known as Belrose Corridor (see Part G4) which has a maximum of 2 car spaces.</i></p> <p>The proposed development provides for 2 car parking spaces within the double garage.</p>	<p>Yes</p>

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.	Not applicable to a dwelling house application.	N/A
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.	Not applicable to a dwelling house application.	N/A
7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.	Not applicable to a dwelling house application.	N/A
8. For Forest Way Village car parking at ground level is to be provided for individual units.	Not applicable to the subject site.	N/A
Exceptions: 1. Reference should be made to Part G for additional, site specific requirements. 2. 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.	No exceptions are sought under the proposal.	N/A
C3(A) Bicycle Parking and End of Trip Facilities Not Applicable	Not applicable to a dwelling house application.	N/A

C4 Stormwater		
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.	Stormwater management plans provided by Acor Consulting engineers indicate that runoff will be managed appropriately.	Refer to engineering plans.
2. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council’s Water Management Policy.	Refer to Stormwater management plans provided by Acor Consulting Engineers.	Refer to engineering plans.
Exceptions: Refer to Council’s Water Management Policy for exceptions.	Refer to Stormwater management plans provided by Acor Consulting Engineers.	Refer to engineering plans.
C5 Erosion and Sedimentation		
1 All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.	An Erosion and Sedimentation Control Plan has been included in the architectural plan set (drawing 01B).	Yes
2 Any erosion and sedimentation is to be managed at the source.	Erosion and sedimentation will be managed on site.	Yes



3 Erosion, sediment and pollution controls including water discharge from the site must comply with Council’s Water Management Policy.	Refer to Stormwater management plans provided by Acor Consulting Engineers.	Refer to engineering plans.
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.	Refer to Erosion and Sedimentation Control Plans provided.	Yes
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.	Not applicable to the proposed works.	N/A
Exceptions: Reference should be made to Part G for additional, site specific requirements.	Not applicable to the subject site.	N/A
C6 Building over or adjacent to Constructed Council Drainage Easements  Not Applicable		

C7 Excavation and Landfill		
1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	No landfill will be imported to the site.	N/A
2. Excavation and landfill works must not result in any adverse impact on adjoining land.	<p>The proposed dwelling and landscape design involves excavation of the South Western area of the site to create a building platform and level private open space area that receives adequate solar access.</p> <p>Landscape retaining walls will be adjacent to the side and rear boundaries to retain the excavated areas.</p> <p>The vast majority of fill will be contained within the building footprint with dropped edge beam construction.</p> <p>A small area adjacent the garage and side boundary will require a low height fill retaining wall, predominantly for a utility area.</p> <p>The retaining walls will need to be designed and certified by a structural engineer which is generally done at the Construction Certificate stage.</p>	Yes

	<p>The engineered stormwater management design accounts for changes to external ground levels, impervious surfaces and runoff so as to direct stormwater to an OSD which then discharges to the street gutter.</p> <p>Overall, the proposed earthworks associated with the new dwelling house will not result in adverse impacts on adjoining properties including privacy amenity and stormwater runoff from the subject site.</p>	
<p>3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.</p>	<p>Where earthworks are carried out in accordance with requirements outlined by report provided by STS GeoEnvironmental engineers, geological stability of the works will be acceptable.</p>	<p>Yes</p>
<p>4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.</p>	<p>The proposed earthworks and erosion sedimentation controls will assist in avoiding environmental pollution.</p>	<p>Yes</p>
<p>5. Rehabilitation and revegetation techniques shall be applied to the fill.</p>	<p>Landscaping will be implemented as soon as possible after the construction phase is complete.</p>	<p>Yes</p>

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.	Landfill will be confined to a small area adjacent the garage to provide a level building platform.  The retaining wall is setback from the boundary and will be screened with plantings between it and the side boundary.	Yes
C8 Demolition and Construction		
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. Link: Warringah Council’s Waste Management Guidelines	Refer to Waste Management Plan provided.	Yes
C9 Waste Management		
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.	Refer to Waste Management Plan provided.	Yes

PROVISIONS	PROPOSED	COMPLIANCE
Part D - Design		
D1 Landscaped Open Space and Bushland Setting		
<p>1</p> <p>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:</p> <ul style="list-style-type: none"><li>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;</li><li>b. The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</li><li>c. Landscaped open space must be at ground level (finished); and</li><li>d. The minimum soil depth of land that can be included as landscaped open space is 1 metre.</li></ul>	<p>According to Council maps, the required minimum area of landscaped open space is <b>40%</b>.</p> <p>The proposal will result in a Landscaped Open Space area of 40.5%.</p>	<p>Yes</p>
<p>2</p> <p>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.</p>	<p>The subject site is not within the Bushland Setting area.</p>	<p>N/A</p>

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.	Not applicable to the subject site.	N/A								
D2 Private Open Space										
1 Residential development is to include private open space for each dwelling.	The proposal will improve provision for private open space.	Yes								
2 The minimum area and dimensions of private open space are as follows: <table border="1"><thead><tr><th>DWELLING Type</th><th>Area and Minimum Dimensions per dwelling</th></tr></thead><tbody><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms</td><td>A. total of 35m2 with minimum dimensions of 3 metres</td></tr><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms</td><td>A. total of 60m2 with minimum dimensions of 5 metres</td></tr><tr><td>Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing</td><td>A. total of 10m2 with minimum dimensions of 2.5 metres</td></tr></tbody></table>	DWELLING Type	Area and Minimum Dimensions per dwelling	Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A. total of 35m2 with minimum dimensions of 3 metres	Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A. total of 60m2 with minimum dimensions of 5 metres	Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A. total of 10m2 with minimum dimensions of 2.5 metres	A minimum <b>60 sqm</b> POS of <b>5m</b> dimensions is required.  Approximately 113 sqm POS area in the rear yard with dimensions of at least 5m x 5m.	Yes
DWELLING Type	Area and Minimum Dimensions per dwelling									
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A. total of 35m2 with minimum dimensions of 3 metres									
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A. total of 60m2 with minimum dimensions of 5 metres									
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A. total of 10m2 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.	The POS area is accessible from the Family room to the Alfresco area and open space rear yard.	Yes								



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.	The POS area is within the rear yard at ground level.	Yes
5 Private open space shall not be located in the primary front building setback.	The principal private open space will be in the rear yard.	Yes
6 Private open space is to be located to maximise solar access.	The site faces North. Due to the site orientation and allotment shape, it is not possible to position the private open space area to achieve maximum solar access in this instance. However, a substantial alternative private open space area will be available to the side (West) and front yard (North) which will allow occupants the opportunity to enjoy solar access within their property.	Merit – constrained site due to lot orientation
D3 Noise		
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.	The proposed dwelling house will have an air conditioning unit located at ground level. The unit will be positioned to the side of the dwelling and sufficiently distanced from neighbouring dwellings as to not cause noise nuisance.	Yes

D4 Electromagnetic Radiation Not Applicable		
D6 Access to Sunlight		
1. Development should avoid unreasonable overshadowing any public open space.	The dwelling will not cast a shadow over public open space.	Yes
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.	<p><u>Subject dwelling</u></p> <p>According to the shadow diagrams and our calculations, the minimum “qualifying” required private open space could be positioned in the South Eastern corner of the site.</p> <p>At 9am on 21 June, 9.8% of this area is overshadowed leaving 90.2% receiving sunlight.</p> <p>At 12pm, 55.7% is overshadowed meaning 44.3% will receive sunlight on the shortest day of the year.</p> <p>It is difficult to quantify exactly how many hours and minutes 50% of required private open space area will receive sunlight between 9am and 3pm on 21 June, however, we can say that a minor variation will be necessary in this</p>	No – refer to DCP variations at section 4.3.2 below.

	<p>instance. Over the 3 hours analysed during this period, the variation will occur towards 12pm on the winter solstice for a maximum of 5.7% of the required private open space area, for less than 30 mins.</p> <p><u>Adjoining dwellings – affected properties</u></p> <p><b>6 Kadigal Place, Beacon Hill:</b></p> <p>The principal private open space to this property is presumably to the North Western corner of their site.</p> <p>By 12pm on 21 June, the proposed development will not overshadow that corner of the site and for the remainder of the day, allowing at least 50% of the private open space area to receive sunlight for at least 3 hours.</p> <p><b>7 Kadigal Place, Beacon Hill:</b></p> <p>The principal private open space to this property is presumably to the North of their site.</p> <p>The proposed development will cast a minor shadow over the property for part of the day but not more than 50% of the private open space area.</p>	<p>Yes – solar access for adjoining properties</p>
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<p>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:</p> <ul style="list-style-type: none"><li>i) the slope or topography of the site or adjoining property makes compliance impractical; and</li><li>ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.</li></ul>	<p>A minor exception is sought in this case where 50% of the required private open space of the subject site will not receive sunlight for at least 3 hours on 21 June between the hours 9am to 3pm.</p> <p>The shape of the allotment and proposed siting of the replacement dwelling to allow for superior spacing between buildings will make compliance impractical. Alternative design options were investigated where the replacement dwelling is positioned at the same angle as the present dwelling, however, that would result in a cramped site lacking continuous and accessible private open space, minimal spacing between buildings to adjoining properties and potentially worse front boundary setback variation to facilitate a dwelling of similar size as the proposed.</p> <p>Weighing up these options, it is our opinion that the siting of the dwelling to align with the Eastern side boundary yields the best planning outcome in terms of building separation, streetscape presentation, provision of quality private open space including access, privacy to and from the subject site and landscaping opportunities to the building surrounds.</p>	<p>Yes</p>
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D7 Views		
1 Development shall provide for the reasonable sharing of views.	The proposed works will not have an adverse impact on significant views.	Yes
D8 Privacy		
1 Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	<p>The replacement dwelling will involve a significant rotation of the orientation of the building. This will effectively angle the facades and their corresponding windows away from adjoining properties located to the North West (side) and South East, South West (rear). The new position of the dwelling will also provide for varying building setbacks to those boundaries, creating a significant improvement to the spacing between the buildings.</p> <p>The windows to the first floor service either bathrooms or bedrooms. The use of these rooms are inherently private in nature and will not have a significant adverse impact to neighbouring sites.</p>	Yes

<p>2</p> <p>Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</p>	<p>Windows to living areas are orientated to the private open space area in the rear yard, and is at ground floor level.</p> <p>First floor windows are provided to bedrooms to achieve natural light and ventilation provisions contained in the NCC. However, the windows to these rooms are not considered excessive and positioned so that they either do not face directly into other buildings or private open space, or are of a generous setback distance from boundaries and buildings of adjoining sites.</p>	<p>Yes</p>
<p>3</p> <p>The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</p>	<p>Windows to the upper floor are positioned appropriately to either face away from adjoining buildings or have a substantial setback from impacted buildings. The first floor balcony off Bed 1 faces the side boundary, however, is substantially smaller in area than the existing first floor balcony facing the same direction of the dwelling to be demolished. The balcony will facilitate 1 or 2 persons only and will be used infrequently or for short durations.</p> <p>The Eastern side boundary will be screened by natural planting to alleviate privacy impacts to the Eastern adjoining sites. The landscape plans indicate that a row of plantings that achieve a mature height of 5m will be implemented.</p>	<p>Yes</p>

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.	The windows are positioned and designed to achieve the criteria.	Yes
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.	Not applicable to the development type proposed.	N/A
D9 Building Bulk		
1 Side and rear setbacks are to be progressively increased as wall height increases.	The building is designed with progressively increased setbacks for the upper level.	Yes
2 Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	Large continuous walls planes are avoided as all elevations are well articulated with either wall articulation or vertical articulation.	Yes
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: <ul style="list-style-type: none"> <li>• The amount of fill is not to exceed one metre in depth.</li> <li>• Fill is not to spread beyond the footprint of the building.</li> <li>• Excavation of the landform is to be minimised.</li> </ul>	<p>The site is a sloping site. The slope is across the site (side to side) and from rear down to the front.</p> <p>Given the direction of the slope (both axes) and the degree of the slope, cut and fill will be necessary for the design.</p>	<p>Cut – complies</p> <p>Fill – minor variation to provide utility area and external</p>



	<p>In this instance, a maximum cut of 1.218m is proposed to create a high quality, flat private open space area to the rear and side yards. The lower side of the site will require fill which has been designed to be contained within the building footprint, with a minor exception adjacent the garage. The contained fill (drop edge beam) at its highest will be 1.543m. However, this part of the building relates to a single storey component and will not result in excessive visual bulk to the adjoining property.</p> <p>A small area between the garage and Eastern side boundary will have a slightly raised ground level. This has been done to provide for a rainwater tank pad to achieve appropriate head height for a gravity fed stormwater management system. In addition, the specific area allows for storage of bins and a pathway to allow for safe passage to the rear yard. There will be a row of screen plantings between the raised area and the side boundary to protect the privacy of adjoining properties.</p>	pedestrian access to rear yard.
4 Building height and scale needs to relate to topography and site conditions.	<p>The height and scale has been minimised by offering a change of floor level height at the ground floor storey (garage 1.1m lower than habitable floor). The building incorporates a significant recess of upper level to the ground floor level in response to the moderately steep topography.</p>	Yes

5 Orientate development to address the street.	The front door and porch will address the street.	Yes
6 Use colour, materials and surface treatment to reduce building bulk.	The proposed colour and materials finishes will consist of sandy and terracotta colours. Refer to Colour Schedule provided.	Yes
7 Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Refer to landscape plans provided. The landscape design is professional and prepared by qualified persons of distinguished reputation. The design provides a desirable balance of plantings, turfed areas, accessibility and landscape features which serve to accommodate the new dwelling house into a sloping site.	Yes
8 Articulate walls to reduce building mass.	Wall articulation has been incorporated to three of the four elevations. The wall and vertical articulation results in a reduced building mass, as demonstrated by the elevation plans.	Yes

D10 Building Colours and Materials		
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.	The proposed colour and materials finishes will consist of sandy and terracotta colours, which are appropriate to the Northern Beaches area. Refer to Colour Schedule provided.	Yes
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.	The adjoining site to the West contains a dwelling of similar scale and grey tone colour scheme. The adjoining site to the East is a public reserve, the grey tones will suit the adjoining reserve.	Yes
3 The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	The adjoining dwellings are constructed from a sandy coloured face brick. The proposed dwelling will be of similar colour. Numerous examples of terracotta roof tiles are found throughout the vicinity, the proposed dwelling will have terracotta coloured roof tiles.	Yes
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.	Not applicable to the subject site.	N/A

D11 Roofs		
1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	No items of this nature are proposed to the roof area.	Yes
2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	The proposed roof will have a 22 degree pitch. The roof is a hipped roof and will be constructed with terracotta roof tiles. Surrounding development have hipped roofs of similar pitch, many of them roof tile cladded.	Yes
3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	The dwelling incorporates an entry porch and a balcony.	Yes
4. Roofs shall incorporate eaves for shading.	The roof incorporates eaves.	Yes
5. Roofing materials should not cause excessive glare and reflection.	Roofing material will be terracotta roof tiled and is generally low reflective in nature.	Yes
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.	No service equipment will be positioned on the roof.	Yes

D12 Glare and Reflection		
<p>1.</p> <p>The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"><li>• Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;</li><li>• Minimising the lit area of signage;</li><li>• Locating the light source away from adjoining properties or boundaries; and</li><li>• Directing light spill within the site.</li></ul>	<p>External lighting will be restricted to low power (LED) lighting that will be directed at the ground near the perimeter of the subject building.</p>	<p>Yes</p>
<p>2.</p> <p>Any glare from artificial illumination is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"><li>• Indirect lighting;</li><li>• Controlling the level of illumination; and</li><li>• Directing the light source away from view lines.</li></ul>	<p>External lighting will be directed to the ground within the property boundaries and controlled by a motion and daylight sensor.</p>	<p>Yes</p>
<p>3.</p> <p>Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"><li>• Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;</li><li>• Orienting reflective materials away from properties that may be impacted;</li><li>• Recessing glass into the façade;</li><li>• Utilising shading devices;</li><li>• Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and</li></ul>	<p>All materials used will be factory coloured and treated material. Glazing units are recessed into the facade. Glazing size is considered moderate in comparison with the external wall surface area and is not excessive.</p>	<p>Yes</p>

<ul style="list-style-type: none"><li>Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.</li></ul>		
D13 Front Fences and Front Walls		
<p>1</p> <p>Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.</p>	<p>The existing front fence is to remain but altered. Presently, the front fence is a face brick fence which matches the existing dwelling house.</p> <p>The fence will be painted to suit the colour scheme of the proposed dwelling house and an additional opening will be cut through to provide a pedestrian path entrance.</p> <p>There appears to be no regimented front fencing styles or height pattern in the vicinity of the subject site. Accordingly, there would seem no justification or public benefit in not allowing the front fence to remain and be altered in its final material finish as proposed.</p>	<p>Yes</p>
<p>2</p> <p>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.</p>	<p>The existing solid front fence will be retained, with alterations that do not increase its height or solidity.</p>	<p>Merit - existing</p>

3 Fences located within the front building setback area are to complement the existing streetscape character.	The existing front fence, once altered, will complement the new dwelling and therefore the streetscape character. The height and style of the fence is not unique to the streetscape.	Yes
4 Fences are to be constructed to allow casual surveillance, except where there is excessive noise.	The existing, altered front fence will not prevent casual surveillance as the dwelling is sited upslope from the street level.	Yes
5 Gates are not to encroach over the property boundary when opening or closing.	Gates open into the subject site.	Yes
6 Fences should complement the architectural period of the building.	The alterations proposed to the front fence, namely painting its current face brick form, will modernise the appearance of the fence which will suit a new contemporary style dwelling house.	Yes
Exceptions: 1. No solid front fences or front walls will be permitted on flood prone land. 2. Reference should be made to Part G Belrose Corridor for site specific requirements.	Not applicable to the subject site.	N/A



D14 Site Facilities		
<p>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:</p> <ul style="list-style-type: none"><li>• 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;</li><li>• 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;</li><li>• Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;</li><li>• 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 form the amenity of occupants; and</li><li>• Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.</li></ul>	<p>The landscape design makes provision to stow bins away from public view.</p> <p>The developed site will have sufficient landscaped space to provide for open air clothes line.</p> <p>A mail box is incorporated into the existing front fence.</p>	<p>Yes</p>

D15 Side and Rear Fences		
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.	Refer to landscape plans. Proposed fencing does not exceed 1.8m.	Yes
2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.	The site is sloping and allowance for stepped fences and walls is provided for.	Yes
3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.	Fencing materials are complementary to the neighbourhood.	Yes
Exceptions: Reference should be made to Part G3 Belrose Corridor for site specific requirements.	Not applicable to the subject site.	N/A
D16 Swimming Pools and Spa Pools		
1. Pools are not to be located in the front building setback.	No swimming pool is proposed.	N/A

2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.	No swimming pool is proposed.	N/A
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.	No swimming pool is proposed.	N/A
Exceptions: Reference should be made to Part G Belrose Corridor for site specific requirements.	Not applicable to the subject site.	N/A
D17 Tennis Courts Not applicable		
D18 Accessibility Not applicable		
D19 Site Consolidation in the R3 and IN1 Zone Not applicable		
D20 Safety and Security		
1 Buildings are to overlook streets as well as public and communal places to allow casual surveillance.	The proposed dwelling will allow casual surveillance.	Yes

2 Service areas and access ways are to be either secured or designed to allow casual surveillance.	Both strategies have been adopted into the building design and landscape design.	Yes
3 There is to be adequate lighting of entrances and pedestrian areas.	Front exterior lights to the dwelling will have motion and daylight sensors to illuminate entry for visitors.	Yes
4 After hours land use activities are to be given priority along primary pedestrian routes to increase safety.	The dwelling is occupied at all times.	Yes
5 Entrances to buildings are to be from public streets wherever possible.	The dwelling entry will be clearly identifiable from the street.	Yes
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).	Not applicable to the subject development.	N/A

<p>7</p> <p>Buildings are to be designed to allow casual surveillance of the street, for example by:</p> <ul style="list-style-type: none"><li>(a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;</li><li>(b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;</li><li>(c) Locating high use rooms to maximise casual surveillance;</li><li>(d) Clearly displaying the street number on the front of the building in pedestrian view; and</li><li>(e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.</li></ul>	<p>The dwelling will contain habitable rooms at both levels which contain windows facing the street, offering casual surveillance opportunities.</p> <p>The altered front fence will incorporate an integrated letterbox which will have street numbering.</p>	<p>Yes</p>
<p>8</p> <p>Casual surveillance of loading areas is to be improved by:</p> <ul style="list-style-type: none"><li>(a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and</li><li>(b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.</li></ul>	<p>The dwelling will have motion sensor activated exterior lights to the front entrance area.</p>	<p>Yes</p>
<p>9</p> <p>Design entrances to buildings from public streets so that:</p> <ul style="list-style-type: none"><li>(a) Building entrances are clearly identifiable, defined, lit and visible;</li><li>(b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;</li><li>(c) Main entrances are clearly identifiable;</li><li>(d) Pavement surfaces and signage direct pedestrian movements; and</li><li>(e) Potential conflict between pedestrians and vehicles is avoided.</li></ul>	<p>The altered front fence will have a pedestrian and separate vehicular entry point. The position of the main entry will be obvious.</p>	<p>Yes</p>

D21 Provision and Location of Utility Services		
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.	Existing utilities are provided at the site. Any connection or disconnection will be carried out in accordance with the utility’s requirements and procedures.	Yes
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.	The proposal will not detract from the control requirements.	Yes
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;	Existing utility services will be retained and utilised.	Yes
4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.	Existing utility services will be retained and utilised.	Yes

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.	Existing utility services will be retained and utilised.	Yes
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.	Existing utility services will be retained and utilised.	Yes
7. Habitable buildings must be connected to Sydney Water’s sewerage system where the density is one dwelling per 1050 square metres or greater.	Existing utility services will be retained and utilised.	Yes
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.	Not applicable to the subject site.	N/A
Exceptions: Reference should be made to Part G for site specific requirements.	Not applicable to the subject site.	N/A

D22 Conservation of Energy and Water		
1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.	The design provides and draws upon these principles.	Yes
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.	Reasonable solar access is provided.	Yes
3. Buildings are to be designed to minimize energy and water consumption.	The design provides and draws upon these principles.	Yes
4. Landscape design is to assist in the conservation of energy and water.	Refer to landscape plans provided.	Per landscape architect
5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.	Refer to stormwater management plans provided.	Per engineer
6. All development must comply with Council's Water Management Policy.	Refer to stormwater management plans provided.	Per engineer
D23 Signs Not applicable		



PROVISIONS	PROPOSED	COMPLIANCE
Part E – The Natural Environment		
E1 Preservation of Trees or Bushland Vegetation Refer to Arborist Report provided with the application.		
E2 Prescribed Vegetation Not Applicable to the site.		
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat Not Applicable to the site.		
E4 Wildlife Corridors Not Applicable to the site.		
E5 Native Vegetation Not Applicable to the site.		
E6 Retaining unique environmental features Not Applicable to the site.		

E7 Development on land adjoining public open space Not Applicable to the site.
E8 Waterways and Riparian Lands Not Applicable to the site.
E9 Coastline Hazard Not Applicable to the site.

E10 Landslip Risk

LANDSLIP RISK CLASS			
Landslip Risk Class	Topographic Position	Slope Angle (degrees)	Geology
A	Plateau areas, ridge crests, major spur slopes, footslope areas; and beach, foredune and alluvial flats.	< 5	At higher elevations, generally shallow residual soils developed on Hawkesbury Sandstone. Hawkesbury Sandstone exposed in occasional outcrops and in near vertical road cuts. Some areas of fill. At lower elevations, unconsolidated marine and alluvial sands often overlying deep marine sediments.
B	Flanking slopes.	5 to 25	Colluvial and residual soils, possibly deeper than in Class A, developed on Hawkesbury Sandstone. Minor detached sandstone blocks, occasional exposures of sandstone in cliffs and road cuts. Occasional fill areas associated with playing fields, roads and some developments.
C	Steeper slopes, generally near coastal areas and adjacent to creeks and major gullies.	> 25	Colluvial soils and bouldery talus, with detached blocks of sandstone on steep escarpment areas, developed on Hawkesbury Sandstone. Near vertical cliffs to approximately 50m high at Dee Why Head.
D	Flanking slopes (Collaroy Plateau area)	5 to 15	Colluvial and residual soils (possibly deeper than in Class A) developed on Narrabeen Group or Hawkesbury Sandstone. Minor detached sandstone blocks, occasional exposures of sandstone in cliffs and road cuts. Occasional fill areas associated with playing fields, roads and some developments.
E	Steeper slopes (Collaroy Plateau area)	> 15	Colluvial & residual soils & bouldery talus, with detached blocks of sandstone on steeper escarpment areas, developed on Narrabeen Group or Hawkesbury Sandstone. Near vertical cliffs up to about 20m high.

1	The applicant must demonstrate that: <ul style="list-style-type: none"><li>The proposed development is justified in terms of geotechnical stability; and</li></ul>	The subject site is in Landslip Risk Area A and B. Consulting engineers, STS Geoenvironmental Engineers have provided their assessment which	Per engineer
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<ul style="list-style-type: none"> <li>The proposed development will be carried out in accordance with good engineering practice.</li> </ul>	<p>stipulates certain conditions and requirements to minimise geotechnical risk.</p>	
<p>2</p> <p>Development must not cause detrimental impacts because of stormwater discharge from the land.</p>	<p>Refer to Stormwater Management Plans provided.</p>	<p>Per engineer</p>
<p>3</p> <p>Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.</p>	<p>Refer to Stormwater Management Plans and Geotechnical report provided.</p>	<p>Per engineers</p>
<p>4</p> <p>To address Requirements 1 to 3:</p> <p>i) For land identified as being in Area A:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p>ii) For land identified as being in Area B or Area D:</p>	<p>The subject site is identified as being in Area A and B.</p> <p>Refer to Geotechnical engineers report for recommendations. However, the consulting engineer concludes that a “detailed landslip assessment will not be required”.</p>	<p>Yes</p>

<ul style="list-style-type: none"><li>• A preliminary assessment of site conditions prepared inaccordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.</li><li>• If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.</li><li>• Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.</li></ul> <p>iii) For land identified as being in Area C or Area E:</p> <ul style="list-style-type: none"><li>• A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer/ engineering geologist, must be submitted with the development application.</li><li>• Also, a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.</li></ul> <p>iv) When a geotechnical report is required to be submitted, (determined in accordance with i) to iii) above), the report must include a risk assessment of landslip in relation to both property and</p>		
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life. The risk assessment must have regard to any guidelines published by the Australian Geomechanics Society.		
Exceptions:		
1 No preliminary assessment of site conditions will be required in Areas B and D and no geotechnical and hydrological reports will be required in Areas C and E if the proposed development does not involve any site, building or structural works.	Not applicable.	N/A
2 Council may determine that no geotechnical report is required for development situated in Areas C or E where this can be demonstrated by a preliminary assessment of site conditions, prepared by a suitably qualified geotechnical engineer / engineering geologist, in accordance with the Checklist for Council's Assessment of site conditions (see Notes).	Not applicable to the subject site.	N/A
3 Council may determine that no hydrological assessment is required for development situated in Areas C or E where this can be demonstrated by a preliminary assessment of site conditions, prepared by a suitably qualified geotechnical engineer/ engineering geologist, in accordance with the Checklist for Council's Assessment of site conditions (see Notes).	Not applicable to the subject site.	N/A
E11 Flood Prone Land Not applicable to the subject site.		

### Section 4.3.2 | DCP Variations

One or more variations to controls within a Development Control Plan may be sought for the proposed development.

Citation:

s3.42 of Environmental Planning and Assessment Act 1979 provides -

#### 3.42 Purpose and status of development control plans

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
  - (a) *giving effect to the aims of any environmental planning instrument that applies to the development,*
  - (b) *facilitating development that is permissible under any such instrument,*
  - (c) *achieving the objectives of land zones under any such instrument.*

*The provisions of a development control plan made for that purpose are not statutory requirements.*

- (2) *The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).*
- (3) *Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.*

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The following variations to the Development Control Plan/s are sought:

- Front and rear setbacks – section 4.3.2.1
- Solar access to required private open space area – section 4.3.2.2

## Section 4.3.2.1 | Front setback and rear setback variations

### Controls subject to variation:

The relevant controls are outlined in B7 Front Boundary Setbacks and B9 Rear Boundary Setbacks of Warringah Development Control Plan 2011 (as amended) which states:

#### *“B7 Front Boundary Setbacks*

*1. Development is to maintain a minimum setback to road frontages (6.5m in this instance).  
...”*

#### *“B9 Rear Boundary Setbacks*

*1. Development is to maintain a minimum setback to rear boundaries (6.0m in this instance).  
...”*

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### The development proposal:

The proposed front boundary setback will be, at its minimum setback point, 4.991 m resulting in a variation of 1509 mm.

The proposed rear boundary setback will be, at its minimum setback point, 919 mm resulting in a variation of 5081 mm.

### Objectives of the controls are:

#### Front Boundary Setbacks

- 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.

#### Rear Boundary Setbacks

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



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

**The Objectives are met in the following ways:**

Front Boundary Setbacks

- The natural topography inclines from the street frontage where the proposed dwelling will be upslope from the road. The design of the dwelling provides a generous outlook to the street providing a sense of openness.
- The road reserve adjacent the subject site is significantly widened relative to other properties nearby due to the curvature to this part of the street. The dwelling house will be setback as a significant distance from the street curb which allows for openness despite the variation to front setback.
- The position of the site in relation to the street is unique in that the adjacent road contains an “S” bend with the subject site being positioned within that curvature. Adjacent properties face either a different road or a different orientation. The immediate vicinity is on a moderately steep embankment where a significant increment in ground levels occur between the subject site and adjoining properties. Notwithstanding the limited ability to provide continuity of building pattern, the proposed dwelling house transitions well across the site and fits appropriately between the adjoining properties to the East and West.
- Opportunity will be ceased to reinvigorate landscaping to the new building surrounds as part of the application.
- The development as a whole will enhance the streetscape character by providing a modern two storey dwelling with professionally designed landscaping.
- The existing front fence will be retained but altered to provide an additional opening (pedestrian access) and refurbishment of the material finish to suit the new dwelling house. The fence provides a clear delineation of public and private spaces without a detrimental impact to the streetscape.
- The development proposal will not impede significant views enjoyed by nearby properties.

Rear Boundary Setbacks

- The development proposal makes provision for generous deep soil areas for appropriate and desirable soft landscaping.
- The design and orientation of the replacement dwelling specifically provides for quality and accessible private open space to the rear yard which lends to an openness for the benefit of the future occupants.
- The dwelling and landscape design seeks to provide a relatively level rear yard space to a sloping site. Excavation to the rear yard has been favoured over

raising the ground levels to facilitate the design which will have little to no impact on adjoining properties, particularly in relation to privacy.

- The siting and orientation of the replacement dwelling will improve the visual alignment relative to adjoining properties.
- A professional landscape architect has carefully planned and provided a landscape design which integrates the proposed dwelling with a constrained site in terms of natural topography, site relationship with adjoining properties and lot shape.
- The new dwelling, particularly in reference to its siting, will improve the spacing and setback patterns between adjoining properties. The change to orientation will also allow for an improved offset of windows, improving privacy between neighbours.

### **Grounds of being unreasonable or unnecessary:**

The DCP provides for exceptions to front and rear boundary setbacks which is reinforced with controls B8 and B10.

The site is constrained with its shape being irregular with a shallow depth to the Western side. Further challenges are brought about due to a moderate natural cross fall from an East to West direction. The centre of the site is the widest section where the dwelling is best positioned. As such, the limited available siting of the dwelling house results in variations to both front and rear boundary setbacks.

Despite the variations, the dwelling house will not present with excessive bulk to the street in that the front boundary is adjacent a wide road reserve and use of vertical and horizontal building articulation further reduces bulk and scale.

The altered ground levels to the rear yard will be excavated to create a quality and relatively level private open space area. Well designed landscaping will further protect the amenity of privacy for both occupants of the subject site and adjoining properties.

Overall, the siting and orientation of the replacement dwelling house will result in a significant improvement to relationship between buildings, particularly with those adjoining the subject property to the East and West. Notwithstanding both front and rear setback variations, the proposed development will not interrupt any regimented building alignment of the immediate vicinity.

As such, we recommend support for the variation on the basis of the merits presented in this instance.

## Section 4.3.2.2 | Solar access to required private open space area

### Controls subject to variation:

The relevant controls are outlined in D6 Access to Sunlight of Warringah Development Control Plan 2011 (as amended) which states:

*“D6 Access to Sunlight*

*...*

*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.*

*...”*

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### The development proposal:

According to the shadow diagrams and our calculations, the minimum “qualifying” required private open space could be positioned in the South Eastern corner of the site.

At 9am on 21 June, 9.8% of this area is overshadowed leaving 90.2% receiving sunlight.

At 12pm, 55.7% is overshadowed meaning 44.3% will receive sunlight on the shortest day of the year.

It is difficult to quantify exactly how many hours and minutes 50% of required private open space area will receive sunlight between 9am and 3pm on 21 June, however, we can say that a minor variation will be necessary in this instance. Over the 3 hours analysed during this period, the variation will occur towards 12pm on the winter solstice for a maximum of 5.7% of the required private open space area, for less than 30 mins.

It is noted that the proposal complies with solar access provisions in relation to adjoining properties.

### Objectives of the controls are:

- 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.

### The Objectives are met in the following ways:

- The development will allow for solar access for the benefit of future occupants in 3 areas of the site being 1. South Eastern rear yard, 2. Western side/rear yard and 3. Northern yard.
- The siting of the dwelling house relates to a constrained site in terms of the irregular lot shape, however, provision for high quality private open spaces is made.
- The dwelling house is considered energy efficient by meeting NatHERS and BASIX certification standards.

### Grounds of being unreasonable or unnecessary:

The control refers to provision of sunlight access to required private open space. The required private open space refers to minimum width dimensions (5m in this case).

Due to the irregular shape of the lot, achieving a 5m x 5m minimum dimension to the rear yard of the site is limited. However, an area located to the South Eastern corner of the rear yard does meet the private open space criteria, however, does not technically comply with the solar access requirements.

Another generous private open space area is available to the Western side of dwelling which has adequate solar access but does not technically meet the 5m width dimension.

The South Eastern private open space area misses the solar access requirement to a minor extent. However, occupants who wish to utilise private open space with better solar access can do so within the Western side area.

Therefore, the variation is a result of a definitional technicality but private open space with solar access is certainly available to the future occupants. They will be able to select which space suits them depending on time of year.

As such, we recommend support for the variation on the basis of the merits presented in this instance.

### Section 4.3.2.4 | Purpose of a DCP

S3.42 of the Act provides:

- (a) *giving effect to the aims of any environmental planning instrument that applies to the development,*
- (b) *facilitating development that is permissible under any such instrument,*
- (c) *achieving the objectives of land zones under any such instrument.*

In response to s3.42:

- The aims of the environmental planning instrument that is applicable to this development proposal, in this case, Warringah Local Environmental Plan 2011.

Relevant Aims of the LEP include:

“...

(d) in relation to residential development, to:

- (i) protect and enhance the residential use and amenity of existing residential environments, and
- (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and
- (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,

...”

The aims are achieved in the following ways:

- The proposal generally complies with planning controls set down by the consent authority, except for minor and justified variations.
- The development proposal seeks to improve an existing residential site by providing for a well designed solution, to remain as a residential site and will lead to an improvement to the amenity of the owner-occupants of the site.
- The proposal will have an acceptable level of environmental impact on the locality.

It is our opinion that the proposal meets the criteria set out under clause 3.42 of the Environmental Planning and Assessment Act 1979 and we recommend the variations forming part of the development proposal are supported.

## **Section 4.4 | Likely Impacts of the Proposed Development**

Likely impacts of the proposed development are considered in respect to Natural & Built Environments and Social & Economic in the Locality below.

### **Section 4.4.1 | Impacts on Natural and Built Environments**

The subject site does not contain significant trees.

The proposal seeks to remove one tree (a street tree) to allow for improved vehicular access to the site, improving safety for pedestrians and drivers.

The proposed works will involve earthworks and if carried out in accordance with recommendations by the consulting engineer, will have little impact on the geotechnics of the site.

Use of the dwelling house, will have no adverse impact on the local or regional air and water quality.

It is therefore considered that the proposed dwelling house will have no adverse impacts on the natural environment at site or within the locality.

The proposal will not has a significant adverse impact on the level of privacy and solar access to adjoining residential development.

The locality contains a variety of architectural styles and period buildings being within a long established suburban setting. The size and shape of the proposal reflects the scale and character of development within the locality.

The traffic generated by the development will have no negative impact on the capacity of the current road network.

The proposed development will have no adverse impact on the built environment.

For reasons above, the proposed development is considered low impact in terms of impacts to natural and built environments, which we support.

### Section 4.4.2 | Social and Economic Impacts in the Locality

It is considered the proposed works will have no significant adverse social impact to the locality in that casual surveillance of the street will be made available. The development will be immediately occupied upon completion of construction.

Undertaking the construction works will have some short term positive economic impacts through employment generation, both direct employment and sub contractual multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive economic impacts in the locality.

### Section 4.5 | Suitability of the Site for the Development

Access to services:

The site has full and present access to electricity, sewerage, water supply, gas and telephone communications. The granting of development consent may require that any alteration to services are applied for with the relevant utility to ensure proper and safe connection for all buildings at site.

Parking and access:

Vehicular access to the site is available via driveway from Courtley Road. The development proposal will provide for safe and convenient parking and improved vehicular access.

Hazards:

The site is classified as being within a low risk level of Landslide Area. The consultant geotechnical engineer has made recommendations in their report to alleviate geotechnical risk, which is recommended to be referenced and conditioned where development consent is granted.

## **Section 4.6 | Submissions**

It is expected surrounding neighbours will be notified in accordance with Council's Notification Policy.

Should objections be received it is common practice for Council to enable or allow mediation in order to resolve any issues. Our firm is very responsive to genuine concerns of nearby property owners and is willing to work with all concerned parties to work through a sensible solution to enable progress but not at the unreasonable expense of neighbouring properties.

## **Section 4.7 | The Public Interest**

The proposed development will preserve the existing and desired residential streetscape character, visual and acoustic privacy to neighbours and is compatible with the neighbourhood character.

It is therefore considered that the proposal is in the interest of the public in terms of providing a solution to an increasing impacts of traffic volume for a suburban Sydney home.

Public interest shall also be considered when assessing any submissions made in relation to the proposal.



## SECTION 5 | Conclusion

The proposed development is permissible with consent and is compliant with development standards under relevant Environmental Planning Instruments. It is also generally consistent with the planning objectives under the LEP, subject to development consent by the consent authority.

Compliance has been demonstrated with relevant controls as outlined in development controls and guidelines for Warringah Development Control Plan 2011 (as amended) with the exception of front and rear boundary setbacks, and solar access to private open space, where justifications have been provided.

The proposed development has been designed to ensure its size and scale compliments the existing character of the area without having an adverse impact on the amenity enjoyed by the neighbouring properties or the streetscape.

The application has been assessed against Section 4.15 of the Act and it is considered that the relevant requirements are satisfied.

In light of the significant merits of the proposal and the absence of any unreasonable adverse environmental impacts, it is recommended that Council grant consent to this development, subject to appropriate conditions of consent.