



Statement of Environmental Effects

**Alterations and Additions
to Existing Structures for
use as a Dual Occupancy
(Detached), Swimming
Pool, Associated Works
and Strata Subdivision**

**90 Harbord Road,
Freshwater NSW 2096**

✉ mathew@fourtowns.com.au

☎ 0425232018

www.fourtowns.com.au

PO Box 361, Balgowlah NSW 2093

This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

Report prepared by:

Mathew Quattroville

Director – Four Towns Pty Ltd

Report prepared for:

James Campbell and Amelia Barry

19 December 2024

Disclaimer

This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for proposed alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision at 90 Harbord Road, Freshwater, being Lot 13 within Deposited Plan 11055.

This report has been prepared following instructions from the clients James Campbell and Amelia Barry. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Survey Plan prepared by CMS Surveyors Pty Ltd;
- Architectural Plans prepared by JDC Architect;
- Landscape Plan prepared by Paul McAtomney;
- BASIX Certificate David Sangma, Paul and David Consulting;
- Stormwater Management Plans prepared by Paul McDonald, Inline Hydraulic Services;
- Draft Strata Plan prepared by Mark Anthony Reid.

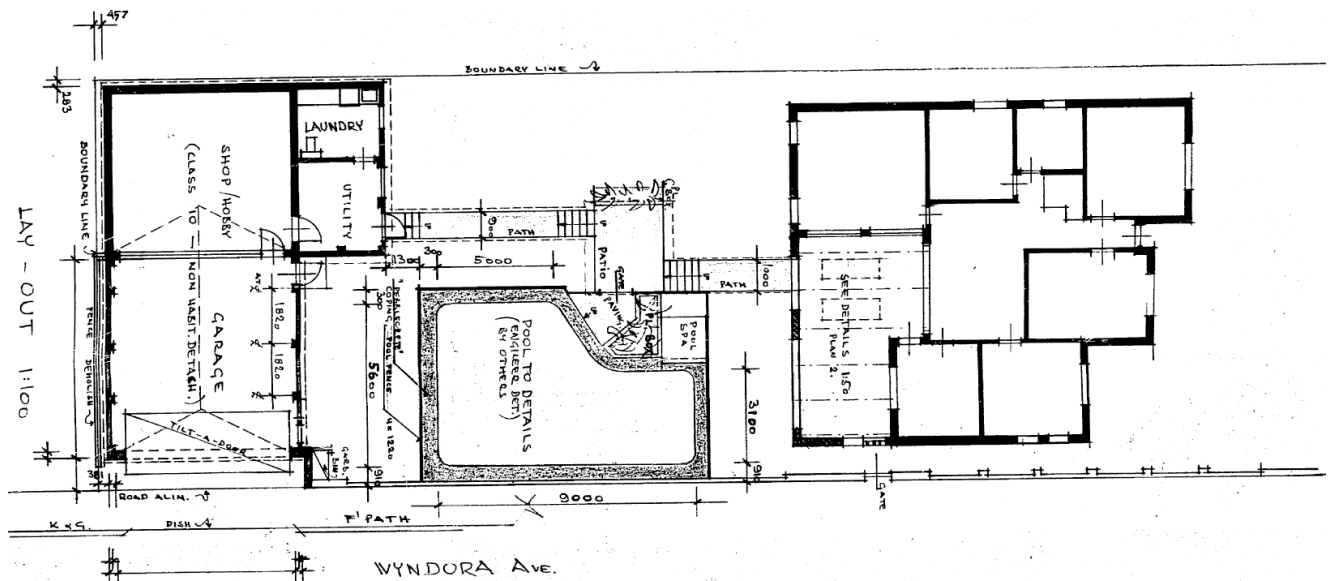
This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision at 90 Harbord Road, Freshwater, is permissible with development consent and is consistent with the relevant statutory planning instruments including Warringah Local Environmental Plan 2011 and relevant planning policies of Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

1.2 Background Information

The site has not been the subject of any recent development applications. A GIPA search was undertaken which confirms the structures on the site are approved and applicable to the application. An excerpt of approval C441/77 is provided below:



Pre-Lodgement

The site and subject proposal were the subject of pre-lodgement meeting PLM2024/0114 on the 1st October 2024. Comments are provided below:

Dual Occupancy (Detached)

It is acknowledged Council raised concerns with a detached style dual occupancy. The proposal has been amended to rectify various non-compliances. It is our professional opinion that this form of land use (dual occupancy detached) is a significant factor in providing affordable style housing within the Northern Beaches LGA. This style of land use has been successful on corner sites in Lake Macquarie and should be supported. The proposal is an orderly and economic development of the site noting it is alterations and additions to retain and reuse existing structures on the site. Noting the various changes to rectify some non-compliances (albeit that existing non-compliances are retained), the proposal as submitted can be supported and a dual occupancy (detached) can be achieved on the site.

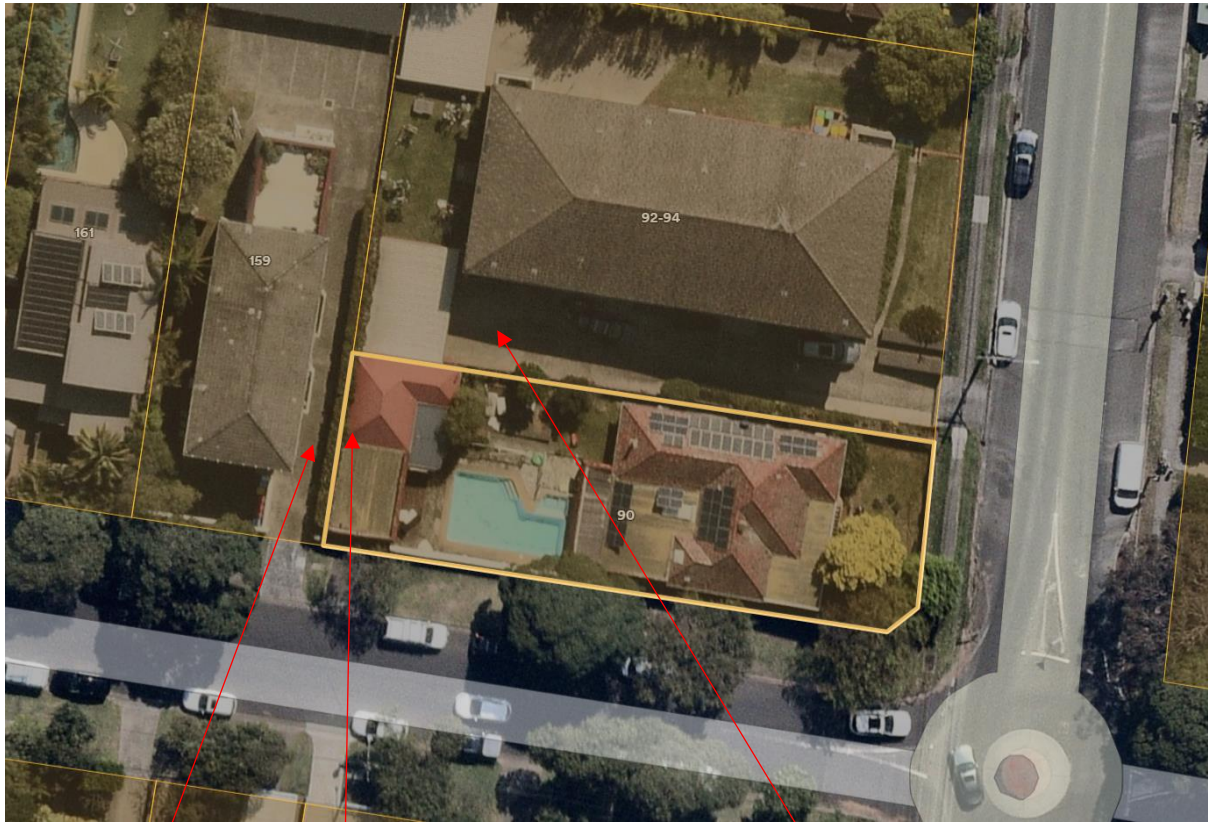
Front/Secondary Setbacks

The application has been revised to provide a compliant secondary street setback with the first floor removed from the proposed eastern dwelling. The western dwelling has been designed to flow between the eastern dwelling and the neighbouring front setback at 159 Wyndora Avenue. The eastern dwelling has been designed with an open style carport forward of the building line to provide two off street parking spaces on site. Refer to streetscape analysis which confirms that the open style carport is consistent with the streetscape of Harbord Road and various other approvals granted.

Side Setbacks

The application retains the existing walls along the western and northern boundaries for the proposed western dwelling. The proposed works will not have an adverse impact on adjoining properties noting a driveway to the west and carport/driveway to the north which assists in separation and no privacy impacts to the neighbours (refer to image on next page). In essence it is status quo to that existing albeit with the first-floor setback to comply with side boundary envelope

controls. On the basis of the above, we request that Council reconsiders its comments as the proposal will have minimal to no impact to adjoining properties.



Existing driveway and hedge landscaping along western side setback

Existing driveway and carport to north setback

Existing west and north side setbacks for the subject site

Landscaping

The application has been revised to comply with landscaping requirements.

Carparking

The parking for the western lot is retained within the existing garage facility (as can be supported by Council). The parking for the eastern lot has been amended from a tandem space to a double open carport. Whilst this is forward of the building line. This is consistent with parking along Harbord Road (refer to streetscape analysis). Refer also to architectural plans and driveway profiles which confirm the driveway and parking areas can comply with Council standards and Australian Standards

Summary

The proposed application has been revised to address numerous matters within the pre-lodgement notes. It is acknowledged that some elements have been retained with adequate justification to support the proposal as submitted. It is our professional opinion that this report sufficiently justifies any proposed variation with the proposal consistent with the Freshwater locality and the bulk, scale and streetscape of the area.

2. Site Profile

2.1 Property Description

The subject allotment is described as 90 Harbord Road, Freshwater, being Lot 13 within Deposited Plan 11055. The site is zoned R2 Low Density Residential under Warringah Local Environmental Plan 2011.

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

2.2 Site and Locality Description

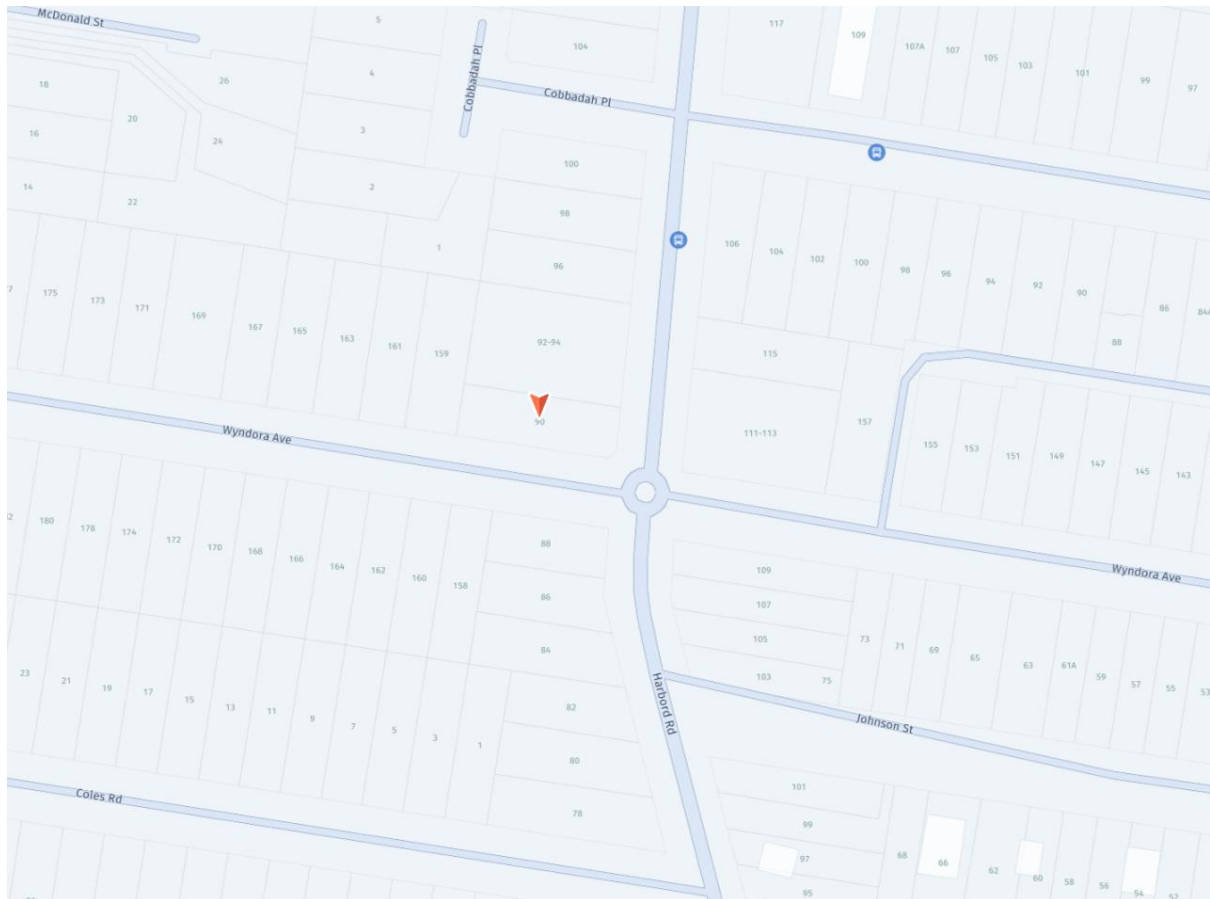
The site is a corner lot on the western side of Harbord Road, north of the intersection with Wyndora Avenue. The allotment is irregular in shape with a 13.125m eastern primary frontage to Harbord Road, a 45.065m southern secondary frontage to Wyndora Avenue, a 2.945m splayed south-eastern boundary, a northern side boundary of 46.445m, and a western side boundary of 15.24m. The site has a total area of 711.4sqm. The site has existing vehicular access to Wyndora Avenue at the western end of the frontage. The site existing is a one storey brick house with a tiled roof and a detached single storey outbuilding and garage.

The locality maps below show the location and area of the site:



Source: Nearmap 2024

Alterations and Additions to Existing Structures for use as a Dual Occupancy (Detached), Swimming Pool,
Associated Works and Strata Subdivision



Source: Nearmap 2024

The locality is a mix of dwelling houses, dual occupancies and residential flat buildings ranging in bulk and scale from one to two storey dwelling houses to three storey residential flat buildings with many approved basement carparking facilities.

Visual and Streetscape Analysis



Photograph of the subject site 90 Harbord Road, Freshwater



Photograph of the site and adjoining three storey residential flat building at 92-94 Harbord Road



Photograph of the site and adjoining three storey residential flat building at 92-94 Harbord Road



Photograph of the site looking north-east along Wyndora Ave. Note bulk and scale of adjoining properties



Photograph of the site looking north-west along Wyndora Ave. Note bulk and scale of adjoining properties

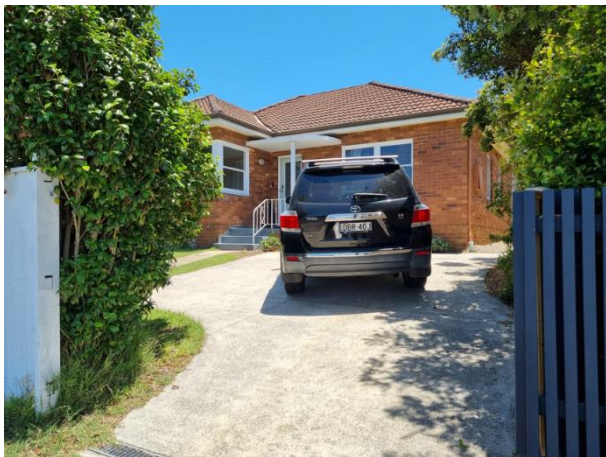


Photograph of adjoining property to the west at 159 Wyndora Ave – three storey residential flat building – note separation to 90 Harbord Road and hedging along boundary



Photograph of three storey residential flat building opposite the site at 111-113 Harbord Rd

Parking Areas Forward of Building Line Along Harbord Road



Alterations and Additions to Existing Structures for use as a Dual Occupancy (Detached), Swimming Pool,
Associated Works and Strata Subdivision



3. Proposal

The proposed development is for alterations and additions to existing structures and use of the site as a dual occupancy (detached), swimming pool, associated works and strata subdivision at 90 Harbord Road, Freshwater. The proposal remains consistent with the locality. The proposal is consistent with relevant Council controls and ensures privacy and solar access are maintained for surrounding properties and the site.

Dual Occupancy (Detached)

Proposed Dwelling 1 – Eastern Lot (Corner of Wyndora Avenue and Harbord Road)

Proposed Ground Floor

- Carport
- Bathroom
- Laundry
- Open plan kitchen, dining and living area
- Master Bedroom with ensuite
- Bed 2
- Bed 3

Proposed Dwelling 2 – Western Lot (Wyndora Avenue frontage only)

Proposed Ground Floor

- Existing garage
- Cellar
- Bathroom
- Kids Play
- Laundry
- Stairs
- Dining
- Kitchen with butlers pantry
- Living

Proposed First Floor

- Bathroom
- Study
- Bedroom 1
- Bedroom 2
- Master bedroom with ensuite and WIR

Refer to architectural plans prepared by JDC Architect for a full description of all works.

Landscape Works

Refer to Landscape Plans prepared by Paul McAtomney.

Strata Subdivision

Refer to draft strata plan prepared by Mark Anthony Reid.

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

4.1 *Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)*

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

SEPP (Sustainable Buildings) 2022

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency. A BASIX Certificate and assessment has been prepared by David Sangma of Paul and David Consulting and outlines the proposal's compliance with the provisions of BASIX and Energy Efficiency.

SEPP (Resilience and Hazards) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

4.6 *Contamination and remediation to be considered in determining development application*

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is—*
- (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

It is submitted that the site has been used as residential accommodation for decades. The builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials. A site inspection was undertaken with no evidence of landfill on the site. It is our professional opinion that no further studies are required with this application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPs that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas. The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The site is not located in a biodiversity or wildlife corridor. It is our professional opinion that the proposal meets the relevant provisions of the State Policy.

State Environmental Planning Policy (Housing) 2021

Part 12 Dual occupancies and semi-detached dwellings in Zone R2

141A Aim of part

The aim of this part is to encourage development for the purposes of dual occupancies and semi-detached dwellings in Zone R2 Low Density Residential.

141B Land to which part applies

- (1) This part applies to the whole of the State, other than the following land—*
- (a) bush fire prone land,*
 - (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2,*

- (c) *land in a Transport Oriented Development Area under Chapter 5,*
- (d) *land that comprises a heritage item or on which a heritage item is located,*
- (e) *the following local government areas—*
 - (i) *Bathurst Regional,*
 - (ii) *City of Blue Mountains,*
 - (iii) *City of Hawkesbury,*
 - (iv) *Wollondilly,*
- (f) *flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6,*
- (g) *land in a flood planning area in the following local government areas—*
 - (i) *Armidale Regional,*
 - (ii) *Ballina,*
 - (iii) *Bellingen,*
 - (iv) *Byron,*
 - (v) *City of Cessnock,*
 - (vi) *Clarence Valley,*
 - (vii) *City of Coffs Harbour,*
 - (viii) *Dungog,*
 - (ix) *Goulburn Mulwaree,*
 - (x) *Kempsey,*
 - (xi) *Kyogle,*
 - (xii) *City of Lismore,*
 - (xiii) *City of Maitland,*
 - (xiv) *Nambucca Valley,*
 - (xv) *City of Newcastle,*
 - (xvi) *Port Stephens,*
 - (xvii) *Queanbeyan-Palerang Regional,*
 - (xviii) *Richmond Valley,*
 - (xix) *City of Shoalhaven,*
 - (xx) *Singleton,*
 - (xxi) *Tweed,*
 - (xxii) *Upper Hunter Shire,*
 - (xxiii) *Walcha,*
- (h) *land in an ANEF contour or ANEC contour of 20 or greater,*
- (i) *land within 200m of a relevant pipeline within the meaning of State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.77.*

(2) *In this section—*

ANEC contour *has the same meaning as in State Environmental Planning Policy (Precincts—Western Parkland City) 2021, section 4.17.*

ANEF contour *has the same meaning as in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

flood planning area and **flood prone land** *have the same meaning as in the Flood Risk Management Manual.*

141C Development permitted with development consent

Development for the purposes of dual occupancies and semi-detached dwellings is permitted with development consent in Zone R2 Low Density Residential on land to which this part applies.

The site is located within the R2 Low Density Residential under WLEP2011. The site is not listed or impacted as land under Clause 141B. On the basis of the above, the Housing SEPP overrides WLEP2011 and permits development consent of the land for a dual occupancy.

In this regard, the proposal is consistent with the intent and provision for Low- and mid-rise housing as per the changes by the State Government:

The first stage of the reforms permits dual occupancies and semi-detached homes in the R2 low-density zone across all of NSW. These changes will support metro councils to achieve their housing targets and regional councils to reach their overarching regional NSW housing target.

4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>(d) in relation to residential development, to—</p> <p>(i) protect and enhance the residential use and amenity of existing residential environments, and</p> <p>(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and</p> <p>(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,</p> <p>(f) in relation to environmental quality, to—</p> <p>(i) achieve development outcomes of quality urban design, and</p> <p>(ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and</p> <p>(iii) achieve land use relationships that promote the efficient use of infrastructure, and</p> <p>(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and</p> <p>(v) protect, conserve and manage biodiversity and the natural environment, and</p> <p>(vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,</p>	<p>Complies – the proposal relates to alterations and additions to existing structures as a dual occupancy (detached), swimming pool, associated works and strata subdivision. The development is compatible with the residential development in the immediate area and is consistent with the bulk and scale of residential development in the locality, noting the vast array of residential flat buildings of significant bulk and scale. The proposal is consistent with the character of the area and will enhance the environmental qualities of the site. The proposal meets the aims of WLEP2011.</p>

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	450sqm	N/A – strata subdivision only	N/A – strata subdivision only.
4.1AA Minimum subdivision lot size for	N/A	N/A	N/A

community title schemes			
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	Dwelling 1 – 6.3m Dwelling 2 – 7.6m	Complies – Further assessment under Clause 4.3 Height of buildings.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	N/A
4.6 Exceptions to development standards	Noted	N/A	N/A

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Controls relating to secondary dwellings on land in a rural zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A – the site is not identified as a Heritage Item or within a Conservation Area.
5.11 Bush fire hazard reduction	N/A

5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent – playing and performing music	N/A
5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions

Provisions	Comments
6.1 Acid sulfate soils	N/A – the site is not identified within the Acid Sulfate Soils Map
6.2 Earthworks	Complies – the proposed excavation/fill works comply with the objectives Clause 6.2. Refer to assessment under Heading 6.2 Earthworks.
6.3 (Repealed)	N/A
6.4 Development on sloping land	The site is identified as Area A Landslip Risk. As per DA requirements a geotechnical assessment is not required.
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone C3 Environmental Management	N/A
6.7 (repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

Part 7: Dee Why Town Centre

Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes—1

If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), the Act enables it to be carried out without development consent.

2 Part 6 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides that the strata subdivision of a building in certain circumstances is **complying development**.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

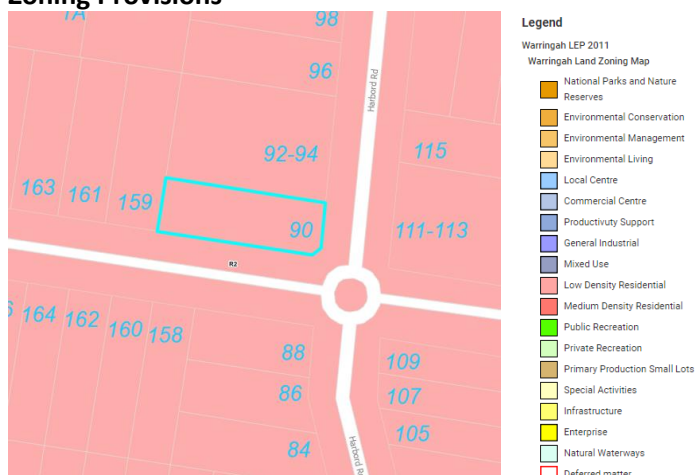
Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

Comment:

Complies – the proposal includes strata subdivision which is permissible with Consent.

Zoning Provisions



Zone R2 Low Density Residential

1 Objectives of zone

- *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.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Comment:

The site is zoned R2 Low Density Residential. Under the WLEP2011 R2 Low Density Residential zone, a dual occupancy (detached) is a prohibited land use. The State Environmental Planning Policy (Housing) 2021, overrides Councils LEP, therefore permitting a dual occupancy (detached) as a permissible land use with Council's consent. The proposal meets the objectives of the R2 zone as outlined below:

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

The proposal provides a new dual occupancy (detached) that meets the needs of the community within the low-density environment of Freshwater. The streetscape assessment proves that the site will fit within the streetscapes of Harbord Road and Wyndora Avenue noting existing land uses such as residential flat buildings and dwelling houses and the bulk and scale at present ranging from one to three storeys in height. The proposed dual occupancy is a low-density form of residential development which meets this objective.

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

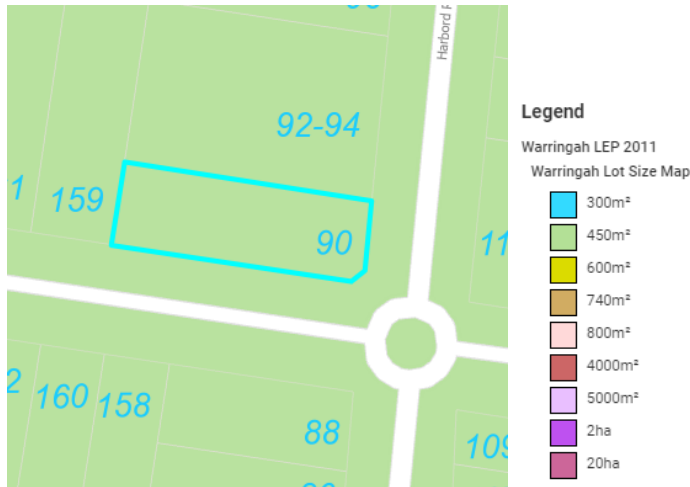
Not applicable – the proposal is for a new dual occupancy (detached).

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

The proposal will reinvigorate the site with new plantings to ensure the dwellings are characterized by a high-quality landscaped setting.

Part 4 Principal development standards

4.1 Minimum subdivision lot size



(1) *The objectives of this clause are as follows—*

- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) to achieve low intensity of land use in localities of environmental significance,*
- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- (f) to protect and enhance existing remnant bushland,*
- (g) to retain and protect existing significant natural landscape features,*
- (h) to manage biodiversity,*
- (i) to provide for appropriate stormwater management and sewer infrastructure.*

(2) *This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

(3A) *For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.*

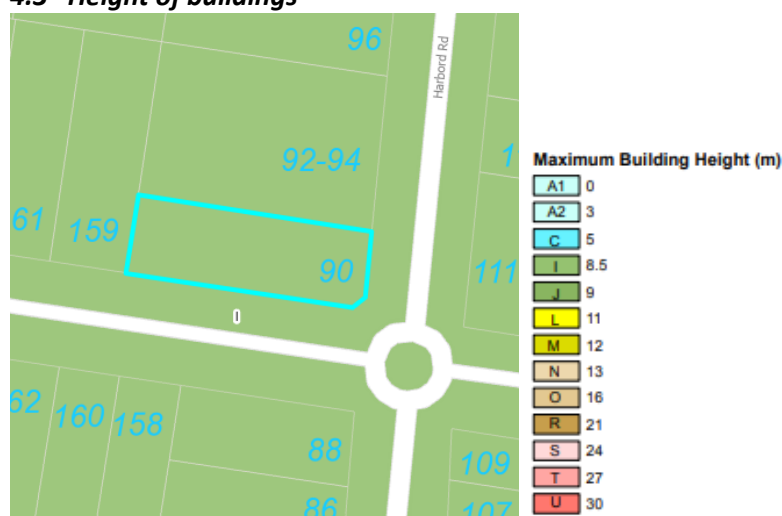
(4) *This clause does not apply in relation to the subdivision of any land—*

- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*
- (b) by any kind of subdivision under the [Community Land Development Act 1989](#).*

Comment:

Not applicable – the proposal does not include a Torrens Title subdivision.

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,
- (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.

(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.

(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

Comment:

Complies – the site has a maximum building height provision of 8.5m. The proposal provides a maximum building height of 7.6m. The proposal has been designed with the maximum building height parameters to preserve amenity to neighbouring developments. As the proposal complies with the maximum building height control, it is our professional opinion that the objectives are met with the proposal consistent with the streetscape and built form of Harbord Road and Wyndora Avenue.

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

(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.

(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.

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(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 C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 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.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) 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,

(ba) clause 4.4, to the extent that it applies to land identified on the [Key Sites Map](#) as Site F, Site G, Site H or Site I,

(c) clause 5.4,

(caa) clause 5.5.

(d) (Repealed)

(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 [Centres Map](#) as the Dee Why Town Centre.

(8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the [Height of Buildings Map](#) if the maximum height is allowable under clause 7.14.

Comment:

Not applicable – no variations to development standards proposed.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Manly,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

Part 6 Additional local provisions

6.1 Acid sulfate soils

Comment:

Not applicable – the site is not identified within the Acid Sulfate Soils Map.

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.*

(2) Development consent is required for earthworks unless—

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

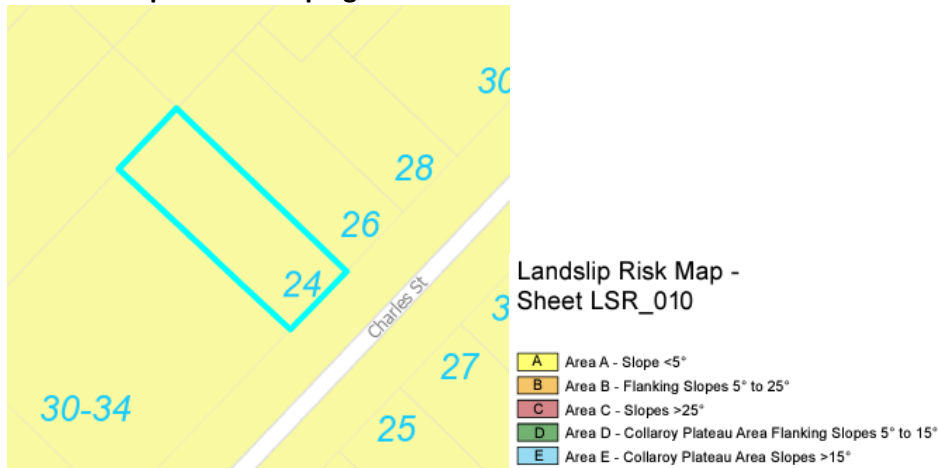
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note. *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

Comment:

Complies – The proposal requires minor excavation works of the site. The proposed earthworks comply with the objectives of Clause 6.2 and they are consistent with other approvals granted in the Freshwater area.

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

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

- (a) *the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) *the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) *the development will not impact on or affect the existing subsurface flow conditions.*

Comment:

Complies - the site is located within Area A of the Landslip Risk map. As per DA requirements a geotechnical assessment is not required with the application.

General

The site is not identified on the following maps within WLEP2011:

- Bushfire Map
- Land Reservation Acquisition Map
- Heritage Map
- Coastline Hazard Map
- Key Sites Map
- Additional Permitted Uses Map
- Land Reclassification (Part Lots) Map
- Floor Space Ratio Map
- Centres Map
- Acid Sulfate Soils Map
- Flood Hazard Map

4.4 Warringah Development Control Plan (WDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the WDCP.

Warringah Development Control Plan		
	Requirement	Proposed
Wall Height	7.2m	Complies – the proposal provides a maximum wall height of 7.1m. Refer to assessment under control B1.
Side Boundary Envelope	5m then 45 degrees from a height above ground level (existing) at the side boundaries	Complies – the proposal complies with the prescribed side boundary envelope requirements.
Front Setback	6.5m	Merit assessment – the proposal includes a carport forward of the building line to Harbord Road – 1.9m. Refer to assessment under control B7.
Secondary Front Setback	3.5m	Merit assessment – the secondary front setback to Wyndora Avenue is 0.98m. Breaching elements relate to the existing façade fronting Wyndora Avenue. Refer to assessment under control B7.
Side Setbacks	0.9m	Merit assessment – breaching elements relate to existing structures on site. Refer to assessment under control B5.
Landscaping	284.56sqm (40%)	Complies 285.76sqm (40.17%). The proposal increases landscaping to the site. Refer to assessment under control D1.
Access to Sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21	Complies – refer to assessment under control D6.

Part A – Introduction

A.5 Objectives

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:

Objectives

- 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*

Comments:

Complies – the proposal is for alterations and additions to existing structures for use as a dual occupancy (detached), swimming pool, associated works and strata subdivision. The proposed development is compatible with existing residential development along Harbord Road and Wyndora Avenue, noting the existing bulk and scale and land use types. The development has been strategically designed to not result in any adverse amenity impacts on neighbouring properties.

Part B – Built Form Controls

B1 Wall Heights

Objectives

- 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.*

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).

Exceptions

This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:

- does not exceed the 8.5 metre height development standard;*
- is designed and located to minimise bulk and scale; and*
- has a minimal visual impact when viewed from the downslope sides of the land.*

Comments:

Complies – the site is subject to a maximum wall height of 7.1m. The proposed wall heights are acceptable noting the proposal has been strategically articulated and designed without any continuous wall planes, and the proposal will have minimal privacy and amenity impacts on adjoining neighbours maintaining reasonable view sharing opportunities and solar access to surrounding properties. The proposal meets the relevant objectives of control B1 and is acceptable on merit assessment.

B3 Side Boundary Envelope

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, or*
- *5 metres*

as identified on the map.

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 side boundary envelope.

Exceptions

Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway

For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:

- *Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope.*
- *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.*

Comments:

Complies – the proposal is compliant with the prescribed side boundary envelope requirements.

B5 Side Boundary Setbacks

Objectives

- *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.*

Requirements

- 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.*
- 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.*
- 3. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.*

Exceptions

Land Zoned R2

All development:

- Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback*

Ancillary to a dwelling house:

- Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause*

Comments:

Merit Assessment – the proposal encroaches the permissible side boundary setback control. This is influenced by the siting of the existing structures on site which have been erected with a near nil setback on the western and northern side of the allotment. As the proposal has been designed as alterations and additions these setbacks will be retained. All new components have been designed within the existing site constraints to achieve compliance where possible. Furthermore, adequate spatial separation will be maintained to the existing buildings to the north and to the west of the allotment noting the existing hardstand driveways along the northern and western boundaries at nos. 92-94 Harbord Road and 159 Wyndora Avenue (refer to image on next page). As a result of this, the proposed alterations and additions will not further exacerbate any privacy or amenity issues to adjoining neighbours with a design that will retain adequate light, solar access and privacy to adjoining buildings. In essence it is status quo to that existing albeit with the first-floor setback to comply with side boundary envelope controls.

- To provide opportunities for deep soil landscape areas.*

The proposal has been designed with compliant landscaped areas. It has to be acknowledged that the demolition of the existing structures within the side setback and new walls to a compliant 900mm setback has no benefit to providing opportunities for deep soil landscaped areas. This objective is met.

- To ensure that development does not become visually dominant.*

The proposal maintains the existing setbacks, therefore maintaining the visual aspect of those building areas to the streetscape and neighbours. The first floor to the western dwelling has been designed to comply with side boundary envelope, therefore meeting the expectations for setback as to the first floor. On this basis, the development is not visually dominant. This objective is met.

- To ensure that the scale and bulk of buildings is minimised.*

As noted above, the existing buildings and setbacks dictates the scale and bulk on the site. The proposed new elements (alterations and additions) in relation to the side setbacks have been designed to comply and are of a bulk and scale expected for the Freshwater locality. This objective is met.

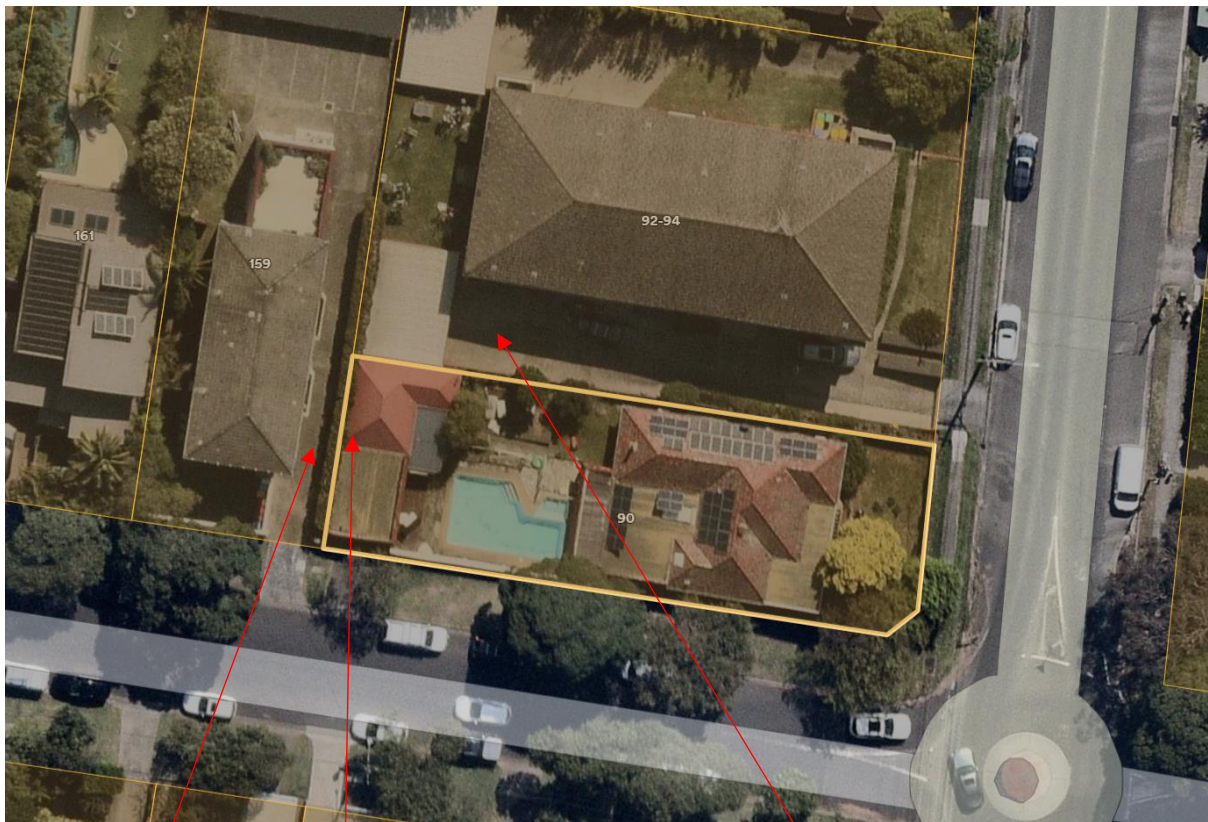
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

The proposal provides adequate separate to the new elements proposed with minimal to no impact of privacy, amenity or solar access to the northern and western properties. This objective is met.

- *To provide reasonable sharing of views to and from public and private properties.*

The site and surrounding properties do not have access to any reasonable views of value. This objective is met.

On the basis of the above, we request that Council reconsiders its comments as the proposal will have minimal to no impact to adjoining properties and complies with the objectives of control B5.



Existing driveway and hedge landscaping along western side setback

Existing driveway and carport to north setback

Existing west and north side setbacks for the subject site

B7 Front Boundary Setbacks

Objectives

- *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.*

Requirements

- 1. Development is to maintain a minimum setback to road frontages.*
- 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.*
- 3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.*
- 4. For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.*

Exceptions

Land Zoned R2 or R3

On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.

Comments:

Merit assessment – the proposal requests a variation to both the front setback on Harbord Road and the secondary frontage along Wyndora Avenue. The variation to the front setback along Harbord Road is for a carport with a minimum 1.9m setback. The setback can be supported as per the streetscape assessment along Harbord Road which confirms that Council has been flexible in applying the control in relation to parking structures forward of the building line. On this basis, and noting compliance with the objectives, the variation to the carport can be supported in this instance. The secondary frontage to Wyndora Avenue retains the existing structures from the site existing relating to the dwelling house and detached garage. The new ground floor extension for the western dwelling has been designed with a 3.2m to 3.374m secondary front setback. Whilst this technically does not comply with the 3.5m requirement, it fits within the existing setbacks along Wyndora Avenue, noting the existing dwelling house setback and detached garage setback (refer to image on the following page). These existing structures breach the permissible 3.5m secondary frontage setback control for corner allotments. The proposed alterations and additions have been designed to maintain compliance where possible, within the existing constraints on-site. The existing secondary setback is not out of context with the streetscape character of Wyndora Avenue noting the generous landscaped verge and street trees within the public domain which will be retained and protected with this proposal. The proposed alterations and additions will not exacerbate any issues concerning the visual continuity of buildings within the street and will not impact any view corridors. An assessment of the objectives of B7 are provided below:

- To create a sense of openness.*

The proposal maintains the existing setbacks with the western dwelling designed to fit in with the average setback to 159 Wyndora Avenue. The landscape plan associated with the application shows that a sense of openness is maintained. This objective is met.

- To maintain the visual continuity and pattern of buildings and landscape elements.*

As noted and as per the image below, the proposal maintains the average setback to 159 Wyndora Avenue. The carport to Harbord Road is consistent with Councils approach for parking structures

forward of the building line. Noting sufficient deep soil landscape areas are provided to both frontages, the visual continuity, pattern of buildings and landscape elements are met. This objective is met.

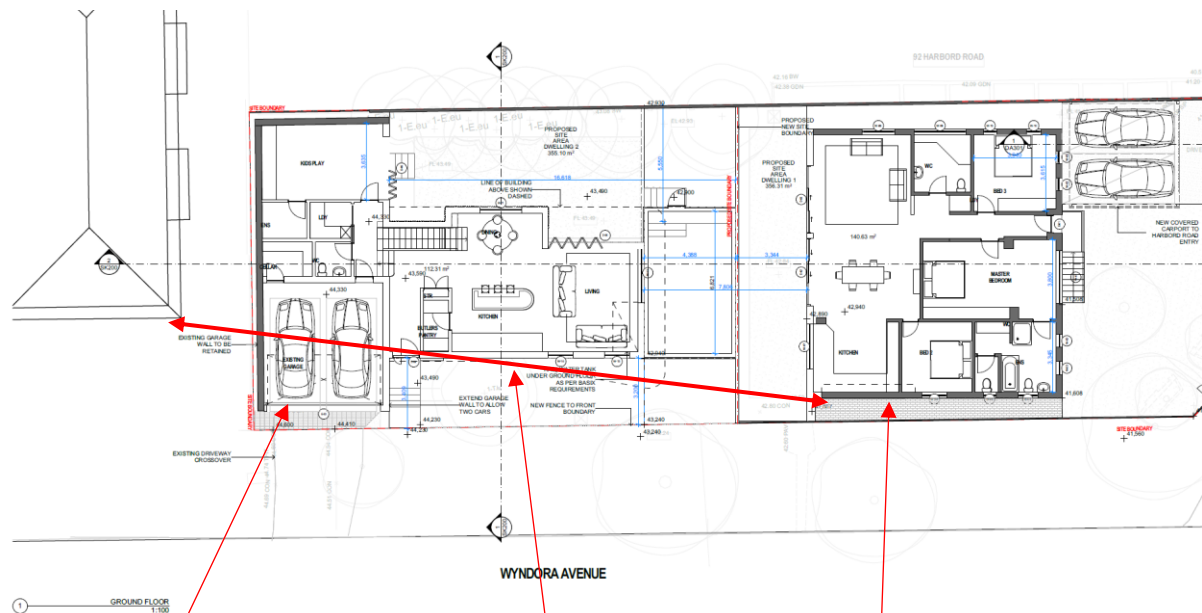
- *To protect and enhance the visual quality of streetscapes and public spaces.*

The proposal enhances the visual quality of the streetscape through modern renovations and new landscape zones noting that Wyndora Avenue frontage is primarily building and the swimming pool. Refer to the landscape plan which will enhance and upgrade the visual quality of the streetscape in conjunction with the existing street trees. This objective is met.

- *To achieve reasonable view sharing.*

The site and surrounding properties do not have access to any reasonable views of value. This objective is met.

On the basis of the above, we request that Council supports the proposed front setbacks which allow for adequate landscape area, a sense of openness and of a bulk and scale consistent with the streetscape. The proposal complies with the objectives of control B5.



Existing garage setback to be retained

Existing eastern dwelling setback retained

Average setback line between the site and 159 Wyndora Ave

B9 Rear Boundary Setbacks

Objectives

- *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.

Requirements

1. Development is to maintain a minimum setback to rear boundaries.
2. The rear setback area is to be landscaped and free of any above or below ground structures.
3. On land zoned R3 Medium Density 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.
4. The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.
5. The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access

Exceptions

Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway

On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.

Comments:

Not applicable – the subject site is a corner allotment.

Part C – Siting Factors

C1 Subdivision

Objectives

- To regulate the density of development.
- To limit the impact of new development and to protect the natural landscape and topography.
- To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.
- To maximise and protect solar access for each dwelling
- To maximise the use of existing infrastructure.
- To protect the amenity of adjoining properties.
- To minimise the risk from potential hazards including bushfires, land slip and flooding.

Requirements

1. R2 Low Density Residential zone requirements:

Proposed new allotments:

- a) Minimum width: 13 metres
- b) Minimum depth: 27 metres; and
- c) Minimum building area: 150m²

Comments:

Not applicable – this control relates to Torrens Title subdivision.

C2 Traffic, Access and Safety

Objectives

To minimise:

- a) traffic hazards;*
- b) vehicles queuing on public roads*
- c) the number of vehicle crossings in a street;*
- d) traffic, pedestrian and cyclist conflict;*
- e) interference with public transport facilities; and*
- f) the loss of “on street” kerbside parking.*

Requirements

Vehicular Access

- 1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.*
- 2. Vehicle access is to be obtained from minor streets and lanes where available and practical.*
- 3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.*
- 4. Vehicle crossing approvals on public roads are to be in accordance with Council’s Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.*
- 5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.*

On-site loading and unloading

- 6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.*

Exceptions

Reference should be made to Part G for additional, site specific requirements

Comments:

Complies – the proposal includes provisions for a new driveway and crossover to Harbord Road. The proposed location of the new driveway and crossover will have a negligible impact and will not contribute to any increase in the demand for on-street parking. The driveway and crossover have been designed to minimise the visual impact of the driveway in the streetscape, and thoughtfully located to ensure vehicular access to the site is efficient, safe and convenient.

C3 Parking Facilities

Objectives

- 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 integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;
- Laneways are to be used to provide rear access to carparking areas where possible;
- Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;
- 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.

2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:

- the land use;
- the hours of operation;
- the availability of public transport;
- the availability of alternative car parking; and
- the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.

3. Carparking, other than for individual dwellings, shall :

- Avoid the use of mechanical car stacking spaces;
- Not be readily apparent from public spaces;
- Provide safe and convenient pedestrian and traffic movement;
- Include adequate provision for manoeuvring and convenient access to individual spaces;
- Enable vehicles to enter and leave the site in a forward direction;
- Incorporate unobstructed access to visitor parking spaces;
- Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;
- Provide on site detention of stormwater, where appropriate; and
- Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.

4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.

5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.

6. For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.

7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.

8. For Forest Way Village car parking at ground level is to be provided for individual units.

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot. Cross reference is in appendix 1.

Comments:

Complies – the proposed dual occupancy (detached) retains the existing two (2) car garage to Wyndora Avenue to adequately service the western dwelling. Additionally, to comply with relevant

parking requirements the proposal includes a double carport servicing the eastern dwelling with vehicular access off Harbord Road. In total the development will accommodate on-site parking facilities for four (4) vehicles between the two dwellings. The new carport fronting Harbord Road has been designed to sensitively integrate into the front building façade to not visually dominate the proposed dwelling.

C4 Stormwater

Objectives

- *To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;*
- *To minimise the risk to public health and safety;*
- *To reduce the risk to life and property from flooding;*
- *Integrate Water Sensitive Urban Design measures into the landscape and built form to maximise amenity.*
- *To manage and minimise stormwater overland flow, nuisance flooding and groundwater related damage to properties.*
- *To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised.*
- *To minimise the quantity of stormwater runoff from new development on Council's drainage system.*

Requirements

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. *The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.*

Exceptions

- *Refer to Council's Water Management Policy for exceptions.*

Comments:

Complies - A stormwater management plan has been prepared in accordance with Northern Beaches Councils requirements prepared by Paul McDonald from Inline Hydraulic Services.

C5 Erosion and Sedimentation

Objectives

- *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. *All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.*
2. *Any erosion and sedimentation is to be managed at the source.*
3. *Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.*

4. *An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m² of land.*
5. *Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m² of land.*

Exceptions

Reference should be made to Part G for additional, site specific requirements.

Comments:

Complies - An Erosion and Sediment Plan has been prepared in accordance with Northern Beaches Councils requirements.

C7 Excavation and Landfill

Objectives

- *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.*

Requirements

1. *All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.*
2. *Excavation and landfill works must not result in any adverse impact on adjoining land.*
3. *Excavated and landfill areas shall be constructed to ensure the geological stability of the work.*
4. *Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.*
5. *Rehabilitation and revegetation techniques shall be applied to the fill.*
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.*

Comments:

Complies – the proposal will require minor excavation of the site. It is not anticipated that these works will have any adverse impacts to the natural environment or to any adjacent properties, therefore complying with control C7.

C8 Demolition and Construction

Objectives

- *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.*

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

Complies – the proposal will involve construction and demolition works. The proposal will be constructed in accordance with relevant Australian Standards, as per Councils Waste Management Guidelines and a Waste Management Plan will be provided at DA stage.

C9 Waste Management

Objectives

- *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.*

Requirements

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

Comments:

Complies - The proposal will adequately demolish and construct the proposed works as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application package.

Part D - Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- *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.
- 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 shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:
 - a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;
 - b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;
 - c) Landscaped open space must be at ground level (finished); and
 - d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.
2. Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as “Bushland Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.
3. In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.

Exceptions

Any conflicting requirements in Part G override this control

Comments:

Complies – the proposal complies with the 40% landscaping requirement (284.56sqm) providing 40.17% landscaping on-site (285.76sqm). The application is supported by a landscape plan prepared by Paul McAtomney who has created a landscape vision for the site which enhances the provision of trees and vegetation to that existing. The proposal has been designed to be functional whilst also allowing landscaping from privacy to adjoining neighbours and the occupants of the proposed dwellings.

D2 Private Open Space

Objectives

- 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.
2. The minimum area and dimensions of private open space are as follows:

DWELLING Type	Area and Minimum Dimensions per dwelling
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres

3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.

4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.

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.

Comments:

Complies – the two dwellings have been designed with direct living access to private open spaces over 60sqm.

D3 Noise

Objectives

- 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 [NSW Industrial Noise Policy](#) at the receiving boundary of residential and other noise sensitive land uses.

See also NSW Industrial Noise Policy Appendices

2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.

3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.

4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.

5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.

Comments:

Complies – the proposed development is for alterations and additions to existing structures for a dual occupancy (detached) and associated works. The use remains as existing for residential land use with noise as expected for a residential dwelling.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Requirements

Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements:

Telecommunications Act 1997

Comments:

Not applicable.

D6 Access to Sunlight

Objectives

- *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 between 9am and 3pm on June 21.*

Exceptions

Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

Comments:

Complies – the proposed development has been designed to ensure adequate and reasonable access to sunlight is provided for both the site and adjoining neighbours. It is our professional opinion that the proposal complies with the objectives and controls of D6 Access to Sunlight noting the orientation of the lots and proposed structures. Refer to shadow diagrams submitted with the DA package.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

Requirements

- 1. Development shall provide for the reasonable sharing of views.*

Comments:

Complies – the proposal has been designed to allow for reasonable sharing of views between the site and adjoining properties. No view corridors will be impacted, and the proposed buildings will be of an appropriate bulk and scale consistent with the streetscape and dwelling types adjoining the subject site. Based on the above, it is my professional opinion that an assessment of the principles of tenacity are not applicable for this assessment.

D8 Privacy

Objectives

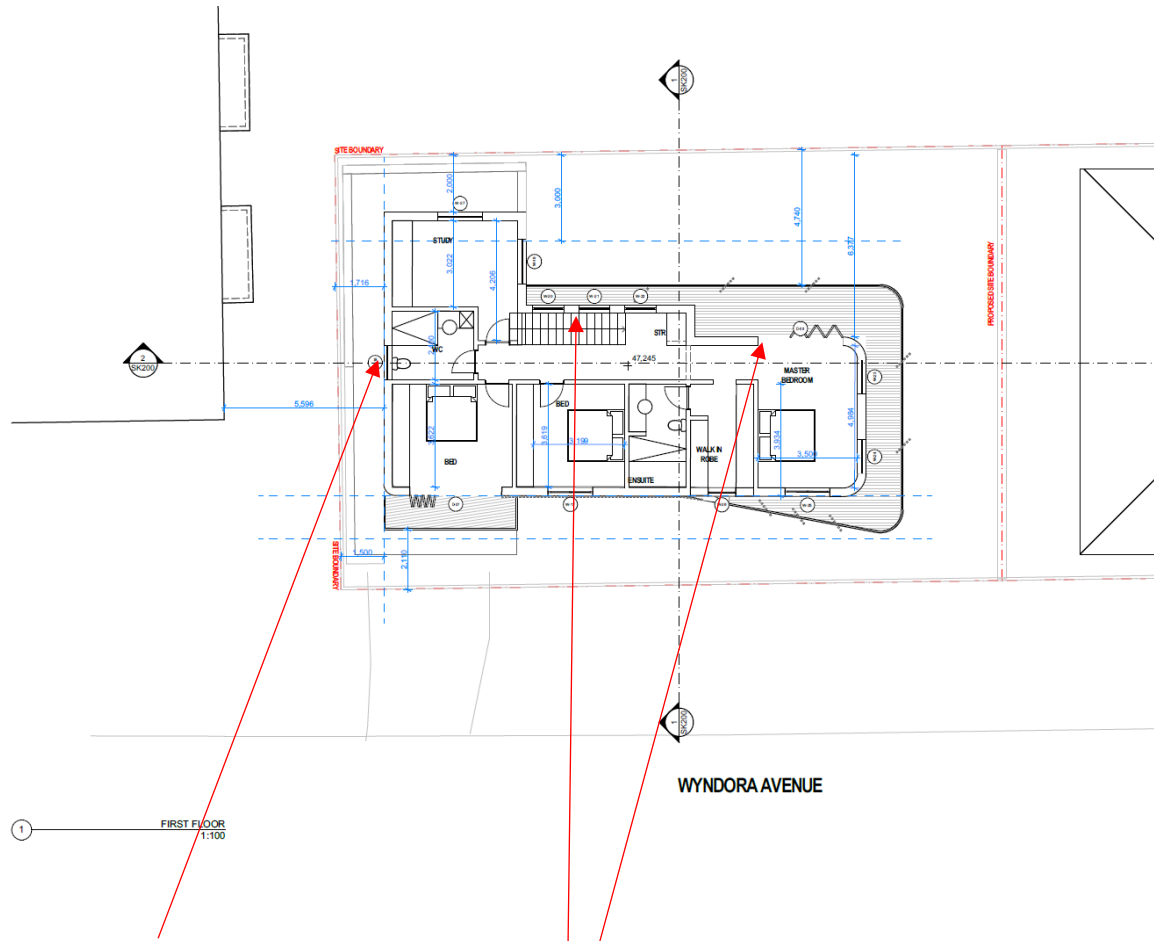
- To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- To encourage innovative design solutions to improve the urban environment.*
- To provide personal and property security for occupants and visitors.*

Requirements

- 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 lower apartment from overlooking from an upper apartment.*

Comments:

Complies – the proposed development has been strategically designed to ensure that there will be no adverse overlooking impacts from the proposed dual occupancy (detached) to any adjoining properties. The proposed dwellings will retain the existing side boundary setbacks therefore there will be no exacerbation of impacts regarding building separation maintaining a reasonable level of privacy to adjoining buildings. The proposed dwellings have been designed with private open spaces adjoining each dwelling, taking away any additional impacts to neighbouring properties to that existing. The proposal in my opinion will not exacerbate any existing privacy impacts and all new components have been designed to minimise the impact on the privacy of adjoining properties. Refer to first floor plan excerpt on the next page which shows window locations and adjoining properties, confirming minimal to no impact in regards to privacy.



Only one low use screened window facing adjoining neighbour to the west at 159 Wyndora Avenue

Low use windows to first floor facing northern neighbour – setback 5.3m-6.377m

D9 Building Bulk

Objectives

- 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.

Requirements

1. Side and rear setbacks are to be progressively increased as wall height increases.
2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.
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.
4. Building height and scale needs to relate to topography and site conditions.
5. Orientate development to address the street.

6. Use colour, materials and surface treatment to reduce building bulk.

7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.

8. Articulate walls to reduce building mass.

Comments:

Complies – the proposed development does not result in unacceptable bulk and scale impacts. The proposed dual occupancy (detached) has been sufficiently modulated and articulated, with all new building components designed where possible to achieve compliance relevant setback controls. The proposal has been designed to create an improved visual relationship to the existing streetscape of Harbord Road and Wyndora Avenue noting the existing front setbacks, building heights and three storey-built form of surrounding properties. As per the requirements, the proposal complies as follows:

- All new building components have been designed where possible to achieve compliance with relevant setbacks controls.
- The proposal does not have large continuous wall planes.
- The proposal does not exceed the 8.5m height of buildings control.
- The project architect has utilised colours and materials which assist to reduce the bulk and scale and create a sense of openness.
- The building has been designed and articulated to reduce the building mass.
- The site is situated between two x three storey residential flat buildings. Further the proposal increases landscaping to that existing on-site.

It is therefore our professional opinion that the objectives of D9 Building Bulk have been met through a great architectural design with innovative architecture which improves the urban environment of Freshwater.

D10 Building Colours and Materials

Objectives

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

Requirements

- 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.*
- 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.*
- 3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.*
- 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.*

Comments:

Complies – the architectural plans prepared by JDC Architect provides a material and details schedule. The proposal has been designed with modern building materials and colours which are sympathetic to the surrounding natural and built environment. The proposal complies with the objectives of D10 Building Colours and Materials.

D11 Roofs

Objectives

- *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

1. *Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.*
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.*
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.*

Comments:

Complies – the proposed roof has been designed as a new modern contemporary roof as per other approvals granted in the immediate area.

D12 Glare and Reflection

Objectives

- *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.*
- *To encourage innovative design solutions to improve the urban environment.*

Requirements

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.*
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.*
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.*

Comments:

Complies – the development does not propose materials that will result in an unacceptable amount of glare. The proposal meets the relevant objectives of D12 Glare and Reflection.

D13 Front Fences and Front Walls

Objectives

- *To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid a 'walled in' streetscape.*

Requirements

1. *Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.*
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.*
3. *Fences located within the front building setback area are to complement the existing streetscape character.*
4. *Fences are to be constructed to allow casual surveillance, except where there is excessive noise.*
5. *Gates are not to encroach over the property boundary when opening or closing.*
6. *Fences should complement the architectural period of the building.*

Exceptions

No solid front fences or front walls will be permitted on flood prone land.

Reference should be made to Part G Belrose Corridor for site specific requirements.

Comments:

Complies – the proposal includes minor changes to the existing fencing required for the addition of a driveway off Harbord Road and new front pedestrian for the eastern dwelling. The secondary frontage includes the deletion of the existing fence and a new modern open style fencing.

D14 Site Facilities

Objectives

- *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:*
 - *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 are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;
- 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.

Comments:

Complies – the site has been designed with relevant facilities including waste facilities, space for sufficient clothes drying and mailboxes as required.

D15 Side and Rear Fences

Objectives

- To encourage innovative design solutions to improve the urban environment.

Requirements

1. Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.
2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.
3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.

Comments:

Not applicable – no change to existing.

D16 Swimming Pools and Spa Pools

Objectives

- 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

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. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.

Comments:

Complies – the proposal includes a swimming pool for the western dwelling which adjoins the private open space of the eastern dwelling. The pool is located to maintain the northern private open space area whilst also providing recreational facilities in the form of the pool for the occupants of the dwelling.

D17 Tennis Courts

Objectives

- To encourage innovative design solutions to improve the urban environment.

Requirements

1. Tennis courts are to be located behind the front building setback.
2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.
3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.
4. The height and location of court fencing is to enable:
 - a) Sharing of views from surrounding residences; and
 - b) Provision of sunlight to surrounding properties.
5. Fencing material is to be a dark colour.
6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.

Comments:

Not applicable.

D18 Accessibility and Adaptability

Objectives

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.
- To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.
- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

Comments:

Not applicable.

D19 Site Consolidation in the R3 and IN1 Zone

Objectives

- To encourage lot consolidation to allow efficient use of land.
- To encourage innovative design solutions to improve the urban environment.
- To avoid lot sterilization.

Comments:

Not applicable.

D20 Safety and Security

Objectives

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

Requirements

1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.

2. Service areas and access ways are to be either secured or designed to allow casual surveillance.
3. There is to be adequate lighting of entrances and pedestrian areas.
4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.
5. Entrances to buildings are to be from public streets wherever possible.
6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).
7. Buildings are to be designed to allow casual surveillance of the street, for example by:
 - a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;
 - b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;
 - c) Locating high use rooms to maximise casual surveillance;
 - d) Clearly displaying the street number on the front of the building in pedestrian view; and
 - e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.
8. Casual surveillance of loading areas is to be improved by:
 - a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and
 - b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.
9. Design entrances to buildings from public streets so that:
 - a) Building entrances are clearly identifiable, defined, lit and visible;
 - b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;
 - c) Main entrances are clearly identifiable;
 - d) Pavement surfaces and signage direct pedestrian movements; and
 - e) Potential conflict between pedestrians and vehicles is avoided.

Exceptions

Reference should be made to Part G4 Warringah Mall for site specific requirements.

Comments:

Complies – the proposed dual occupancy (detached) includes adequate casual surveillance opportunities facing Harbord Road and Wyndora Avenue to allow for passive surveillance. The proposal meets the relevant objectives of D20 Safety and Security.

D21 Provision and Location of Utility Services

Objectives

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

Requirements

1. If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.
2. Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.

3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:
 - a) A reduction in the number of trenches required;
 - b) An accurate location of services for maintenance;
 - c) Minimising the conflict between services;
 - d) Minimising land required and cost;
4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.
5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.
6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.
7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.
8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.

Comments:

Complies – the site is adequately serviced by the essential utilities (i.e. water, electricity, sewer).

D22 Conservation of Energy and Water

Objectives

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

Requirements

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.
6. All development must comply with Council's Water Management Policy.

Comments:

Complies - The proposal is supported by a BASIX assessment and certificate. In line with passive design principles, the orientation, roof forms, glazing and spatial planning have been carefully designed to minimise energy consumption over the life of the dwelling. The proposal meets the relevant objectives of D22 Conservation of Energy and Water.

D23 Signs

Objectives

- To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.
- To achieve well designed and coordinated signage that uses high quality materials.
- To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.
- To ensure the provision of signs does not adversely impact on the amenity of residential properties.
- To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.

Comments:

Not applicable.

Part E – The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- To protect and enhance the urban forest of the Northern Beaches.
- To effectively manage the risks that come with an established urban forest through professional management of trees.
- To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.
- To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.
- To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.

Comments:

Not applicable – the proposal does not remove any trees or significant vegetation that are not exempt from permits.

E2 Prescribed Vegetation

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.
- 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.
- To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.

- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.
- Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.

Requirements

1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:

All native vegetation identified on:

- a) DCP Map Threatened and High Conservation Habitat
 - b) DCP Map Wildlife Corridors
 - c) DCP Map Native Vegetation
 - d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.

Comments:

Not applicable – the site is not located on the DCP maps indicated above.

E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

Objectives

- 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.
- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.

Comments:

Not applicable.

E4 Wildlife Corridors

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species

and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.

Requirements

- 1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m² or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
 - i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and*
 - ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.**
- 2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.*

Comments:

Not applicable – the site is not located within a wildlife corridor.

E5 Native Vegetation

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.*
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.*
- To maintain the amount, local occurrence and diversity of native vegetation in the area*

Comments:

Not applicable – the site is not located within the DCP Map Native vegetation.

E6 Retaining unique environmental features

Objectives

- To conserve those parts of land which distinguish it from its surroundings.*

Requirements

- 1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
- 2. Development should respond to these features through location of structures, outlook, design and materials.*

Comments:

Complies – the site has no known environmental features such as rock outcrops or escarpments that will be impacted through the proposed application.

E7 Development on land adjoining public open space

Objectives

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

Comments:

Not applicable.

E8 Waterways and Riparian Lands

Objectives

- *Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.*
- *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.*
- *Maintain and improve access, amenity and scenic quality of waterways and riparian lands.*
- *Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

Comments:

Not applicable.

E9 Coastline Hazard

Objectives

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*
- *To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*
- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

Comments:

Not applicable.

E10 Landslip Risk

Objectives

- *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

1. The applicant must demonstrate that:

- The proposed development is justified in terms of geotechnical stability; and*
- The proposed development will be carried out in accordance with good engineering practice.*

2. Development must not cause detrimental impacts because of stormwater discharge from the land.

3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.

4. To address Requirements 1 to 3:

i) For land identified as being in Area A:

Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.

If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.

Comments:

Complies – the proposal is located within Area A of the Landslip Risk Area map. The proposed development will not have an adverse landslip risk and that the proposed excavation is acceptable for the site.

E11 Flood Prone Land

Objectives

- Protection of people.*
- Protection of the natural environment.*
- Protection of private and public infrastructure and assets.*

Comments:

Not applicable.

Part H – Appendices

Appendix 1 Car Parking Requirements

Comments:

Complies - The proposal provides parking for two (2) vehicles per dwelling that meets the requirements of car parking rates for dual occupancies.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) The provision of any Environmental Planning Instrument

Comment: The proposal for alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision is permissible with consent and is consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 as they are reasonably applied to the proposed works.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: Not applicable.

(iii) Any development control plan

Comment: The proposal has been reviewed and assessed under Warringah Development Control Plan 2011.

(iia) 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, and

Comment: Not applicable.

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: Not applicable.

(v) (repealed)

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

Context and Setting:

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

Comment: The proposal for alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision is compatible with

adjoining residential development and will not result in any unreasonable amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

Comment: These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The development proposes a new driveway and crossover servicing the proposed carport off Harbord Road for the eastern dwelling. The proposal retains the existing garage off Wyndora Avenue for the western lot. The proposed carport has been integrated into the design of the building and will not dominate the front façade of the premises, as it is consistent with the streetscape of Harbord Road and positioned below the ridge line of the dwelling.

Public Domain

Comment: The proposed development will have no adverse impact on the public domain.

Utilities

Comment: Existing utility services will connect to service the dwelling.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna.

Waste Collection

Comment: Normal domestic waste collection applies to the site as existing.

Natural hazards

Comment: The site is located within Landslip Risk Area A. There are no visible natural hazards to the site. The site is not identified on the flooding or bushfire maps.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i) Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

Comment: These matters were discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

Comment: The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the existing use as residential accommodation to remain. The proposed use as a dual occupancy is consistent with the varied nature of the area

noting numerous residential land use forms such as dwelling houses, secondary dwellings, and residential flat buildings.

(d) Any submissions received in accordance with this act or regulations

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposed works are permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied to the proposed alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision. The development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal for alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision at 90 Harbord Road, Freshwater, being Lot 13 within Deposited Plan 11055 is permissible with consent and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, constraints and adjoining land uses.

Accordingly, the proposal for alterations and additions to existing structures and use as a dual occupancy (detached), swimming pool, associated works and strata subdivision at 90 Harbord Road, Freshwater, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.