

# **Statement of Environmental Effects**

24 Oliver Street, Freshwater, NSW, 2096



# Demolition works and construction of two (2) dwelling houses

Prepared by: Strategic Approvals

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#### Intellectual Property and Copyright

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#### 1.0 Report Purpose

This Statement of Environmental Effects accompanies the Development Application for the Demolition works and construction of two (2) dwelling houses located at 24 Oliver Street, Freshwater, NSW, 2096. The purpose of this report is to analyse the planning compliance in relation to the relevant LEP and DCP.

#### 2.0 Applicable Legislation and Controls

- Environmental Planning and Assessment Act 1979 referred to as EP&A (1979).
- Environmental Planning and Assessment Regulation 2000 referred to as EP&R (2000).
- Standard Instrument—Principal Local Environmental Plan referred to as the Standard Instrument.
- Warringah Local Environmental Plan 2011 referred to as WLEP (2011).
- Warringah Development Control Plan 2011 referred to as WDCP (2011)

#### 3.0 Document Schedule

#### 3.1 Survey

Prepared By	Reference Number	Revision	Date
Revolution Surveys	7605/1	A	02 March 2021

#### 3.2 Architectural Plans

Drawings Prepared by:	Obliq Design	
Drawing Title / Number	rawing Title / Number Revision Date	
A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, A-16, A-17, A-19, A-20, A-21, A-22 & A-23	1	10 August 2022

#### 3.3 BASIX

Prepared By	Reference Number	Revision	Date
Obliq Design	13279425	-	10 August 2022
Obliq Design	13279495_02	-	10 August 2022

#### 3.4 Geotechnical Report

Prepared By	Reference Number	Revision	Date
Ascentgeo Geotechnical Consulting	AG22394	-	06 September 2022



#### 4.0 Site location

The subject site is located at 24 Oliver Street, Freshwater, NSW, 2096. The property is legally identified as Lot 5 DP 1636 and Lot 6 1636 and consists of two conventional Torrens Title subdivide lots each with a respective lot area of 268.1m<sup>2</sup>.



Image 1: Locality map showing the subject site and its general surroundings (Near Maps, 2018).

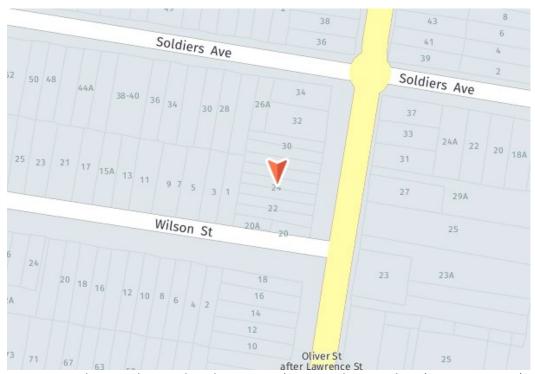


Image 2: Locality map showing the subject site and its general surroundings (Near Maps, 2022).





Image 3: Oliver Street as viewed to the North



Image 4: Oliver Street as viewed to the South





Image 5: Picture of the subject dwelling as viewed from the front elevation



Image 6: Picture of the Street as viewed from the dwelling





Image 7: Photo taken of the rear of the lot



Image 8: Photo taken of the rear of the lot



## **5.0 Description of Development Proposal and Context**

The development proposal consists of the following elements:

- Demolition of the existing dwelling house and ancillary development
- Construction of two new dwellings houses (attached) and attached development
- Construction of ancillary development associated with the two new dwellings



Image 9: Extract of the architectural plans (3-D Model) showing the proposed dwellings



Image 10: Extract of the architectural plans (site plan) showing the location of the proposed dwellings



#### **6.0 LEP Analysis**

#### 6.1 - Zoning

Under the Warringah Local Environmental Plan 2011 the property is identified to be in an R2 – Low Density Residential

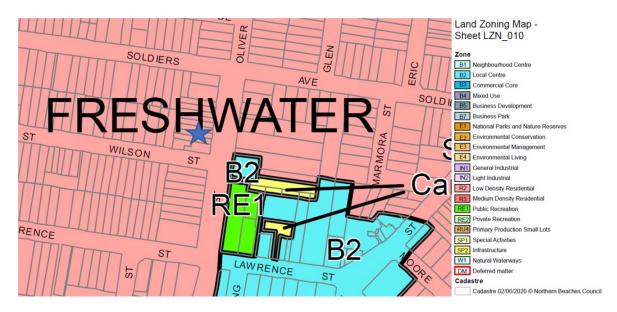


Image 11: WLEP (2011) Land Zoning Map. (Source: Warringah Local Environmental Plan 2011)

#### 6.2 - Heritage Status

The subject site is not located in a heritage conservation area nor is a heritage item

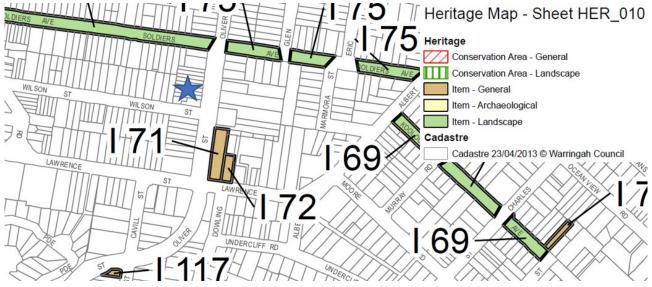


Image 12: WLEP (2011) Heritage Map. (Source: Warringah Local Environmental Plan 2011)



#### 6.3 - Floor Space Ratio

The maximum FSR is not dictated by the LEP and is established through a number of prescriptive controls within the DCP.

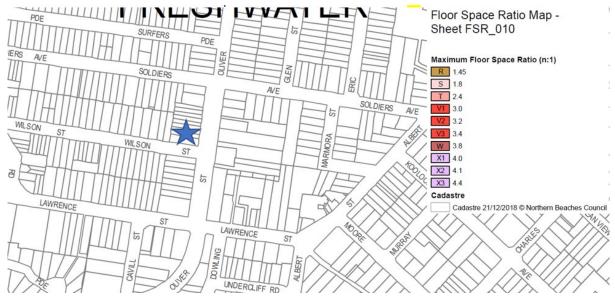


Image 13: WLEP (2011) FSR Map. (Source: Warringah Local Environmental Plan 2011

#### 6.4 - Maximum Building Height

The maximum permissible Building Height is 8.5m which is complied with as the proposed dwellings achieve a maximum height of 7.11m.



Image 14: WLEP (2011) MBH Map. (Source: Warringah Local Environmental Plan 2011)



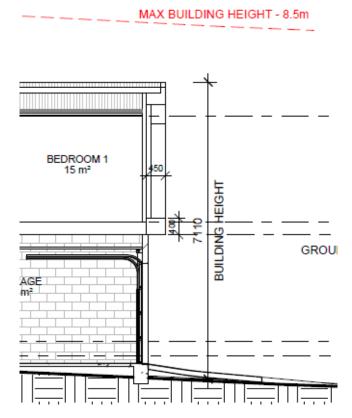


Image 15: Extract of the architectural plans (Elevations) showing the proposed height of the dwellings

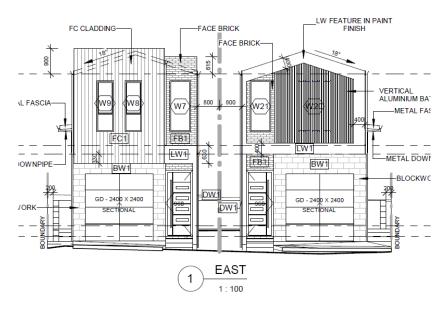


Image 16: Extract of the architectural plans (Elevations) showing the proposed height of the dwellings



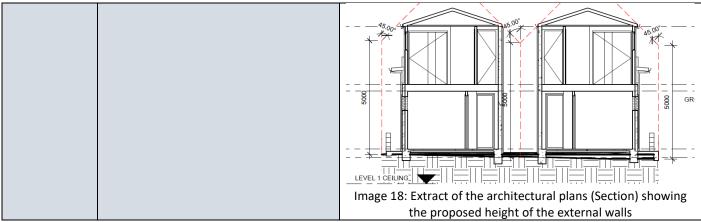
# 7.0 Warringah Development Control Plan 2011 Analysis.

Part B — Built Form Controls

B1 – Wall Heights

Relevant provision in	Development Standard	Compliance Comment	
DCP			
Objective (a)	To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	Complies.  Compliance with this objective is achieved through compliance of the relevant control which permits a wall height of up to 7.2m. Given that the proposed external walls do not exceed a height of 6m, compliance with this objective is therefore achieved.	
		LEVEL 1 CELING.	
		Image 17: Extract of the architectural plans (Section) showing the proposed height of the external walls	
Objective (b)	To ensure development is generally	Complies.	
	beneath the existing tree canopy level.		
Objective (c)	To provide a reasonable sharing of views to and from public and private properties.	Complies.	
Objective (d)	To minimise the impact of development on adjoining or nearby properties.	Complies.	
Objective (e)	To ensure that development responds to site topography and to discourage excavation of the natural landform.	Complies.	
Objective (f)	To provide sufficient scope for innovative roof pitch and variation in roof design.	Complies.	
Control (1)	Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).		





#### B2 – Number of Storeys

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure development does not visually dominate its surrounds.	Complies.  This objective specifically relates to the number of stories of proposed development. The DCP map number of storeys does not specify the number of stories that are permissible, however, conventional two storey dwellings are proposed.    R VOID
Objective (b)	To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	Complies.
Objective (c)	To provide equitable sharing of views to and from public and private properties.	Complies.
Objective (d)	To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.	Complies.
Objective (e)	To provide sufficient scope for innovative roof pitch and variation in roof design.	Complies.

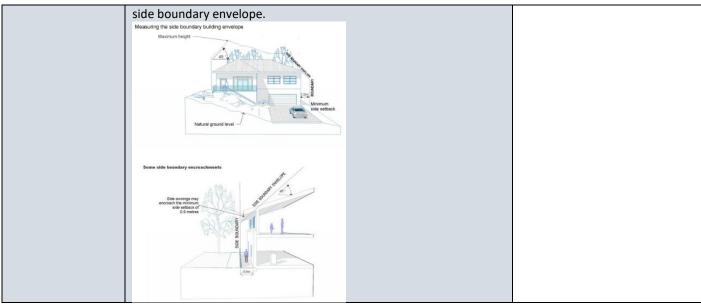


Objective (f)	To complement the height of buildings control in	Noted.
Control (1)	the LEP with a number of storeys control.  Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	Complies.  The subjetc lot is unspecified, however, two storeys is approrpoate for a conventional dwelling and is contexually appropriate.  LEGEND Number of Storeys  32 33 34 32 30 28 26 31 31 31 32 30 31 31 31 32 30 31 31 31 32 30 31 31 31 32 30 31 31 32 30 31 31 31 32 30 31 31 31 32 31 32 31 32 32 33 33 34 32 32 30 31 31 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 33 34 32 32 32 33 33 34 32 32 32 33 34 32 32 32 33 33 34 32 32 32 33 33 34 32 32 32 32 33 33 34 32 32 32 32 32 32 32 32 32 32 32 32 32
		Image 20: Extract of the WDCP Map number of storeys

# B3 – Side Boundary Envelope

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure that development does not become visually dominant by virtue of its height and bulk.	Complies. All prescriptive controls in relation to building height and bulk/scale are adhered to resulting in compliance with this objective.
Objective (b)	To ensure adequate light, solar access and privacy by providing spatial separation between buildings.	Complies. Compliance with the prescriptive controls relating to setbacks, GFA and building height is achieved thus achieving compliance with this objective.
Objective (c)	To ensure that development responds to the topography of the site.	Complies.  No significant land forming is proposed as a result of this application.
Control (1)	Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:  • 4 metres, or • 5 metres as identified on the map.	Complies.
Control (2)	On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the	Not applicable. The lot is not located within the R3 Medium Density Zone.

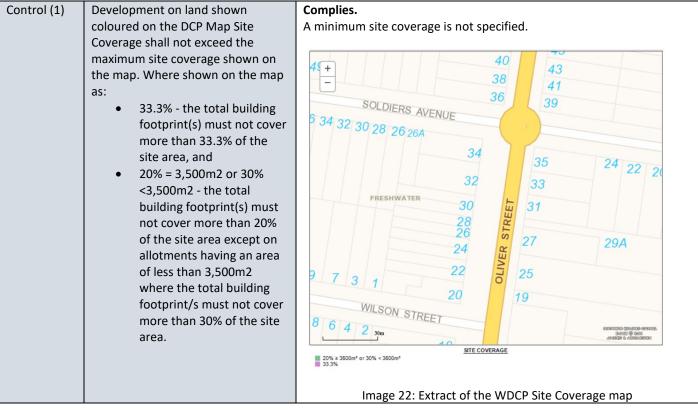




#### B4 – Site Coverage

B4 – Site Cove	34 – Site Coverage			
Relevant provision in DCP	Development Standard	Compliance Comment		
Objective (a)	To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.	Each lot exceeds the minimum landscaped area of 40%:  Lot 5: 107.7 and 40.2%  Lot 6: 107.6 and 40.1%  Lot 6: 107.6 and 40.1%		
Objective (b)	To minimise the bulk and scale of development.	the proposed landscaped area  Complies.		
Objective (c)	To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.	Complies.		
Objective (d)	To limit impervious areas and encourage natural drainage into the sub-surface.	Complies.		





#### B5 – Side Boundary Setbacks

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To provide opportunities for deep soil landscape areas.	Complies. Refer to the analysis of section B6.
Objective (b)	To ensure that development does not become visually dominant.	Complies. Refer to the analysis of section B6.
Objective (c)	To ensure that the scale and bulk of buildings is minimised.	Complies. Refer to the analysis of section B6.
Objective (d)	To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.	Complies. Refer to the analysis of section B6.
Objective (e)	To provide reasonable sharing of views to and from public and private properties.	Complies. Refer to the analysis of section B6.
Control (1)	Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.	Compliance not strictly achieved. Refer to the analysis of section B6.
Control (2)	Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	Compliance not strictly achieved. Refer to the analysis of section B6.



Control (3)	On land within the R3 Medium Density Residential zone, above and	Not applicable.
	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.	

#### B6 – Merit Assessment of Side Boundary Setbacks

This application seeks a merit based assessment of the side setbacks proposed to the common lot boundary of each dwelling. This section of the DCP allows for this to occur if certain criteria are met as outlined below:

#### Requirements

- 1. Side boundary setbacks will be determined on a merit basis and will have regard to:
- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development
- 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.

Each lot is narrow in nature with an approximate lot width of 6m which makes it difficult to facilitate two full sized dwellings that fully comply with the relevant prescriptive measures, however, it is noted that the insufficient side setback to the common lot boundary is the only non-compliance in relation to prescriptive controls. Notwithstanding this, the deficient side boundary setbacks is of a minimal nature and is measured to be 100mm. The intent of setbacks is to ensure that the amenity of adjoining dwellings in terms of privacy, acoustic protection and overshadowing is not compromised. To ensure that these objectives are upheld, strategic design has been implemented by ensuring that the wall encroaching on the 900mm side setback simply encloses a hallway space and contains no openings. Furthermore, all habitable rooms are located approximately 1.8m from the side boundary and are physically separated with two layers of walls (internal wall and external wall) ensuring that the amenity of the adjoining dwellings are protected. In this regard given the site constraints and strategic design council are to support the minimal encroachment of the side setbacks.

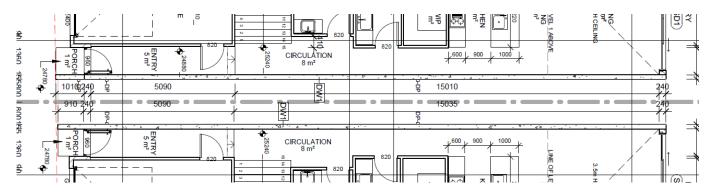


Image 23: Extract of the architectural plans (Floor Plans) showing the proposed hallway located 800mm from the common lot boundary





Image 24: Extract of WDCP Minimum Side setback map

Contextual appropriateness is also satisfied given that the two directly adjoining neighbouring dwellings both encroach on the required setbacks and provide close to nil side setbacks.



Image 25: Photo taken of the two adjoining dwellings located #26 and #28 with close to nil side setbacks.



In terms of fire ratings that are applicable to this wall, BCA compliance can be easily achieved through one of the highlighted fire rating methods below:

#### 3.7.2.4 Construction of external walls

- (a) External walls (including gables) required to be fire-resisting (referred to in 3.7.2.2 or 3.7.2.5) must—
  - commence at the footings or ground slab, except where the external wall commences above a separating wall
    complying with 3.7.3.2 (see Figure 3.7.2.2b); and

#### **Explanatory information:**

A *Performance Solution* must be used where an *external wall required* to be *fire-resisting* does not commence in accordance with 3.7.2.4(a)(i).

- (ii) extend to-
  - (A) the underside of a non-combustible roof covering, except that a wall may terminate not more than 200 mm from the underside of a non-combustible roof covering, where the area between the external wall and underside of the roof covering is sealed with a non-combustible fascia, gutter or flashing; or
  - (B) the underside of a non-combustible eaves lining (See Figure 3.7.2.3); and
- (iii) be constructed in accordance with (b).
- (b) A wall required by (a) must—
  - (i) have an FRL of not less than 60/60/60 when tested from the outside; or
  - (ii) be of masonry-veneer construction in which the external masonry veneer is not less than 90 mm thick; or
  - (iii) be of masonry construction not less than 90 mm thick.

Image 26: Extract of clause 3.7.2.4 of the BCA

#### B7 – Front Boundary Setbacks

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To create a sense of openness.	Complies.  A sense of openness is created through a significant primary road boundary setback of 7.07m and a large allocation of landscaped area and open space towards the rear of the property.
Objective (b)	To maintain the visual continuity and pattern of buildings and landscape elements.	Complies.
Objective (c)	To protect and enhance the visual quality of streetscapes and public spaces.	Complies.  The proposal results in the demolition of an outdated and basic dwelling with the addition of two new dwellings of modern architectural principles, resulting in a significant improvement to the streetscape impact.
Objective (d)	To achieve reasonable view sharing.	Complies.
Control (1)	Development is to maintain a minimum setback to road frontages.	Complies.
Control (2)	The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	Complies.
Control (3)	Where primary and secondary setbacks are specified, buildings and structures (such as	Complies.



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.

The WDCP Front setbacks map requires a primary road setback of 6.5m. Both the ground floor and first floor exceed this. Furthermore, the garage located at the front of the lot is approximately 50% of the lot width.

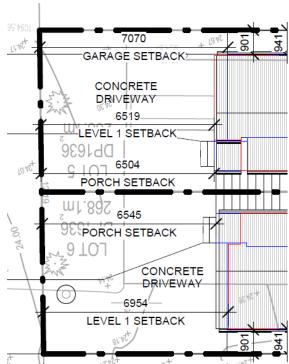


Image 27: Extract of the architectural plans (Site Plan) showing the proposed hallway located 800mm from the common lot boundary

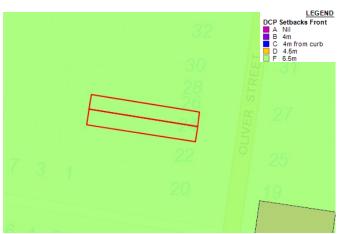
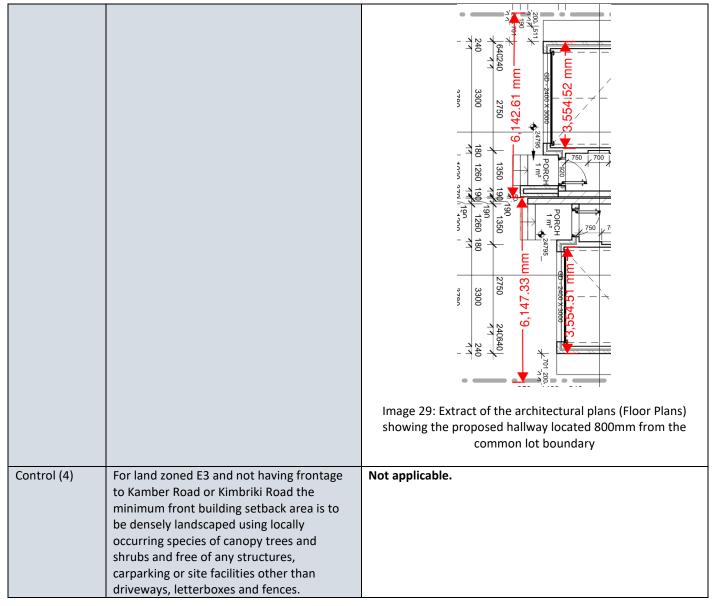


Image 28: Extract of the WDCP primary road setbacks Map





## B8 – Merit Assessment of Front Boundary Setbacks

### Not applicable.

The application does not seek a merit based assessment of the primary road boundary setback as the prescriptive controls are satisfied.



B9 – Rear Boundary Setbacks

Relevant	Development Standard	Compliance Comment
provision in DCP		
Objective (a)	To ensure opportunities for deep soil landscape areas are maintained.	Complies.  A minimum rear setback of 6m is required, however a setback exceeding 15m is provided resulting in ample space for landscaping opportunities.
		Image 30: Extract of the architectural plans (Site plan) showing the proposed rear setbacks
		DCP Setbacks Rear  A Nil  B 2m for 50% & 4m 1  C 4.5m  D 6m  OLIVER STREET  CARPARK  LAND  CARPARK  LAND  Image 31: Extract of the WDCP minimum rear setback map
Objective (b)	To create a sense of openness in rear yards.	Complies.  A sense of openness is achieved through an over compliant rear boundary setback.
Objective (c)	To preserve the amenity of adjacent land, particularly relating to privacy between buildings.	Complies.
Objective (d)	To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.	Complies.



Objective (e)	To provide opportunities to maintain	Complies.
	privacy between dwellings.	
Control (1)	Development is to maintain a	Complies.
	minimum setback to rear boundaries.	
Control (2)	The rear setback area is to be	Complies.
	landscaped and free of any above or	
	below ground structures.	
Control (3)	On land zoned R3 Medium Density	Not applicable.
	where there is a 6m rear boundary	
	setback, above and below ground	
	structures and private open space,	
	including basement carparking,	
	vehicle access ramps, balconies,	
	terraces, and the like shall not	
	encroach the rear building setback.	
Control (4)	The rear building setback for land	Not applicable.
	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.	
Control (5)	The rear building setback for land	Not applicable.
	zoned IN2 Light Industrial in the	
	vicinity of Campbell Parade, Manly	
	Vale is not to be used for industrial	
	purposes or vehicle access	

# B10 – Merit Assessment of Rear Boundary Setbacks

#### Not applicable.

The application does not seek a merit based assessment of the rear setback as the prescriptive controls are satisfied.

## Part C – Siting Factors

## C7 – Excavation and Landfill

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.	Complies.  The proposed excavation in relation to the new dwellings is insignificant and is limited to simple foundation work (footings) which would generally be approximately 600mm at various points.



		Image 32: Extract of the architectural plans (Section) showing the proposed footings and dwelling form in relation to the natural slope of the land
Objective (b)	To require that excavation and landfill does not create airborne pollution.	Complies.
Objective (c)	To preserve the integrity of the physical environment.	Complies.
Objective (d)	To maintain and enhance visual and scenic quality.	Complies.
Control (1)	All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	Compliance readily achievable.
Control (2)	Excavation and landfill works must not result in any adverse impact on adjoining land.	Compliance readily achievable.
Control (3)	Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	Compliance readily achievable.
Control (4)	Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	Compliance readily achievable.
Control (5)	Rehabilitation and revegetation techniques shall be applied to the fill.	Compliance readily achievable.
Control (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.	Compliance readily achievable.

# Part D – Design

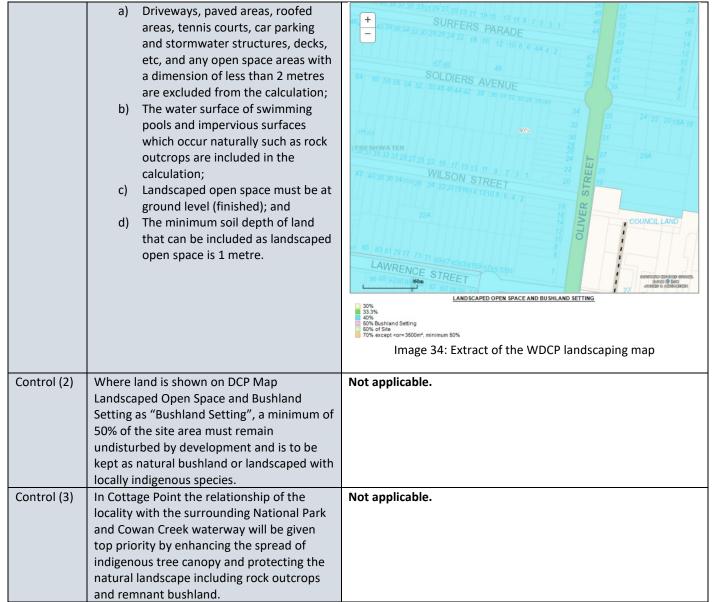
# D1 – Landscaped Open Space and Bushland Setting

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To enable planting to maintain and enhance the streetscape.	Complies.  All areas located forward of the building that is free of the proposed driveway is indicated to be landscaped area therefore resulting in a positive impact to the streetscape.



Objective (b) Objective (c)	To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.  To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and	Image 33: Extract of the architectural plans (Landscape Plan) showing the proposed landscaped area forward of the building line.  Compliance readily achievable. Council are to condition the consent with any replacement trees that they may require.  Complies.
Objective (d)	scale of the building.  To enhance privacy between buildings.	Not applicable.  There are no proposed building elements that would warrant vegetative screening.
Objective (e) Objective	To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.  To provide space for service functions,	Complies.  Ample private open space is provided to the rear of each lot (73.4m²).  Complies.
(f)	including clothes drying.	Compiles.
Objective (g)	To facilitate water management, including on-site detention and infiltration of stormwater.  There is a minimum of 49% landscaped open space for a typical residential address of the storm	Complies.
Control (1)	The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:	Complies. A minimum landscaped area of 40% is achieved on both lots.





#### D2 - Private Open Space

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure that all residential development is provided with functional, well located areas of private open space.	Complies.  Ample private open space is provided to the rear of each lot (73.4m²).
Objective (b)	To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.	Complies.  The open space is directly accessible from the living rooms located at the rear of each dwelling.



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		(Site Plan) showing the proposed open space
Objective	To minimise any adverse impact of private open space on	areas.  Complies.
(c)	adjoining buildings and their associated private open spaces.	The proposed open space does not result in
(-)	,	any negative impacts to the adjoining open
		space areas.
Objective	To ensure that private open space receives sufficient solar	Complies.
(d)	access and privacy.	The proposed open space does not cause any
Control	Residential development is to include private open space for	overshadowing to the adjoining lots.  Complies.
(1)	each dwelling.	Compiles.
Control	The minimum area and dimensions of private open space are	Complies.
(2)	as follows:	Ample private open space is provided to the
	DWELLING Type  Area and Minimum Dimensions per dwelling  Dwelling houses (notuding dual occupancy) and attached dwellings with  A total of 35m2 with minimum dimensions of 3 metres	rear of each lot (73.4m²).
	1 or 2 bedrooms  Dwelling houses (including dual occupancy) and attached dwellings with  A total of 60m2 with minimum dimensions of 5 metres  3 or more bedrooms	
	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	
Control	Private open space is to be directly accessible from a living	Complies.
(3)	area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation	
	and children's play.	
Control	Private open space is to be located and designed to ensure	Complies.
(4)	privacy of the occupants of adjacent buildings and occupants	
	of the proposed development.	
Control	Private open space shall not be located in the primary front	Complies.
(5) Control	building setback.	Complies
(6)	Private open space is to be located to maximise solar access.	Complies.
(0)		



# D6 – Access to Sunlight

Relevant provision	Development Standard	Compliance Comment
in DCP		
Objective (a)	To ensure that reasonable access to sunlight is maintained.	Complies.
Objective (b)	To encourage innovative design solutions to improve the urban	Complies.
	environment and public open space.	
Objective (c)	To promote passive solar design and the use of solar energy.	Complies.
Control (1)	Development should avoid unreasonable overshadowing any public	Compliance readily achievable.
	open space.	
Control (2)	At least 50% of the required area of private open space of each	Complies.
	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.	

## D7 – Views

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To allow for the reasonable sharing of views.	Complies.  No view sharing opportunities are compromised as a result of tis application.
Objective (b)	To encourage innovative design solutions to improve the urban environment.	Complies.
Objective (c)	To ensure existing canopy trees have priority over views.	Not applicable. There are no existing canopy trees that are to be removed for the construction of the new dwellings.
Control (1)	Development shall provide for the reasonable sharing of views.	Complies.

# D8 – Privacy

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.	Complies.  Acoustic and visual privacy is maintained as a result of this application as adequate separation is provided. Despite a setback from the common lot boundaries of each dwelling being 800mm, the architectural design incorporates a strategic layout to ensure that acoustic and privacy amenity is maximised. This is achieved through no provision of openings along the corridor as well as no habitable rooms being ,located within approximately 1.8m of the common lot boundary.



		Image 36: Extract of the architectural plans (Floor Plan) showing the proposed side external wall with no openings
Objective (b)	To encourage innovative design solutions to improve the urban environment.	Complies.
Objective (c)	To provide personal and property security for occupants and visitors.	Complies.
Control (1)	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	Complies.  Privacy has been maximised through the provision of openings to one side of each dwelling only.
Control (2)	Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	Complies.  Habitable rooms are located at the front and rear of each dwelling.
Control (3)	The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	Complies.
Control (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.	Complies. Council are to condition the consent requiring privacy screens to any windows that are deemed to be privacy issues.
Control (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. This clause does not relate to dwelling houses.

# D9 – Building Bulk

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To encourage good design and innovative architecture to improve the urban environment.	Complies. The proposed dwellings are designed to meet all prescriptive measures, with the exception of a 900mm setback to one side boundary. This is due to the narrow confines of each respective lot, however, a strategic design has been implemented to address this issue as discussed throughout the SoEE. Given that all other prescriptive measures are complied with, compliance with this clause is achieved.
Objective (b)	To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	Complies.



Control (1)	Side and rear setbacks are to be progressively increased as wall height increases.	Complies.  Due to the narrow width of each lot it is not possible to incorporate a staggered side setback as the dwelling height increases. A pitched roof is proposed (as opposed to a flat roof) to ensure that side setbacks are maximised and overshadowing is minimised.
Control (2)	Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	Complies.  Due to the narrow width of each lot it is not possible to incorporate a staggered side setback
Control (3)	On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:  The amount of fill is not to exceed one metre in depth.  Fill is not to spread beyond the footprint of the building.  Excavation of the landform is to be minimised.	Not applicable.
Control (4)	Building height and scale needs to relate to topography and site conditions.	Complies.
Control (5)	Orientate development to address the street.	Complies.
Control (6)	Use colour, materials and surface treatment to reduce building bulk.	Complies.
Control (7)	Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Complies.
Control (8)	Articulate walls to reduce building mass.	Complies.

# D10 – Building Colours and Materials

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	Complies.
Control (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.	Complies.
Control (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.	Complies.
Control (3)	The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	Complies.
Control (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.



# D11 – Roofs

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To encourage innovative design solutions to improve the urban environment.	Complies.
Objective (b)	Roofs are to be designed to complement the local skyline.	Complies.
Objective (c)	Roofs are to be designed to conceal plant and equipment.	Complies.
Control (1)	Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	Complies.
Control (2)	Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	Complies.
Control (3)	Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	Complies.
Control (4)	Roofs shall incorporate eaves for shading.	Complies.
Control (5)	Roofing materials should not cause excessive glare and reflection.	Complies.
Control (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.	Complies.

# D12 – Glare Reflection

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	Complies.
Objective (b)	To maintain and improve the amenity of public and private land.	Complies.
Objective (c)	To encourage innovative design solutions to improve the urban environment.	Complies.
Control (1)	The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;  • Minimising the lit area of signage;  • Locating the light source away from adjoining properties or boundaries; and  • Directing light spill within the site.	Complies.
Control (2)	Any glare from artificial illumination is to be minimised by utilising one or more of the following:  • Indirect lighting;  • Controlling the level of illumination; and  • Directing the light source away from view lines.	Complies.
Control (3)	Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:  • Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;  • Orienting reflective materials away from properties that may be impacted;  • Recessing glass into the façade;  • Utilising shading devices;  • Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and  • Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.	Complies.



#### D13 – Front Fences and Front Walls

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain	Complies.
Objective (b)	To encourage innovative design solutions to improve the urban environment.	Complies.
Objective (c)	To avoid a 'walled in' streetscape.	Complies.
Control (1)	Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.	Complies.
Control (2)	Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.	Complies.
Control (3)	Fences located within the front building setback area are to complement the existing streetscape character.	Complies.
Control (4)	Fences are to be constructed to allow casual surveillance, except where there is excessive noise.	Complies.
Control (5)	Gates are not to encroach over the property boundary when opening or closing.	Complies.
Control (6)	Fences should complement the architectural period of the building.	Complies.

#### 8.0 Clause 4.15 Analysis

#### 1 (a) (i) Environmental Planning Instruments

As discussed in Part 6 of this report, the proposal complies with the Warringah Local Environmental Plan 2011.

#### 1 (a) (ii) Draft Environmental Planning Instruments

There are no known draft environmental planning instruments that are applicable to the subject site.

#### 1 (a) (iii) Development Control Plan

As discussed in Part 7 of this report, the proposal generally complies with the Warringah Development Control Plan 2011.

## 1 (a) (iv) The Regulations

The proposal satisfies the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

#### 1 (a) (v) Coastal Zone Management Plan

Not applicable.

#### 1 (b) Likely Impacts of Development

#### (i) Impact on the Natural Environment:

The proposed development will not result in any adverse impacts on the natural environment and results in the orderly development of land. The proposal will result in renewed landscaped areas that will improve the streetscape amenity.

#### (ii) Impact on the Built Environment:

The built form of the new works is appropriate to the site, in terms of alignment and proportion. The development is designed in such a manner that it is sympathetic to neighbouring dwellings houses as adequate separation is provided.

(iii) Social and Economic Impacts in the Locality:



The proposed development will have a positive social and economic impact on the area on the basis that it will result in increased affordable residential accommodation within the area and medium-term employment for the construction of the proposed works.

#### 1 (c) Suitability of the site for the proposed development

Having regard to the characteristics of the site and its location, the proposed development is considered to be appropriate in that:

- The land is zoned to permit the works;
- The nature and form of the proposed development is broadly consistent with the development controls which apply to the site.
- The size and dimensions of the land are suitable for the scale of the works;
- The site has access to all utility services to accommodate demand for water, electricity, gas and telecommunications.

#### 1 (d) Any submission made

Northern Beaches Council will undertake a notification period in accordance with their policies.

#### 1 (e) The public interest

The proposed development is considered to be in the wider in the public interest for the following reasons:

- It is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the economic and orderly development of land.
- The proposal is in accordance with Warringah Local Environmental Plan 2011.
- The proposal provides a responsive design in terms of relationship to adjoining development and establishes an appropriate streetscape through the adoption of sound urban design principles;
- The proposal makes a positive contribution towards the State Government's objectives for urban consolidation/ renewal and the reduction of urban sprawl.
- The proposed works are of a minor nature and are non-obtrusive to neighbouring residences.

#### 9.0 Conclusion

From this statement it is concluded that the proposed development is appropriate within the given context responding to the streetscape character of the surrounding area. The amenity of the neighbouring dwellings is not adversely affected in any way by the proposed in terms of privacy, loss of view or overshadowing.

The proposal development is seen to comply with the relevant provisions of the Warringah Local Environmental Plan 2011 & the Warringah Development Control Plan 2011.

Having regard to the aforementioned assessments it is considered that the proposed development is acceptable and should be supported by council.