

# Statement Of Environmental Effects

For Proposed Alterations  
and a First floor addition

Property: 29 Woodbine Street, North Balgowlah

## **Introduction:**

This Statement of Environmental Effects has been prepared to form part of a Development Application to Northern Beaches / Warringah Council. Consent is sought for a Alterations and Additions including a First Floor Addition and Ground floor alterations to an existing dwelling at 29 Woodbine Street, North Balgowlah. A development application is submitted pursuant to the provisions of Warringah Local Environment Plan 2011 and Warringah DCP Amendment 20. This Statement of Environmental Effects has been undertaken to assess the proposed development in terms of Section 79C of the Environmental Planning and Assessment Act and surmises that the proposal is worthy of approval on its merits.

## **Existing Use:**

Single residential dwelling

## **Site Analysis:**

Legal description: Lot 1 DP 11936

The site is situated within a residential zone.

The site is Rectangular in shape with a gentle cross slope from the Northwest down to the Southeast. The land is a corner block situated on the corner of Woodbine Street and Bangaroo Street.

**Site area:** 531.7m<sup>2</sup>

The subject site is surrounded by 1 and 2 storey residential dwellings, Multilevel Residential apartments and Local shopping precinct.

## **Project aims and objectives**

- To integrate the proposed First Floor Addition with the existing building, the surrounds and the desired future character of the locality.
- To achieve a development that enhances not only the existing building but hence the visual amenity of the area, whilst integrating into the local street-scape.
- To create additional space and amenity for the occupants, while creating a building which meets or exceeds the architectural standard of the area.

## **Design/Streetscape Statement:**

The design aims to achieve a positive architectural and aesthetic contribution to the character of the area. The design of the building is sympathetic to surrounding development and makes allowances for environmental objectives (i.e. solar penetration, cross ventilation, minimising of shadows etc).

Proposed finishes are varied between lightweight cladding, existing Brickwork, and glass, to reduce the bulk and more clearly articulate the architectural forms. This, coupled with existing pergolas, sun screening devices, and decks, and the articulation of building elements results in a dwelling of appropriate scale and architectural relief so as to be readily absorbed into the context.

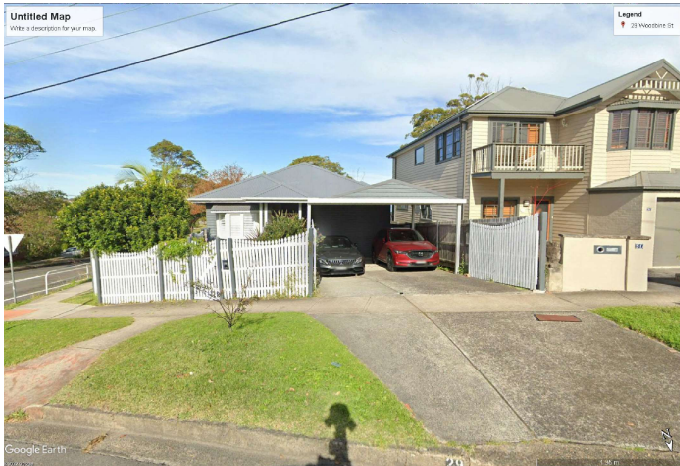
The proposed building integrates within the established pattern of the local context by maintaining the predominant scale and bulk of surrounding dwellings. Thus, the development is in keeping with the surrounding scale of developments and local morphology (footprints and space) of the area and the predominant 'subdivision' pattern.





**Design and Streetscape context Statement cont.**

**view towards existing home at 29 Woodbine street, North Balgowlah  
including landscaped gardens and streetscape**



**Woodbine Street streetscape**



**Bangaroo Street streetscape**



**existing streetscape along Bangaroo Street towards home  
at 29 Woodbine St showing existing trees, Boundary  
fencing and landscaped gardens to be maintained.**



**existing streetscape along Woodbine Street towards home  
at 29 & 31 Woodbine St showing existing trees, Boundary  
fencing and landscaped gardens to be maintained.**



**Proposed First Floor addition above existing home, landscaped  
gardens, Fencing and tree lined streetscape to be maintained**

## **WLEP 2011 Considerations (as relevant)**

### **Part 4.3 Height of Buildings**

(1) 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,

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

#### **Comment:**

Variation to the building height is sought in this instance for the purpose of a first floor addition that partially exceeds the building height plane. The encroachment is wholly located to the uppermost portion of the roof ridge which is centrally located on the site and immediately diminishes to full compliance along the fall of the roof line.

Please refer to provided Clause 4.6 variation at end of document.

### **Part 6.1 Acid Sulphate**

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the [Acid Sulfate Soils Map as being of the class specified for those works](#).

#### **Comment:**

N/A

### **Part 6.2 Earthworks**

(1) The objectives of this clause are as follows:

- (a) 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 the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.

#### **Comment:**

N/A

### **Part 6.3 Flood Planning**

#### **Comment:**

N/A

### **Part 6.4 Development on sloping land**

(1) The objectives of this clause are as follows:

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

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the [Landslip Risk Map](#).

#### **Comment:**

Subject site has been identified as "landslip Risk Area A", no further reports required.

### **Part 6.5 Coastline Hazards**

#### **Comment:**

N/A

the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.

**DCP Plan 2011 Amendment 20 Considerations (as relevant)**

**DCP Part B1 Wall Heights**

*To provide a reasonable sharing of views to and from public and private properties, To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

**Requirements**

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).

**Comment:**

The first floor addition exceeds the wall height limit to a minor extent along part of the East facing external wall (see elevation plans) The breach diminishes to full compliance along the rise of the land as shown on submitted plans.

Wall heights vary between 6.98m - 7.4m located along the East facing wall and 6.41m - 7.04m Located along the West facing wall. Existing site constraints and the home being built up off the ground due to the cross slope of the land gives rise to the non compliance to the wall height control, the breach is compensated in this instance as;

- The breach occurs due to the proposed first floor addition (as acceptable under WLEP2011).
- Where the breach occurs articulation has been introduced into the design of the First floor addition by "stepping in" and "terracing" the external walls, Inclusion of an open deck provides visual relief of the First Floor Addition when viewed from public and private places.
- There is more than adequate separation between dwellings so there is sufficient ventilation and open space to not appear 'crowded' or over-developed.
- The breach will not contribute to any additional overshadowing or loss of privacy to adjoining properties.

Strict compliance is unreasonable in this case as the required space for a viable First Floor addition and structural requirements needed would not be achieved, resulting in an unusable dwelling for the owners hindering the promotion of social and economic welfare of the community and stop the economic use of the land.

**DCP Part B2 Number of Storeys**

*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.*

**Comment:**

Proposed First Floor Addition Complies with Requirements identified on DCP Map/ DCP Controls

**DCP Part B3 Side Boundary Envelope (Corner block - Two side boundaries, Two front setbacks)**

*To ensure that development does not become visually dominant by virtue of its height and bulk, To ensure adequate light, solar access and privacy by providing spatial separation between buildings..*

**Comment:**

The proposed First Floor Addition encroaches into the Western side boundary envelope to a minor extent and is wholly contained to the top of the external wall, The breach diminishes to full compliance along the rise of the land as shown on submitted plans.

With set limitations extending this modest home and sympathetically integrating the proposed addition into the existing form and architectural character of the unique heritage styling of the home the building as a whole takes into consideration issues of bulk, height and scale. The proposal is considered appropriate in this case and will be readily absorbed into the built environment and landscaped setting of the locality.

- The breach occurs due to the proposed first floor addition (as acceptable under WLEP2011). The breach is minor and is well setback from the side boundary lines.(refer to site plans)
- Where the breach occurs bulk and scale is minimised in this instance as the boundary envelope breach is located at the rear of the property; Hence does not create any perceived Bulk and scale when viewed from public spaces .
- There is more than adequate separation between dwellings so there is sufficient ventilation and open space to not appear 'crowded' or over-developed.
- The proposal does not result in any unreasonable loss of privacy or over shadowing to private open space.

When taking into consideration the scale and form of surrounding developments the proposal is considered appropriate in this case and will be readily absorbed into the built environment and landscaped setting of the locality. Existing trees, vegetation and Boundary fences will be maintained keeping the streetscape consistent.

The Breach in this case is reasonable, Therefore; its effect is extremely limited on neighbouring dwellings, if not immaterial. A compromise in this case would stop the desired outcomes and housing requirements and importantly is the desired requirements of any and all future buyers to the immediate area.

**DCP Part B3 Side Boundary Envelope continued**

**Objectives**

- To ensure that development does not become visually dominant by virtue of its height and bulk.
- To ensure adequate light, solar access and privacy by providing spatial separation between buildings.
- To ensure that development responds to the topography of the site.

**Requirements**

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

**R2 Side Boundary Envelope Exceptions**

Existing dwelling house: Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.

**DCP Part B4 Site Coverage**

To minimise the bulk and scale of development, To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.

**Comment:**

N/A

**DCP Part B5 Side Boundary Setbacks (Corner block - Two side boundaries, Two front setbacks)**

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.

**Comment:**

The subject site is a corner block with two street frontages and two side boundaries. The proposed First Floor Addition Complies with Requirements identified on DCP Map / DCP Controls

-Western side boundary setback Varies between 2.33m - 2.55m

-Southern side Boundary setback is 15.96m

**DCP Part B7 Front Boundary Setbacks - Corner block (Primary front setback with Woodbine Street & Secondary front setback with Bangaroo street)**

To maintain the visual continuity and pattern of buildings and landscape elements. To protect and enhance the visual quality of streetscapes and public spaces.

**Comment:**

The subject site is a corner block with two street frontages and two side boundaries. The proposed First Floor Addition Complies with Requirements identified on DCP Map / DCP Controls

-Primary front setback (Woodbine Street) Varies between 10.85m - 8.07m

-Secondary front setback (Bangaroo Street) Varies between 3.8m - 3.56m

Articulation of the design, inclusion of an open deck and an interesting roof form minimises the appearance of bulk and scale when viewed from public places coupled with maintaining existing trees, vegetation and Boundary fences the addition will be absorbed into the built environment and landscaped setting of the locality. Refer to street context photos attached

**DCP Part B9 Rear Boundary Setback - (corner block)**

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.

**Comment:**

N/A. (Subject site is a corner block with 2 side boundaries and 2 front setbacks)

**DCP Part C3 Parking Facilities**

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.

**Comment:**

Complies with Requirements identified on DCP Map/ DCP Controls, Two Existing off street parking spaces will remain.

**DCP Part C4 Stormwater**

To ensure the appropriate management of stormwater. To minimise the quantity of stormwater run-off.

**Comment:**

The proposed addition is over the existing dwelling / within the existing roofed area and will drain to existing gravity feed stormwater services located along Bangaroo Street, All stormwater services are hooked up and connected to the stormwater system, No additional load on the existing storm-water system will be created.

**DCP Part C5 Erosion and Sedimentation**

To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.

**Comment:**

No excavation required, Erosion and sediment prevention measures will be in place on site if required.



**DCP Part C7 Excavation and landfill**

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.

**Comment:**

N/A

**DCP Part C8 Demolition and Construction**

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

**Comment:**

Waste Materials to leave site will be separated and taken to appropriate waste facilities to be recycled. Waste materials stored onsite will be located in an undisturbed area any covered if required.

**DCP Part C9 Waste Mangement**

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.

**Comment:**

Appropriate waste management procedures will be implemented during the construction phase. See Waste, Construction management plan.

**DCP Part D1 Landscape open space and Bushland setting**

To enable planting to maintain and enhance the streetscape. To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.

**Comment:**

Existing open space to be maintained and enjoyed. Proposal is for a First floor addition only.

**DCP Part D2 Private open space**

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.

**Comment:**

Complies with Requirements identified on DCP Map/ DCP Controls. Existing Private open space to remain as is.

**DCP Part D3 Noise**

To encourage innovative design solutions to improve the urban environment. To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.

**Comment:**

The proposal is reasonably offset from adjoining properties. No adverse noise is anticipated from a typically domestic use.

**DCP Part D4 Electromagnetic radiation**

To ensure the safety of the community from electromagnetic radiation.

**Comment:**

N/A

**DCP Part D5 Orientation and energy efficiency**

To consider the placement of buildings within sites to maximise solar access and natural ventilation. To encourage innovative design solutions to improve the urban environment.

**Comment:**

Provision has been made for natural light and daylight into the design.

**DCP Part D6 Access to sunlight**

To ensure that reasonable access to sunlight is maintained. To encourage innovative design solutions to improve the urban environment.

**Comment:**

Refer to submitted shadow diagrams for June 21, Neighbouring dwellings will have adequate access to sunlight.

**DCP Part D7 Views**

To allow for the reasonable sharing of views. To encourage innovative design solutions to improve the urban environment.

**Comment:**

The subject site is not situated in a recognised view corridor. Views from adjoining sites which will not be effected by the proposal. The neighbouring home at 31 Woodbine street maintains views from a side boundary facing window and front deck located further forward within the land than the proposed First Floor Addition at 29 Woodbine street. Refer to submitted Site Plan and Elevation plans.

**DCP Part D8 Privacy**

*To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

**Comment:**

The proposed development does not result in any significant loss of privacy to adjoining dwellings.

**DCP Part D9 Building Bulk**

*To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation.*

**Comment:**

The proposed design reduces perceived bulk due to:

- increase front setback respective of height
- articulation and manipulation of the design, enhancing the existing facade.
- use of light-weight materials.

**DCP Part D10 Building colours and materials**

*To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

**Comment:**

The colours and materials used for alterations and additions to The first floor addition shall complement the existing external building façade.

**DCP Part D11 Roofs**

*To encourage innovative design solutions to improve the urban environment. Roofs are to be designed to complement the local skyline.*

**Comment:**

The proposed roofline complements the local skyline and integrates with existing development.

**DCP Part D12 Glare and Reflection**

*To ensure that development will not result in overspill or glare from artificial illumination or sun reflection. To maintain and improve the amenity of public and private land.*

**Comment:**

The proposed development will not result in undue glare from artificial illumination or sun reflection. The proposed roof will be in the medium to dark colour range and the external wall finishes will be non-reflective finish.

**DCP Part D14 Site Facilities**

*To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*

**Comment:**

All site facilities are currently available to the site. It is not proposed to alter the current arrangement in terms of site facilities.

**DCP Part D20 Safety and Security**

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

**Comment:**

Surveillance is maximised by orienting the outlook from the building towards the street.

**DCP Part D21 Provision and location of utility services**

*To encourage innovative design solutions to improve the urban environment. To ensure that adequate utility services are provided to land being developed.*

**Comment:**

Existing utilities and services to remain as per existing and will be used for the First floor Addition.

**DCP Part D22 Conservation of energy and water**

*To encourage innovative design solutions to improve the urban environment. To ensure energy and water use is minimised.*

**Comment:**

First floor Addition to intergrate:

- Site layout to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.
- Buildings are to be designed to minimize energy and water consumption.
- Landscape design is to assist in the conservation of energy and water.

**DCP Part E3 Threatened Species**

*To protect and promote the recovery of threatened species, populations and endangered ecological communities. To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*

**Comment:**

N/A



**DCP Part E4 Wildlife Corridor**

*To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

**Comment:**

N/A

**DCP Part E8 Waterways and Riparian lands**

*Encourage development to be located outside waterways and riparian land. Avoid impacts that will result in an adverse change in watercourse or riparian land condition. Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.*

**Comment:**

N/A

**DCP Part E9 Coastline Hazard**

*To ensure that development does not adversely impact on the coastal processes affecting adjacent land. To retain the area's regional role for public recreation and amenity.*

**Comment:**

N/A

**DCP Part E10 Landslip Risk**

*To ensure development is geotechnically stable. To ensure good engineering practice.*

**Comment:**

Subject site has been identified as "landslip Risk Area A", no further reports required.

**DCP Part E11 Flood prone Land**

*To ensure the development is compatible with the flow regime of the waterway. To ensure that existing development is not adversely affected through increased flood damage and / or flood hazard as a result of new development.*

**Comment:**

N/A

**WLEP Schedule 15 Summary**

The proposed addition is designed to enhance the resultant home and integrate within the local context and is therefore consistent with the existing and desire future character of the area. The proposed development is consistent with the general principles of Warringah development control plan and WLEP2011, namely:

- Design takes into consideration neighbouring dwellings with regard to access to light, ventilation bulk and scale;
- There are no adverse effects of the proposed development on the environment, either biophysical, economical, or social.
- There is no significant overshadowing to adjoining private open space (ref. shadow diagrams) or neighbouring residential properties.
- The design, colour, and materials used are in keeping with the style of the surrounding area.
- The proposed addition maintains the visual pattern and predominant scale of buildings in the locality and the immediate context.

**Summary**

The proposed addition is designed to enhance the existing dwelling and integrate within the local residential area and is therefore consistent with the objectives of Warringah Council's LEP and DCP

Hence, it is our professional opinion that there would be no detrimental impact to the surrounding built environment in this instance.

Prepared by:

**Your Style Designer Home additions**



## **Clause 4.6 Exception to Development standards**

Consent is sought for a Alterations and Additions including a First Floor Addition with internal alterations to an existing dwelling at 29 Woodbine Street, North Balgowlah. A development application is submitted pursuant to the provisions of Northern Beaches / Warringah Local Environment Plan 2011

### **Definition of Building height**

*The definition of building height contained in the Dictionary to the LEP is defined as*

*(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

*(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

### **The Development Standard for Building Height**

*In accordance with the Building Height Map of the LEP, the site is subject to a building height standard of 8.5m within the R2 Low Density Residential zone.*

### **The Proposed Building Height**

The proposed building height at the uppermost ridge is 8.82m, at the front roof ridge line the building height is 8.48m. The area of the building height variation is wholly contained within the uppermost roof line and is minor numerically speaking at 3.7% over the development standard. the breach then diminishes to full compliance along the rise of the land and fall of the roof line. (refer to submitted plans and Section Plan B-B)

The applicant proposes a variation from the building height development standard.

**1.** The objectives of this clause are as follows:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

### **Comment:**

Clause 4.6 of the LEP notably is designed to provide flexibility when applying development standards particularly when the variation of the standard enables a better development outcome.

The variation to the height control arises because of the topography of the site and elevated nature of the existing dwelling. The encroachment into the height plane is wholly located within a small portion of the roof line which is centrally located on the site and immediately diminishes to full compliance along the fall of the roof lines.

It is significant to note that the variation does not request to alter land zoning or density. All efforts have been made to design the building to follow the contours of the land; provide a reasonable home addition and minimise excess bulk and scale of the dwelling. An amended design to the roof or overall Design and positioning of the addition would compromise the overall aesthetics and viability of the addition and would have no noticeable gains other than to diminish the aesthetics of the design and hinder the social and economic use of the land for the current and future owners of the home.

**2.** Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

### **Comment:**

The height development standard is not expressly excluded from the operation of clause 4.6.

**3.** Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and b. that there are sufficient environmental planning grounds to justify contravening the development standard.*

### **Comment:**

The encroachment is located centrally to the land and is wholly contained within the roof space owing to the fall in the land and elevated ground floor level. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the site for the reason that a revised roof design may adversely compromise the aesthetics of the building without achieving any material gain.

With set limitations in viable options for extending this modest home and more importantly integrating the proposed addition into the existing form and architectural character of the home. The architectural form of the building as a whole takes into consideration issues of bulk and scale. The proposal is considered appropriate in this case and will be readily absorbed into the built environment and landscaped setting of the locality.

- The breach occurs due to the proposed first floor addition (as acceptable under WLEP and the WDCP). The breach is minor (3.7%) and well setback from the side boundaries.
- Where the breach occurs articulation has been introduced into the design of the First floor addition by "stepping in" and "terracing" the external walls, Inclusion of an open deck provides visual relief of the First Floor Addition when viewed from public and private places.
- There is adequate separation between dwellings so there is sufficient ventilation and open space to not appear 'crowded' or over-developed. The breach will not contribute to any additional perceived overshadowing of adjoining properties in this case, the non-compliance occurs within part of the roofed area of the dwelling, the extent of overshadowing is non material as shadowing is predominately contained to the rear garden of 29 Woodbine street and casting onto Bangaroo Street whilst moderately extending into the rear garden of the neighbouring home at 31 Woodbine street between 9am and 12pm.
- Demolition of the existing ridge line results in some reduced bulk and compensates for the minor breach
- The proposal does not result in any unreasonable loss of privacy or over shadowing as detailed in submitted Statement of Environmental effects to private open space as noted above with existing trees/vegetation creating a visual break minimising any privacy concerns.
- There is no impact on the coastal or bushland environment
- The proposed development does not introduce the need for demolition of existing dwellings resulting in any potential requirement for cut and fill.
- Existing site constraints include the home being built up off the ground due to the slope of the locale gives rise to the non compliance.

When taking into consideration the scale and form of surrounding developments the proposal is considered appropriate in this case and will be readily absorbed into the built environment and landscaped setting of the locality which consists of 1 and 2 storey residential dwellings, Multilevel Residential apartments and Local shopping precinct. Existing trees, vegetation and Boundary fences will be maintained keeping the streetscape consistent. It is reasonably concluded that "there are sufficient environmental planning grounds to justify contravening the development standard" in this instance.

- 4. Development consent must not be granted for development that contravenes a development standard unless:**
- a. the consent authority is satisfied that:*
    - i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause, and ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
    - b. the concurrence of the Secretary has been obtained.*

Comment:

The objectives of the zone are to provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment and Northern Beaches Council

The objectives of the height control are:

- 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.*

Comment:

The proposed height variation arises in respect to part of the roofed area. The proposed height encroachment does not result in any significant view loss, loss of privacy or overshadowing in the context of the site as detailed through this statement of Environmental effects. There are no adverse heritage impacts associated with the proposed development. The proposed height and scale of the development is sympathetic to the local streetscape.

As detailed in point 3, The proposal is consistent with the objectives of the height control and the objectives of the zone.

*(b) the concurrence of the Director-General has been obtained.*

Comment:

It is expected Council will obtain the concurrence of the Director-General as required.

- 5.** In deciding whether to grant concurrence, the Secretary must consider:
- a. whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - b. the public benefit of maintaining the development standard,*
  - and c. any other matters required to be taken into consideration by the Secretary before granting concurrence. Comment:*

The proposed variation does not raise any matter of significance for State or regional environmental planning.

There is no public benefit that would be achieved by maintaining the development standard or compromised by approving the building as proposed.

**6.** Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if: a. the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or b. the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard. Note. When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.

Comment:  
Not relevant as the Proposed addition is not for subdivision or within the zones specified in the clause.

**7.** After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Comment:  
It is assumed that the consent authority will keep the required records.

**8.** This clause does not allow development consent to be granted for development that would contravene any of the following:

- a development standard for complying development,*
- b. a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- c. clause 5.4. (8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Key Sites Map as the Dee Why Town Centre.*

Comment:  
The proposed additions will not impact the above planning controls.

Summary  
The proposed addition is designed to enhance the resultant home and integrate within the local context and is therefore consistent with the existing and desire future character of the area, the proposed variation from the development standard is reasonable in this instance.

Strict compliance is unreasonable in this case as the required space building height and structural requirements needed for a First Floor Addition would not be achieved, An amended design to the roof or First Floor addition would compromise the overall aesthetics of the addition and would have no noticeable gains other than to diminish the aesthetics and viability of the design resulting in an unuseable dwelling for the owners and will hinder the promotion of social and economic welfare of the community and stop the economic use of the land.

Prepared by:

**Your Style Designer Home additions**

