



Particular Planning

Statement of Environmental Effects

Alterations and additions to the existing dwelling including first floor addition and swimming pool and decking at 76 Nandi Avenue, Frenchs Forest



Particular Planning Pty Ltd
0400 749 547

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1.0 Property Description

The subject property legally identified as Lot 24 within DP 221359 and is known as 76 Nandi Avenue, Frenchs Forest. The site is zoned R2 Low Density Residential pursuant to Warringah Local Environmental Plan 2011. The site is not identified as containing any items of environmental heritage. The site is identified as being subject to sloping land.

2.0 Site Description

The subject property legally identified as Lot 24 within DP 221359 and is known as 76 Nandi Avenue, Frenchs Forest. The site is located on the eastern side of Nandi Avenue at the northern curve in Nandi Avenue. The site has an area of 748.6m² and is irregular in shape with a frontage of 17.985 metres to Nandi Avenue. The site has a depth of 35.735 metres along the northern side boundary, a western rear boundary width of 22.858 metres and a southern boundary length of 37.85 metres. The site slopes steeply from the rear of the property to the street.



Figure 1 Aerial photograph of subject site

The property currently accommodates a single storey dwelling with a split level at the rear. The site has vehicular access from Nandi Avenue adjacent to the southern side boundary to a single detached carport (**Figure 2**). Other site works stone retaining walls and steps and timber stairs with dissect the front of the property and then along the northern side boundary providing access to an elevated front decking. The site also contains a rear paved area (**Figure 3**) and retaining walls across the site. The rear of the property is heavily vegetated.



Figure 2 Subject site



Figure 3 Existing rear patio

3.0 Adjoining property and Locality

The adjoining property to the south, is No. 78 Nandi Avenue which contains a two storey dwelling with western elevation decking, detached double garage at the streetscape and swimming pool forward of the dwelling (**Figure 4 and 5**). The adjoining property to the north, No. 74 Nandi Avenue is an elevated two storey dwelling with detached single garage (**Figure 6**).



Figure 4 Adjoining property to south, No. 78 Nandi Avenue



Figure 5 Western elevation of No. 78 Nandi Avenue containing first floor balcony and swimming pool forward of the dwelling



Figure 6 Adjoining property to north, No. 74 Nandi Avenue

The surrounding area is predominantly residential with a mixture of dwelling types. The dwelling's located on the high side of Nandi Avenue slope steeply from the rear to the streetscape. As a result, the streetscape consists of garages, carports and other ancillary structures including swimming pools and decking within the front setback (**Figures 7, 8 and 9**).



Figure 7 No. 88 Nandi Avenue containing decking forward of existing dwelling



Figure 8 No. 99 Nandi Avenue containing detached garage forward of building line



Figure 9 No. 80 Nandi Avenue with detached double garage with nil setback

4.0 Description of proposed works

The proposal seeks consent for alterations and addition to the existing dwelling at 76 Nandi Avenue, Frenchs Forest. The proposed works include:

- Demolition of existing carport, driveway, stairs and walls within the property and along front and side boundaries.
- Internal demolition to facilitate reconfigurations
- Construction of double garage and driveway access from Nandi Avenue
- Addition of elevated decking (RL101.510) and swimming pool adjacent to the northern side boundary sited forward of the existing dwelling
- Addition of lower ground floor (RL102.910) containing entrance porch, study, bathroom and internal stair access.
- Internal reconfigurations at ground floor (RL105.86) including new internal stairs and replacement of existing front door within western elevation with window (W3).
- Rear alterations and additions to upper ground floor (RL106.530) including addition of laundry and new opening W4 within southern elevation, new kitchen and meals with access to new patio area (RL106.440) including new stairs to rear garden.
- First floor addition (RL109.420) comprising bedroom 1 with ensuite and WIR and retreat. Access within eastern elevation to proposed patio.
- Removal of four (4) trees being T6, T7, T8 and T9.
- Landscaping works including roof top garden above garage and planter boxes.



Figure 10 Rear of existing dwelling and proposed first floor location



Figure 11 Existing undercroft and proposed lower ground floor location

5.0 Planning Assessment

Statutory provisions

5.1 Section 4.14 of Environmental Planning and Assessment Act 1979 – Bushfire prone land

The site is mapped as being bush fire affected land (**Figure 12**). The site is identified as being within Vegetation Buffer. A bush fire report has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd and is submitted in support of this application. The assessment demonstrates the proposal is an acceptable form of development subject to the recommendations, which includes construction consistent with a Bushfire Attack Level of 19 to the north, east and west and BAL 12.5 to the south. A Bushfire Attack Level Risk Assessment Certificate (BPAD9400 and dated 5th February 2021) has been issued for the proposed development.

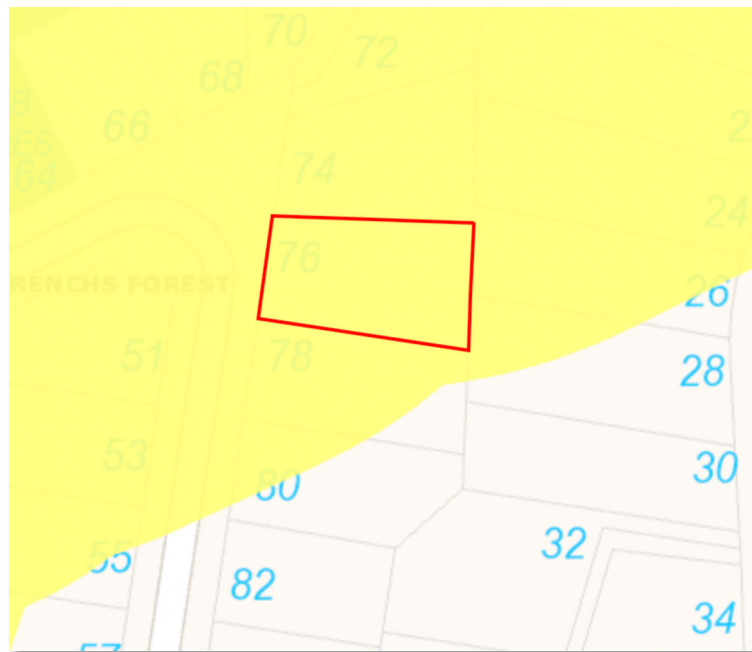


Figure 12 Northern Beaches Bush Fire Prone Land Map - Vegetation Buffer

5.2 State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

5.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate A409819 and dated 15 March 2021 has been submitted with the development application. The commitments required to be detailed in the development has been adequately shown within the documentation submitted to Council.

5.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Warringah Local Environmental Plan 2011, which aims to preserve trees and vegetation.

The objective of the Vegetation SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

The proposal does not seek consent to remove any significant vegetation from site. The four (4) trees proposed for removal include ferns and trees less than 5 metres in height. These trees have low retention value. It is considered that the proposed development does not unduly impact upon existing trees or vegetation on site.

5.5 Warringah Local Environmental Plan (WLEP) 2011

Permissibility

The site is zoned Low Density Residential R2 pursuant to the Land Use Table of the Warringah Local Environmental Plan (WLEP) 2011 (**Figure 13**). The proposed works being alterations and additions to the existing dwelling and swimming pool is permissible with development consent.

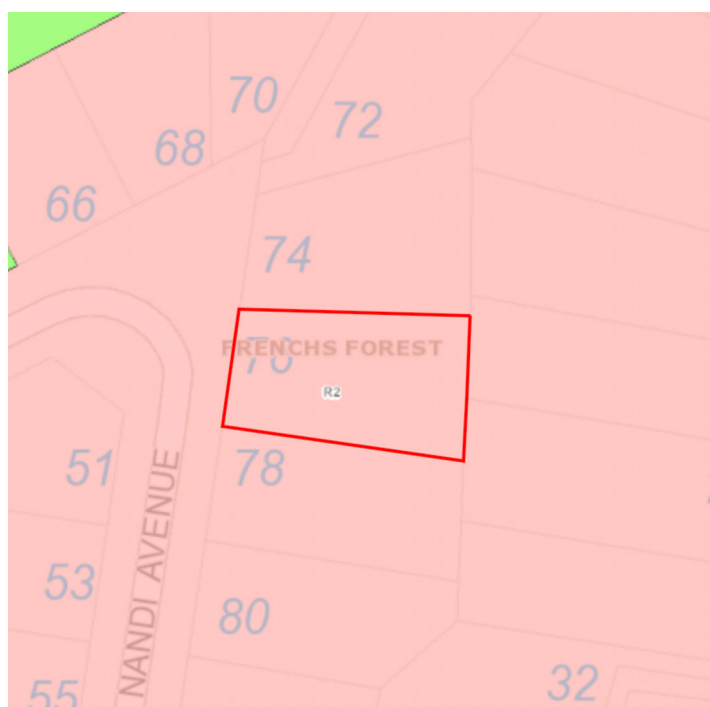


Figure 13 - R2 Low Density Residential zoning

Objectives

The objectives of the zone are as follows:

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

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

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

The proposal satisfies the objectives of the R2 Low Density Residential zones as the proposal is for alterations and additions to a single dwelling which maintains the low density residential environment and does not adversely affect adjoining properties, the landscape setting of the existing dwelling or the streetscape.

Part 4 Principal Development Standards

Clause 4.3 Height of Buildings

Pursuant to Clause 4.3 the maximum height requirement is 8.5 metres. The proposed additions are compliant with the height development standard with a height of 7.44m.

The objectives of this clause are as follows:

- a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The proposal is an appropriate form of development, which is compatible with the height, and scale of surrounding development. The proposal does not result in any significant visual impacts upon adjoining properties and does not adversely affect the solar access or visual privacy of adjoining properties.

Part 6 Additional Local Provisions

Clause 6.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land. The proposal includes excavation up to a depth of 3.95 metres and consent is sought for these works. Council can be satisfied in accordance with the provisions of subclause (3) that the proposed earthworks will not detrimentally affect drainage patterns, will not result in adverse impacts upon the redevelopment of the land, the location of the cut will not result in amenity impacts upon adjoining properties and is unlikely to impact upon any waterways. The proposal has been supported by a Geotechnical Assessment Report of the proposal and contains recommendations for to be implemented during works to ensure an acceptable outcome of site including the type of fill material to be used. The proposal is considered to be consistent with the objective of this Clause.

Clause 6.4 Development on sloping land

The site is identified in Area B and C pursuant to the Council mapping (**Figure 14**). The front of the site is mapped Area B – Flanking Slopes from 5 to 25 degrees and the rear of the site is mapped as Area C – Slopes more than 25 degrees.

The objectives of the clause are as follows:

- a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*

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

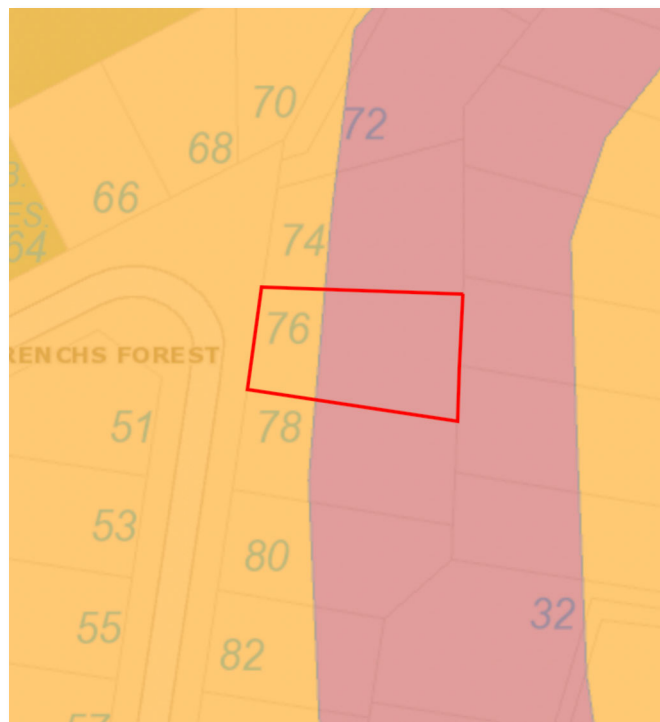


Figure 14 Landslip Map - front of site mapped Area B Flanking Slopes 5 to 25 degrees
and rear of the site Area C Slopes more than 25 degrees

A geotechnical assessment been undertaken by Ascent Geotechnical Consulting and is supported as part of the development application. The proposal is not considered to result in a risk to life or property and is considered satisfactory. The development will not cause any significant detrimental impacts because of stormwater discharge from the site. The site maintains the existing stormwater management. Given the nature of the works proposed, the development will not impact on or affect the existing subsurface flow conditions.

6.0 Policy Provisions

6.1 Warringah Development Control Plan (WDCP) 2011

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

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

The proposal is considered to respond to the existing site circumstances and the proposed works are responsive to the characteristics of the site's topography. The proposal is consistent with the character of the streetscape and does not significantly impact upon adjoining properties or the streetscape. The proposal is consistent with the overriding objectives of the Warringah DCP.

Warringah DCP Compliance Table


Control	Proposed	Complies
Part B Built Form Controls		
B1 Wall Heights		
Objectives: <ul style="list-style-type: none"> • To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. • To ensure development is generally beneath the existing tree canopy level. • To provide a reasonable sharing of views to and from public and private properties. • To minimise the impact of development on adjoining or nearby properties. • To ensure that development responds to site topography and to discourage excavation of the natural landform. • To provide sufficient scope for innovative roof pitch and variation in roof design. 		
Requirement: 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).	6.77m along southern elevation	YES
B2 Number of Storeys		
Objectives: <ul style="list-style-type: none"> • To ensure development does not visually dominate its surrounds. • To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. • To provide equitable sharing of views to and from public and private properties. • To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties. • To provide sufficient scope for innovative roof pitch and variation in roof design. • To complement the height of buildings control in the LEP with a number of storeys control. 		
Requirement: 8.5m and 2 storey	Proposed height 7.44 metres and two storeys.	YES
B3 Side Boundary Envelope		
Objectives: <p>To ensure that development does not become visually dominant by virtue of its height and bulk.</p> <ul style="list-style-type: none"> • To ensure adequate light, solar access and privacy by providing spatial separation between buildings. • To ensure that development responds to the topography of the site. 		
Requirement: 1. Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height	Sited within envelope given proposed height and setbacks	YES

above ground level (existing) at the side boundaries of: • 4 metres		
B5 Side Boundary Setback		
Objectives: <ul style="list-style-type: none"> • To provide opportunities for deep soil landscape areas. • To ensure that development does not become visually dominant. • To ensure that the scale and bulk of buildings is minimised. • To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained. • To provide reasonable sharing of views to and from public and private properties. 		
Requirement: 0.9metres	Ground floor 1465mm from southern and 900mm existing from northern (unchanged) First floor 1585mm from southern and >900mm from northern Swimming pool decking 1033mm from northern side	YES
B7 Front Boundary Setback		
Objectives: <ul style="list-style-type: none"> • 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. 		
Requirement: 6.5 metres	1290mm decking 100mm garage	Refer to discussion
B9 Rear Boundary Setbacks		
Objectives: <ul style="list-style-type: none"> • To ensure opportunities for deep soil landscape areas are maintained. • To create a sense of openness in rear yards. • To preserve the amenity of adjacent land, particularly relating to privacy between buildings. • To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements. • To provide opportunities to maintain privacy between dwellings. 		
Requirement: 6 metres	>6m	YES
Part C Siting Factors		
C3 Parking Facilities		
Objectives: <ul style="list-style-type: none"> • To provide adequate off street carparking. • To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place. • To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces. 		
Requirements 1. The following design principles shall be met: • Garage doors and carports are to be	As a result of the topography of the site, the proposed off-street parking is provided at ground level at the front of the site and due to the siting of the existing	YES



<p>integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;</p> <ul style="list-style-type: none"> • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. 	<p>dwelling is detached. The proposed garage is for double vehicle and is 6m in width.</p>	
C4 Stormwater		
Objectives <ul style="list-style-type: none"> • To ensure the appropriate management of stormwater. • To minimise the quantity of stormwater run-off. • To incorporate <i>Water Sensitive Urban Design</i> techniques and <i>On-Site Stormwater Detention</i> (OSD) Technical Specification into all new developments. • To ensure the peak discharge rate of stormwater flow from new development is no greater than the <i>Permitted Site Discharge (PSD)</i>. 		
Requirements <ol style="list-style-type: none"> 1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. 2. Stormwater runoff is to discharge to a drainage system approved by Council. 4. Generally, stormwater runoff quantity is not to 	<p>Discharges to existing system. Proposal does not increase site coverage by more than 50%.</p>	<p>YES</p>

<p>exceed pre-developed flow rates and is to be controlled using on-site stormwater detention in accordance with the Council's <i>On Site Stormwater Detention Technical Specification</i>.</p> <p>6. Stormwater detention systems are to be visually unobtrusive and integrated with site landscaping.</p> <p>8. Development must drain via gravity to a Council constructed or natural drainage system.</p> <p>9. Design for minor development (including single residential dwellings, small lot subdivisions and residential flat buildings) is to be in accordance with Council's <i>Stormwater Drainage Design Guidelines For Minor Developments and Minor Works Specification</i>.</p>		
C5 Erosion and Sedimentation		
Objectives <ul style="list-style-type: none"> • To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment. • To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands. • To prevent any reduction in water quality downstream of the development site. 		
Requirements:		
1. Erosion and		YES


<p>sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur.</p> <p>2. Any erosion and sedimentation is to be managed at the source. Development that is likely to result in erosion and sedimentation is to be accompanied by a Soil and Water Management Plan which ensures minimum soil erosion and maintenance of the downstream water quality. The Plan is to be prepared in accordance with the Managing Urban Stormwater : Soils and Construction Handbook and is to provide details of the proposed method of on-site erosion and sediment control.</p>	<p>Waste management plan provided. Erosion and Sediment control measures to be placed on site prior to commencement of works.</p>	
C6 Excavation and Landfill		
<p>Objectives:</p> <ul style="list-style-type: none"> • To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties. • To require that excavation and landfill does not create airborne pollution. • To preserve the integrity of the physical environment. • To maintain and enhance visual and scenic quality. 		
<p>Requirements:</p> <p>1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.</p> <p>2. Excavation and landfill works must not result in any adverse impact on adjoining land.</p> <p>3. Excavated and landfill areas shall be</p>	<p>The development involves excavation to a depth of 3.95m associated with the eastern wall of the proposed garage. The proposal also includes excavation associated with the lower ground floor (Figure 15). The excavation required is appropriate given the nature of the development. The required excavation will not adversely affect adjoining properties or the streetscape.</p>	<p>YES</p>


<p>constructed to ensure the geological stability of the work.</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>5. Rehabilitation and revegetation techniques shall be applied to the fill.</p> <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.</p>	 <p>Figure 15 Location of proposed lower ground floor</p>	
C8 Demolition and Construction		
<p>Objectives:</p> <ul style="list-style-type: none"> • To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment. • To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials. • To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan • To discourage illegal dumping. 		
<p>Requirements:</p> <p>1. Section 1 of the Waste Management Plan must be satisfactorily completed and submitted.</p> <p>2. An area must be allocated for the sorting and storage of materials for use, recycling and disposal. This area should be located in a disturbed area of the site, giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation,</p>	<p>A satisfactory waste management plan has been provided.</p>	<p>YES</p>

<p>pedestrian and traffic movement and access and handling requirements.</p> <p>3. The timing and frequency, and routes of vehicle movements are to be safe and minimise impact on roads, pedestrian and traffic movement and surrounding residents.</p> <p>4. Demolition and construction waste must be legally handled, transported and disposed of.</p>		
C9 Waste Management		
Objectives: <ul style="list-style-type: none"> • To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD). • To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste. • To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements. • To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services. • To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene. • To minimise any adverse environmental impacts associated with the storage and collection of waste. • To discourage illegal dumping. 		
Requirements: Each dwelling must have a designated waste storage area with the minimum required bins.	Waste storage area provided on site.	YES
Part D Design		
D1 Landscaped Open Space and Bushland Setting		
Objectives: <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. • To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building. • To enhance privacy between buildings. • To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants. 		

<ul style="list-style-type: none"> • To provide space for service functions, including clothes drying. • To facilitate water management, including on-site detention and infiltration of stormwater. 		
Requirements 1. The required minimum area of landscaped open space is 40%	<p style="text-align: center;">>40%</p>  <p style="text-align: center;">Figure 16 Rear existing landscape area maintained</p>	YES
D2 Private Open Space		
Objectives <ul style="list-style-type: none"> • To ensure that all residential development is provided with functional, well located areas of private open space. • To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings. • To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces. • To ensure that private open space receives sufficient solar access and privacy. 		
Requirements 1. Residential development is to include private open space for each dwelling. A total of 60m2 with minimum dimensions of 5 metres 3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play. 4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings	<p>The proposal includes in excess of 60m2 of POS associated with the decking surrounding the proposed swimming pool, western elevation decking at ground floor and the rear patio directly accessible from the kitchen meals area in the eastern elevation. The site provides POS with a northerly aspect, which is directly accessible from primary living areas (Figure 17).</p>  <p style="text-align: center;">Figure 17 Proposed rear ground floor addition location and POS to the north</p>	YES

and occupants of the proposed development. 5. Private open space shall not be located in the primary front building setback. 6. Private open space is to be located to maximise solar access.		
D3 Noise		
Objectives <ul style="list-style-type: none"> • To encourage innovative design solutions to improve the urban environment. • To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion, which would be unreasonable for occupants, users or visitors. 		
Requirements 1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the <i>NSW Industrial Noise Policy</i> at the receiving boundary of residential and other noise sensitive land uses.	The proposal is not considered to generate any additional noise than what would be expected within a residential area. Expected Council will apply conditions regarding noise from swimming pool equipment. The equipment is not located adjacent to any habitable rooms.	YES
D6 Access to Sunlight		
Objectives <ul style="list-style-type: none"> • To ensure that reasonable access to sunlight is maintained. • To encourage innovative design solutions to improve the urban environment and public open space. • To promote passive solar design and the use of solar energy. 		
Requirements 1. Development should avoid unreasonable overshadowing any public open space. 2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight	Shadow diagrams submitted which demonstrate reasonable solar amenity is achieved and maintained to adjoining properties. At 9:00am, the proposal results in an additional shadow to the decking of No. 78 Nandi Avenue. The shadow is limited to the NW corner of the decking. At 12 noon, the proposal results in an additional shadow impact to NW corner of the decking and front window contained within the northern elevational.	YES

between 9am and 3pm on June 21.	<p>At 3:00pm, the proposal results in a partial impact to the northern elevation of No. 78 Nandi Avenue.</p> <p>The proposal maintains sunlight to 50% of the POS of the adjoining property.</p> <p>The proposed front decking and swimming pool receives greater than 50% of the area solar access from 11am and continues through the remainder of the day.</p>	
D8 Privacy		
Objectives <ul style="list-style-type: none"> • To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours. • To encourage innovative design solutions to improve the urban environment. • To provide personal and property security for occupants and visitors. 		
Requirements <ol style="list-style-type: none"> 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings. 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a 	<p>The proposed decking associated with the swimming pool is sited within 1.033m of the front boundary and adjoins the streetscape. The proposed decking does not align with any dwellings and is sited below the decking and pool of No, 78 Nandi Avenue.</p> <p>The existing western elevation decking at ground floor is maintained</p> <p>The rear patio is off set from the site boundary and does not result in. any adverse impacts upon privacy. The proposed patio has RL106.44 and does not afford a sight line as it is sited below the sill height of the adjoining windows within the southern elevation of 74 Nandi Avenue at RL110.8 (Figure 18)</p>  <p>Figure 18 Southern elevation of No. 74 Nandi Avenue sitting behind existing dwelling</p> <p>The proposed first floor rear patio has a RL109.420 and is sited below the sill height of the northern elevation</p>	YES

<p>lower apartment from overlooking from an upper apartment.</p>	<p>openings of 78 Nandi Avenue which are at RL112.80 and RL113.59 (Figure 19)</p>  <p>Figure 19 First floor balcony and northern elevation openings within 78 Nandi Avenue in relation to proposed works to rear</p>	
<p>D9 Building Bulk</p>		
<p>Objectives</p> <ul style="list-style-type: none"> • To encourage good design and innovative architecture to improve the urban environment. • To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. 		
<p>Requirements</p> <p>1. Side and rear setbacks are to be progressively increased as wall height increases.</p> <p>2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</p> <p>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:</p> <p>The amount of fill is</p>	<p>The proposal complies with the required height. The proposal has been stepped in response to the site's topography and the existing building footprint. The proposal maintains a maximum of two storeys and uses varied of setbacks to minimise the bulk of the development.</p> <p>The proposal does not result in an excessive bulk or scale. The proposal has incorporated landscaping within the front setback associated with the swimming pool level and is sited above the garage to provide a visual softening of the built form.</p> <p>The proposal is considered to be of an appropriate bulk and scale.</p>	<p>YES</p>

<p>not to exceed one metre in depth.</p> <p>Fill is not to spread beyond the footprint of the building.</p> <p>Excavation of the landform is to be minimised.</p> <p>4. Building height and scale needs to relate to topography and site conditions.</p> <p>5. Orientate development to address the street.</p> <p>6. Use colour, materials and surface treatment to reduce building bulk.</p> <p>7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>8. Articulate walls to reduce building mass.</p>		
D10 Building Colours and Materials		
Objectives <ul style="list-style-type: none"> To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment. 		
Requirements <p>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.</p> <p>3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.</p>	Schedule of Finishes provided on plans.	YES
D11 Roofs		
Objectives <ul style="list-style-type: none"> To encourage innovative design solutions to improve the urban environment. Roofs are to be designed to complement the local skyline. Roofs are to be designed to conceal plant and equipment. 		

Requirements 2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape. 3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas. 4. Roofs shall incorporate eaves for shading. 5. Roofing materials should not cause excessive glare and reflection.	The first floor roof has a 25 degree pitch and does not result in excessive glare.	YES
D14 Site Facilities		
Objectives <ul style="list-style-type: none"> • To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours. • To encourage innovative design solutions to improve the urban environment. • To make servicing the site as efficient and easy as possible. • To allow for discreet and easily serviceable placement of site facilities in new development. 		
Requirements 1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular: <ul style="list-style-type: none"> • Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection; • All dwellings which are required to have landscaped open space 	Garbage and recycling area designated on site. A clothes line is provided in the rear yard. The existing mailbox is maintained.	YES

<p>are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;</p> <ul style="list-style-type: none"> • Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers; • Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and • Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable. 		
D16 Swimming Pools and Spa Pools		
Objectives: <ul style="list-style-type: none"> • To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity. • To encourage innovative design solutions to improve the urban environment. 		
Requirements: <ol style="list-style-type: none"> 1. Pools are not to be located in the front building setback. 2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage. 3. Swimming pools and spas are to be setback from any trees. <p>Australian Standard AS4970-2009 Protection</p>	Swimming pool located forward of the dwelling.	Refer to discussion

of trees on development sites is to be used to determine an appropriate setback.		
D22 Conservation of Water and Energy		
Objectives <ul style="list-style-type: none"> • To encourage innovative design solutions to improve the urban environment. • To ensure energy and water use is minimised. 		
Requirements <ol style="list-style-type: none"> 1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy. 2. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties. 3. Buildings are to be designed to minimize energy and water consumption. 4. Landscape design is to assist in the conservation of energy and water. 5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks. 	Refer to BASIX Certificate requirements.	YES
Part E The Natural Environment		
E10 Landslip Risk		
Objectives: <ul style="list-style-type: none"> • To ensure development is geotechnically stable. • To ensure good engineering practice. • To ensure there is no adverse impact on existing subsurface flow conditions. • To ensure there is no adverse impact resulting from stormwater discharge. 		
Requirements <ol style="list-style-type: none"> 1. The applicant must demonstrate that: <ul style="list-style-type: none"> • The proposed 	A geotechnical assessment has been prepared by Ascent Geotechnical Consulting and confirms the proposal will not result in an unacceptable risk to property or life.	YES

<p>development is justified in terms of geotechnical stability; and</p> <ul style="list-style-type: none"> • The proposed development will be carried out in accordance with good engineering practice. <p>2. Development must not cause detrimental impacts because of stormwater discharge from the land.</p> <p>3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.</p> <p>4. To address Requirements 1 to 3:</p> <p>ii) For land identified as being in Area B or Area D:</p> <p>A preliminary assessment of site conditions prepared in accordance 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.</p>		
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7.0 Section 4.15(1)(a) Environmental Planning and Assessment Act 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The proposal is considered to be consistent with this environmental planning instrument and the provisions of this instrument have been addressed within this report and the proposal achieves compliance with its provisions. The proposal is a permissible development, satisfies the principal development standards and is capable of providing a compliant residential development.

7.2 Any draft environmental planning instruments

There are no relevant Draft instruments applying to this development.

7.3 Any development control plans

The development has been designed with consideration of the requirements of the Warringah Development Control Plan 2011. It is considered the proposal is consistent with the aims and objectives of the DCP. Where strict compliance has not been achieved it is discussed below.

B7 Front Boundary Setback

The control requires a front setback of 6.5 metres. The proposal provides for a front setback of 100mm to the proposed garage and 1290mm to the decking and is non compliant. As a result of the topography of the properties on the eastern side of Nandi Avenue, sloping steeply from the rear to the front the existing built form within the streetscape is sited forward of the 6.5 metre requirement. The proposed setback should be considered acceptable for the following reasons:

- The existing carport has a nil front setback and is non compliant. The proposed garage provides for an increased setback 100mm and provides for provision of two (2) off street parking spaces.
- The streetscape consists of ancillary structures such as garages, decking and swimming pools within the front setback. **Figures 7,8 and 9** show examples of structures forward of the building line.
- Achieving compliance with the 6.5m front setback would result in extensive excavation within the site
- The proposed decking and swimming pool area is not roofed and maintains the desired sense of openness
- The proposed works maintains the pattern of buildings and landscape elements within the streetscape
- The proposal is consistent with the objectives of the control and should be supported on merit.

D16 Swimming pools and spa pools

The control indicates swimming pools should not to be located within the front building setback. The proposed swimming pool is located forward of the dwelling and is non compliant. The proposed location of the swimming pool is acceptable on merit for the following reasons:

- The structure is not inconsistent with the streetscape character and is provided with landscape elements to soften the built form when viewed from Nandi Avenue.
- The adjoining property to the north, No. 74 Nandi Avenue contains swimming pool forward of the existing dwelling (**Figure 20**)
- The adjoining property to the south, No. 78 Nandi Avenue contains a swimming pool forward of the dwelling albeit behind the 6.5m front setback (**Figure 5**).
- No. 80 Nandi Avenue contains a swimming pool within the front setback approved under DA2003/1054 (**Figure 9**)
- No. 82 Nandi Avenue contains swimming pool within the front setback.
- Development consent was granted to a space and associated decking under DA2020/0808 at No. 84 Nandi Avenue. The proposed space was setback 4.75 metres from the front boundary and is non compliant.

- There is also swimming pool structures within the front setback of 31 Nandi Avenue, 49 Nandi and 98 Nandi Avenue (**Figure 21**).
- The proposed swimming pool and associated structures are not inconsistent with the streetscape character and does not adversely impact upon residential amenity.
- The proposal is consistent with the objectives of the control despite the non compliance.



Figure 20 Existing swimming pool of No. 74 Nandi Avenue as viewed from the rear of subject site looking NW



Figure 21 No. 98 Nandi Avenue which contains existing swimming pool within front setback

7.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4

There is no planning agreement being entered into as part of this application.

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates

Australian Standard for Demolition – Clause 92(1)(b)

Clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The demolition of the existing structures will be carried out in accordance with the provisions of this standard and any relevant conditions of consent, required by Council.

7.6 The likely impact of the development Section 4.15(1)(b)

The assessment demonstrates that, the proposal will not have any significant adverse Impacts upon any adjoining properties or the environment in general due to the nature of the development.

7.7 Suitability of the site Section 4.15(1)(c)

The site is zoned R2 low density residential development. The proposal is for alterations and additions to the existing dwelling including construction of a swimming pool and associated decking. The assessment has demonstrated the proposal is consistent with the statutory requirements and the policy controls relating to the property. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the

streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the subject site.

7.8 Submissions made in accordance of this Act of the regulations

The application will be notified in accordance with the provisions of Warringah Development Control Plan 2011 and any submissions received will be considered by Warringah Council.

7.9 The public interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed with the relevant environmental planning instruments and Council is able to deem the proposal acceptable. The proposal is compliant with the principal development standards and consistent with the provisions of the DCP. The proposal results in a non compliance with the required front setback and siting of the proposed swimming pool within the front setback. The proposal has been designed in response to the site's constraints including the topography and existing dwelling's siting. The proposal has been designed to provide for provision of off street parking. The proposed location of the swimming pool minimises the extent of exaction as it is sited above ground and is not inconsistent with the established streetscape character. The proposal should be considered acceptable on merit. The proposal does not result in any significant adverse impacts upon adjoining properties in terms of light, solar access or privacy. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

8.0 Conclusion

The application has been assessed under the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The proposal is generally consistent with the relevant Council statutory and policy controls.

The proposal does not result in any significant impacts upon adjoining properties or the streetscape. The proposed garage and swimming pool are non compliant with the required front setback. The proposal has been designed in response to the site's topography and in regard to the dwelling's siting and established streetscape character. The non compliances do not result in any significant adverse impacts upon adjoining properties or the streetscape. The application is capable of approval by Council.

Prepared by Kimberley Kavwenje BPlan

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