

**Four Towns  
Planning**

*Planning and property consultant*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Alterations and Additions  
to Existing Dwelling House,  
Swimming Pool and  
Associated Works**

**5 Bindi Place,  
Beacon Hill NSW 2100**

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

**Report prepared by:**

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Director – Four Towns Pty Ltd

**Report prepared for:**

Stephen Nicotra

**3 June 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 the alterations and additions to the existing dwelling house and associated works at 5 Bindi Place, Beacon Hill being Lot 21 in Deposited Plan 203017.

This report has been prepared following instructions from the client Stephen Nicotra. 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 C.M.S Surveyors Pty Limited;
- Architectural Plans prepared by Action Plans Pty Ltd;
- BASIX Certificate prepared by Action Plans Pty Ltd;
- Arboricultural Impact Assessment prepared by Hugh the Arborist;
- Bushfire Assessment Report prepared by Bushfire Consultancy Australia;
- Stormwater Management Plan and Letter prepared by Taylors Consulting;
- Waste Management Plan prepared by Action Plans Pty Ltd.

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 the existing dwelling house and associated works 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 is not the subject of any recent Development Applications to Northern Beaches Council. The proposal was not the subject of a pre-lodgement meeting with Northern Beaches Council.

## 2. Site Profile

### 2.1 Property Description

The subject allotment is described as 5 Bindi Place, Beacon Hill, being Lot 21 in Deposited Plan 203017. 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

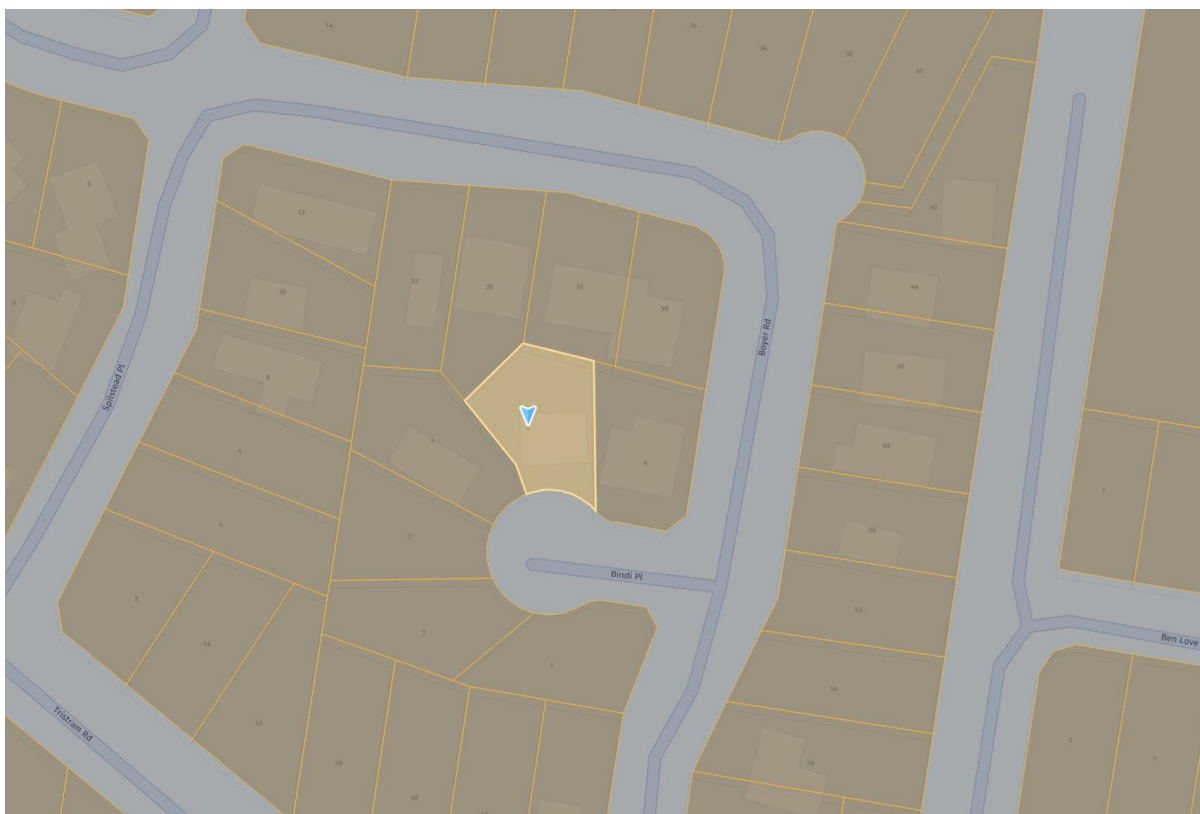
The site is located on the northern side of the Bindi Place cul-de-sac west of the intersection with Boyer Road. The site is irregular in shape with a 15.165m frontage to Bindi Place. The property has existing vehicular access off Bindi Place. The total site area is 547.3m<sup>2</sup>. The site slopes approximately 2m from the street frontage to the rear. The existing building is a single storey brick and clad house with a tiled roof. The streetscape of Bindi Place is undergoing a transition from single storey dwellings to new two storey dwellings.

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

**Locality Maps**



Source: Nearmap 2024



Source: Nearthmap 2024

### Visual Analysis



*Photograph of the site – 5 Bindi Place, Beacon Hill*





*Photograph of 6 Bindi Place (East)*



*Photograph of 3 and 4 Bindi Place to the west of the site*

### 3. Proposal

The proposed development is for alterations and additions to the existing dwelling house, swimming pool and associated works. The proposal remains consistent with the locality and with the streetscape of Bindi Place including the surrounding dwellings.

#### **Dwelling House**

##### *Demolition Works*

As per architectural plans drawings DA03, DA05 & DA06 prepared by Action Plans

##### *Proposed Ground Floor - Alterations*

- Bed 3 deleted for new stairs to first floor
- Bed 2 increased in size with new BIR

##### *Proposed First Floor - Addition*

- Stairs
- Bedroom (3)
- Bedroom (4)
- Bedroom (5)
- Master bedroom with ensuite and WIR
- Living
- Bathroom

#### **External Works**

- Façade works as per plans
- Deck extension
- New pool/pool area
- Outdoor shower

\*Refer to architectural plans prepared by Action Plans for a full description of all works.



## 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 has been prepared by Action Plans Pty Ltd 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 for the purpose of 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 visible landfill. On this basis, the site is considered to be low risk and no further assessment is required.

#### **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 proposal includes the removal of one tree on the rear northern boundary. The application is supported by an Arboricultural Impact Assessment prepared by Hugh the Arborist. The proposal has been designed with regards to mitigate, minimise and avoid. The proposal has been designed to maintain existing trees within the rear setback with majority retention. On this basis, it is our professional opinion that the proposal meets the relevant provisions of the SEPP.

### 4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

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

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	(d) in relation to residential development, to— (i) protect and enhance the residential use and amenity of existing residential environments, and (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah.	Complies – the proposal relates to alterations and additions alongside associated works to the existing dwelling house. 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. The proposed development will provide a new modern and functional dwelling in Beacon Hill.

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	600sqm	N/A	No change to existing lot size.
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
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	8.86m	Merit Assessment - The development proposes a variation to the maximum building height by 0.36m. Refer to assessment under heading Clause 4.3.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.6 Exceptions to development standards	Noted	Yes – Clause 4.3 Building Height	The development application is supported by a Clause 4.6 Variation to justify a variation in the maximum building height for the site.

<b>Part 5: Miscellaneous Provisions</b>	
<b>Provisions</b>	<b>Comments</b>
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 (Repealed)	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, 5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
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

<b>Part 6: Relevant Additional Local Provisions</b>	
<b>Provisions</b>	<b>Comments</b>
6.1 Acid sulfate soils	N/A – the site is not identified as Acid Sulfate Soils.

6.2 Earthworks	The development involves excavation works for the proposed pool in the rear setback of the site. Refer to assessment under heading Clause 6.2.
6.3 (Repealed)	N/A
6.4 Development on sloping land	The site is located in Landslip Area A.
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone E3 Environmental Management	N/A
6.7 Residential flat buildings in Zone B4 Mixed Use	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

The relevant matters to be considered under the WLEP2011 are outlined below:

## 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*

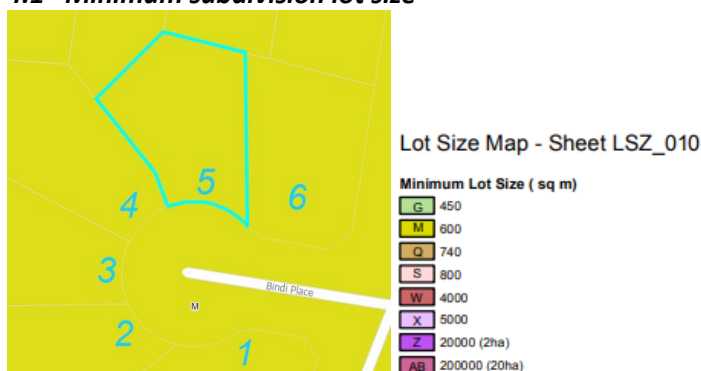
### Comment:

The site is zoned R2 Low Density Residential. A dwelling house is a permissible land use within the R2 Low Density Residential zone with consent of Northern Beaches Council, therefore any alterations and additions are permissible.

The development meets the objectives of the zone by providing for the housing needs of the community while ensuring the locality continues to be characterized by a 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—

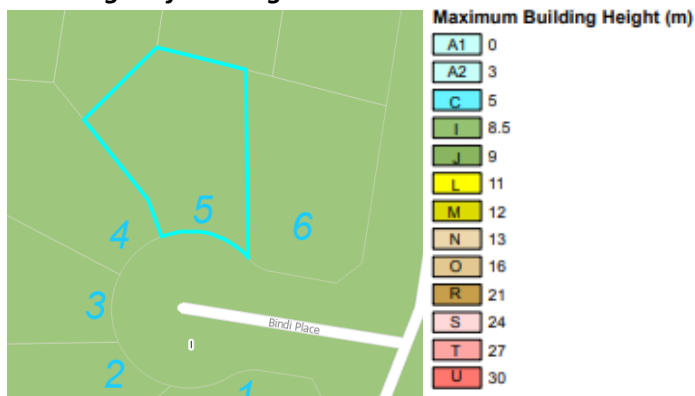
(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

**Comment:**

The site has a minimum lot size of 600sqm. The proposal does not change the lot size of the property, nor does it propose any subdivision. Clause 4.1 is not applicable to this assessment.

**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:**

Merit Assessment - the site has a maximum building height provision of 8.5m. The proposal has a building height of 8.86m which requests a variation of 0.36m (or 4.24%). The Development Application is supported by a Clause 4.6 Variation to Development Standard report. It is noted that the building height breach is minor and is the result of the sloping nature of the site and the existing ground floor level which are man-made changes where the natural ground crossfalls from west to east across the site to cause the marginal non-compliance. Additionally, the existing sub-floor level influences the non-compliance as it protrudes approximately 1.5m out of the natural ground influencing the siting of the dwelling which has ultimately impacted the pitch of the roofline to be

marginally non-compliant. The proposal is supported and in our opinion is consistent with the objectives of the Clause, as outlined below:

*(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

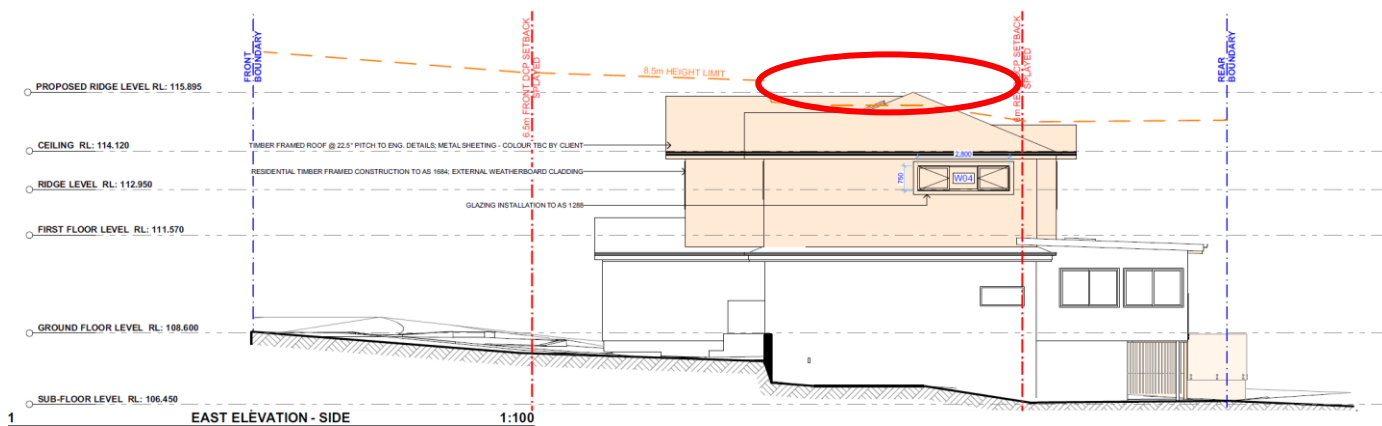
The proposed development is compatible with the height and scale of surrounding and nearby development. The proposal is in keeping with the desired future character of the Bindi Place precinct noting the capacity for future development in the street, particularly with the adjoining neighbours at 4 and 6 Bindi Place which are currently single storey dwellings. The proposed ridge height of the additional storey at 5 Bindi Place sits approximately 4m above the existing ridge heights of the two neighbouring properties to the east and west of the site. The potential for development on the adjoining sites suggests that the height and scale of the proposal is not unreasonable as it will remain compatible with the future desired character of the streetscape.

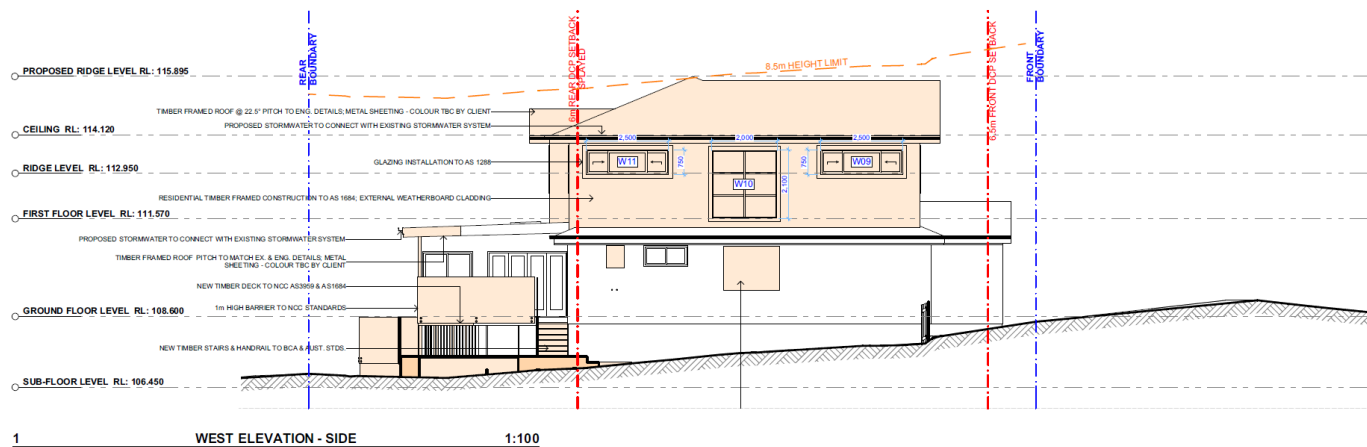
Additionally, the steep topography from the southern side of the cul-de-sac to the northern side of the street has a considerable effect on the height and scale of the streetscape. The height of the proposed dwelling on the northern side of the cul-de-sac has been thoughtfully designed to respond appropriately to the height and scale of the development elevated on the southern side of the street. The proposal meets this objective.

*(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

The proposal has been strategically designed by the project architect to have compliant side setbacks. The proposal will not have a visual impact, will not adversely disrupt views, will not increase privacy or amenity impacts to neighbouring properties.

The excerpt below of the eastern elevation shows the extent of the breaches of the height control, how the non-compliance is influenced by the man-made level changes, and how the front façade of the dwelling is below the building height regulation. The compliant western elevation illustrates how the breach is influenced by the topography of the site. The proposal meets this objective.





*(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

The project designer has strategically designed the proposal to integrate seamlessly into the existing streetscape of Bindi Place. The proposal will have no adverse impacts on the scenic quality of Warringah's coastal or bush environments. The proposal meets this objective.

*(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The site cannot be viewed from any nearby reserves or relevant public places. The visual impact of the proposal from the road is consistent with the Bindi Place bulk and scale character. Due to the existing building heights, bulk and scale and the topography of the sites, the visual impact of the proposal is consistent with the Bindi Place precinct. The proposal meets this objective.

On the basis of the above, it is considered that the proposal is reasonable and there are sufficient environmental planning grounds as provided within the Clause 4.6 report submitted with the application.

#### 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:**

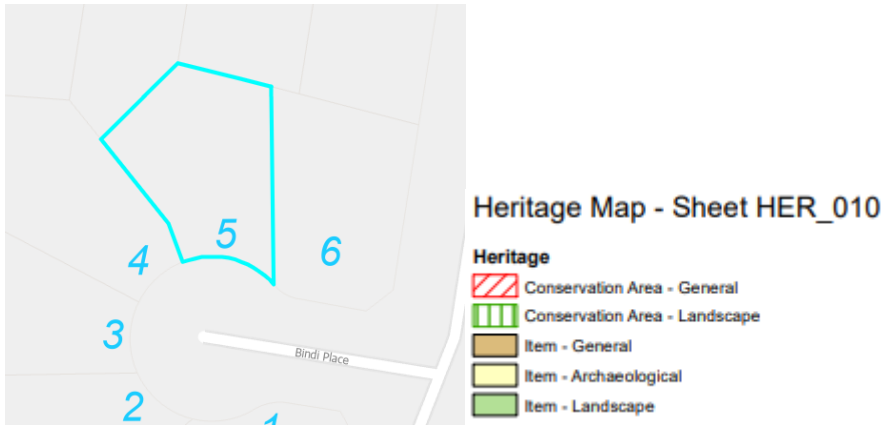
The proposal has a non-compliance to Clause 4.3 building height by 0.36m (or 4.24%). The Development Application is supported by a Clause 4.6 Variation to Development Standard report which outlines that the objectives of Clause 4.6 are achieved and flexibility to the building height should be applied.

**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.





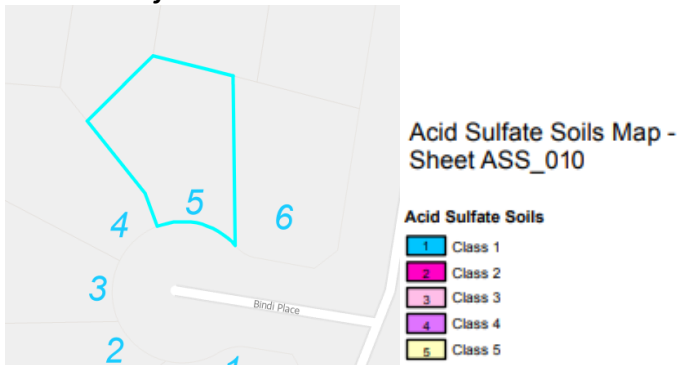
- (1) **Objectives** The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Manly,
  - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
  - (c) to conserve archaeological 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**



- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.

- 5 *Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

**Comment:**

Not applicable – the site is not identified on 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 will require minor excavation of the site for the new swimming pool. The proposed earthworks comply with the objectives of Clause 6.2 and are approximately only 1m in depth with no adverse impacts to adjoining properties.

**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. The proposal complies with the relevant objectives of Clause 6.4 with the alterations and additions minor mostly relating to the addition of the first-floor. On this basis it is considered that a geotechnical assessment is not required for DA lodgement.

## 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.

### **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 the alterations and additions to the existing dwelling house and associated works. The proposed development is compatible with existing residential development at Bindi Place. 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:**

Merit Assessment - The proposal for alterations and additions proposes the following wall heights:

Eastern Elevation: 6.25m - 7.4m

Western Elevation: 6.05m – 6.9m

It is noted that the proposal is for alterations and additions to an existing dwelling with a sloping topography and existing man-made level changes. The site falls approximately 2m from the street frontage to the rear with an approximate 13% slope variation within the first-floor addition.

The non-compliance with the wall height control is minor and is the result of the sloping nature of the site and the existing man-made changes where the natural ground to falls toward the rear of the site. The encroachment will have no unreasonable visual impact on surrounding properties or views from adjacent land or public land and the street.

The proposal is consistent with the streetscape of Bindi Place and meets the objectives of control B1:

- The proposal does not disrupt the visual impact of the street when viewed from adjoining properties and streets
- The proposal does not impact any view sharing corridors
- The proposal will not adversely impact adjoining properties
- The proposal responds to the topography of Bindi Place
- The proposal maintains the character and design of the existing roof form, albeit on the new first floor addition.

### **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:**

Merit Assessment - The proposal breaches the prescribed side boundary envelope controls for the dwelling house along the first-floor addition. In our opinion the non-compliance is an acceptable encroachment as the site is constrained by the irregularly shaped lot and influenced by the siting of the existing building footprint on the ground and sub-floor. The site considerably splays from the 14.2m frontage towards the northern rear boundary reaching a maximum width of 25.8m measured from the westernmost point of the lot to the eastern boundary. Therefore, the proposed dwelling is compliant with the envelope on the western elevation for the majority of the building footprint.

The development has been strategically sited to comply with the prescribed side boundary setbacks ensuring that the visual appearance of the proposed dwelling is not dominated by bulk and scale and that there is adequate spatial separation between the site and all adjoining properties. The proposed building envelope, height, and scale is not inconsistent with the surrounding residential development or the streetscape. The building will maintain adequate light and solar access to adjacent land. Screened windows and the floor plan layout will assist privacy measures for the side elevations to ensure there are no unreasonable overlooking impacts on neighbouring properties.

In our professional opinion, the objectives and intent of control B3 have been considered and met in this proposal and the non-compliances with the prescribed building envelope are not unreasonable as they are influenced by the irregular composition of the site.

### **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:**

Complies – No change to existing ground floor setbacks with the first-floor addition increased.

### **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..*

### **Comments:**

Not applicable – no change to existing compliant front setback.

### **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:**

Merit Assessment - No change to existing ground floor footprint. Proposed ancillary works encroaching on the 6m minimum rear building setback including the deck extension, new swimming pool and pool area do not exceed 50% of the rear setback area and are compliant with the requirements of built form control B9.

There is a minor non-compliance with the 6m minimum rear building setback on the proposed first floor reaching a maximum breach of 0.515m in the north-eastern corner of the site. It is our professional opinion that the proposal meets the objectives of control B9 as the development has been thoughtfully designed and sited in accordance with the existing building footprint to ensure deep soil landscaped areas are maintained at the rear of the property. The design of the dwelling fits appropriately within the constraints of the irregularly shaped lot to provide a generously sized rear setback that maintains a sense of openness whilst preserving the amenity and privacy of adjacent properties. There will be no adverse overlooking impacts from window W03 in the north-eastern corner of the site as the existing mature trees will be retained to maintain privacy between the site and the neighbouring property at 37 Boyer Road.

### **Part C – Siting Factors**

#### ***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:**

Not applicable - No change to the existing driveway and crossover.

**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:**

Not applicable – no change to existing parking facility.

## **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 prepared by Taylors Consulting has been prepared in accordance with Northern Beaches Councils requirements and is submitted with the DA package.

**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 2500m<sup>2</sup> 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 2500m<sup>2</sup> 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 by Action Plans Pty Ltd.

**C6 Building over or adjacent to Constructed Council Drainage Easements**

**Objectives**

*To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property*

**Comments:**

Not applicable – the proposal does not build over or have any construction works near Council Drainage Easements.

**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 includes minor excavation works which comply with the relevant objectives of 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 be constructed in accordance with relevant Australian Standards and Conditions of Consent as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

### **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.

## **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 – 40% of the site (or 218.92m<sup>2</sup>) is the minimum requirement of landscaped open space. The proposed landscaped open space is 232.23m<sup>2</sup>, or 42.4% of the site.

### 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 <sup>2</sup> with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m <sup>2</sup> 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 <sup>2</sup> 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 proposed development enhances the existing private open space at the rear of the property located off the ground floor of the dwelling with an extension to the existing deck and the inclusion of a new swimming pool area. The proposal complies with the objectives of control D2 and the minimum area requirements of 60m<sup>2</sup>.

### 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 a dwelling house. The use will remain as existing and the proposed alterations and additions will not impact noise sensitive rooms through the design of the floor plan layout.

**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 – it is acknowledged that the proposal will provide further shadowing to the adjoining neighbours to the east and west. As the properties are north-south facing lots with private open spaces to the north (rear) of the property, it is noted that the proposed shadowing is acceptable and reasonable as the adjoining properties will still retain a minimum of 3 hours of sunlight between 9am and 3pm on June 21 for living and private open space areas. It is our professional opinion that the proposal meets the objectives of control D6 and maintains reasonable access to sunlight to adjoining properties.

**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 will not impact any view corridors.

**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 there will be no adverse overlooking impacts from the proposed dwelling house to the adjoining properties. The development provides sufficient side boundary setbacks and windows are at adequate heights or screened to prevent overlooking.

### **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 alterations and additions to the dwelling house have been designed with regard to the existing streetscape of Bindi Place noting the existing front setbacks, building heights and single to two-storey built form. As per the requirements, the proposal complies as follows:

- The building height and scale meets the needs of the topography and the existing streetscape.
- The proposal addresses the existing street while enhancing the site with a modern dwelling upgrade.
- The project designer has utilised colours and materials which assist to reduce the bulk and scale and create a sense of openness.

The proposal does not create unreasonable impacts of building bulk and the proposal is consistent with surrounding development in the street. It is our professional opinion that the proposal meets the relevant objectives and is consistent with the bulk and scale of Bindi Place.

### **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 development application provides a material and finishes schedule plan DA15 that proposes materials and colours that are compatible with adjoining properties. The proposed alterations and additions will create a modern enhanced dwelling with materials that are sympathetic to the surrounding natural and built environment.

**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 development proposes a new roof that is compatible with the above objectives and requirements.

**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.

**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:**

Not applicable – the development does not propose a front fence or wall.

**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 development will upgrade and include the required site facilities such as a mailbox and clothes drying facilities.

#### **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 – the proposal retains existing side and rear fences.

#### **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 proposed swimming pool is consistent with the objectives and requirements of control D16. The pool is to be located in the rear setback and will have no adverse impacts on the natural environment, streetscape or on residential amenity. The pool will be appropriately setback from the retained existing trees on the north-western boundary of the site.

**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 – the proposal does not include a tennis court.

**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 windows fronting Bindi Place on the first floor maintain casual surveillance of the street and the existing front entry provides defined access ways with adequate lighting. It is our opinion that the proposed alterations and additions enhance the security and safety of the community.

## **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 certificate prepared by Action Plans Pty Ltd.

**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:**

The application includes the removal of low category trees on the site in poor health. The proposal is supported by an Arboricultural Impact Assessment prepared by Hugh the Arborist. It is our opinion that the proposal is consistent with the objectives of the Clause to retain, protect and enhance the urban forest bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities. The proposal additionally preserves the scenic value and character that trees and/or bushland vegetation provide.

**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 within the DCP Map Native vegetation.

### ***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 50m<sup>2</sup> 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.

#### **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 proposal has been designed to retain unique environmental features where possible.

### **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 excavation is suitable for the site and the proposed development will not have an adverse landslip risk.

### **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:**

Not applicable - No change proposed to existing garage.

## 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 proposed alterations and additions to the existing dwelling house is permissible with consent and is consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011.

#### *(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.

#### *(iiia) 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 proposed alterations and additions to the existing dwelling house and associated works are 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:** No change is proposed to the existing garage on the ground floor. The proposal will retain the existing vehicle crossing to Bindi Place.

***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 existing dwelling house.

***Natural hazards***

**Comment:** The site is located within Landslip Risk Area A. The site is also identified within the vegetation buffer on the bushfire risk map.

***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 have been 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 complies 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 that 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 of a dwelling house to remain.

#### **(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 the existing dwelling house and associated works, 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 the alterations and additions to the existing dwelling house, swimming pool and associated works 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.
- The Development Application is supported by a Clause 4.6 Variation to Development Standard which justifies the proposal's minor non-compliance with Clause 4.3 Height of Building.

Accordingly, the proposal for alterations and additions to the existing dwelling house, swimming pool and associated works at 5 Bindi Place, Beacon Hill, being Lot 21 in Deposited Plan 203017, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.