

*Planning Direction Pty. Ltd.*  
*Town Planning & Development Services*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Ground Level Alterations and  
Upper Level Addition to an Existing Dwelling**

**at**

**No 74 Ashworth Avenue, Belrose**

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Planning)**  
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## 1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application, which is being submitted to Northern Beaches Council.

The applicant seeks development consent to undertake the following development on land known as No 74 Ashworth Avenue, Belrose: -

- Construct an upper level addition comprising of:
  - A main bedroom;
  - Two additional bedrooms;
  - A bathroom/laundry;
  - A sitting area opening out onto a front deck;
  - A dining/wet bar area; and
  - An internal staircase accessing the lower level.
- Ground level alterations and addition to the existing dwelling include:
  - Demolish the existing entry stairs and construct a new front porch entry area and stairs;
  - Demolish some internal walls to create a larger living area and to increase the size of an existing bedroom;
  - Install bulkheads where required to support the proposed upper level; and
  - Construct an internal staircase accessing the upper level.

The proposal has been prepared in accordance with the provisions of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

A description of the site and the locality and a description of the proposed development.

A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and

the provisions of the Environmental Planning and Assessment Act 1979 and conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Add-Style Home Additions*.

## 2.0 SITE AND CONTEXT

### 2.1 Subject Site

The subject site comprises of an irregularly shaped allotment with the front boundary following the angled road alignment. The property is situated on the northern side of Ashworth Avenue and is known as No 74 Ashworth Avenue, Belrose and legally identified as being Lot 100 in DP 532963.



Locality Plan

The subject site has a cross fall from the eastern side boundary to the western side boundary of approximately 3m. The fall is most noticeable along the western side boundary with the remainder of the site being relatively level. As a result of the fall in the land the existing dwelling is constructed above a single garage. The existing dwelling inclusive of the proposed addition will continue to drain to existing stormwater infrastructure situated in Ashworth Avenue.



The subject site has an angled front, western side and rear boundary and has a total area of approximately **699.9m<sup>2</sup>**. A survey plan is included with the development plans.

The existing dwelling is well presented but only offers limited living space.



**View of the existing dwelling from Ashworth Avenue**

The building is not listed under the Warringah Local Environmental Plan 2011 as having any heritage significance nor is it in the immediate vicinity of any items of heritage significance.

The applicant does not propose to alter the existing drainage arrangements as the proposed works are effectively contained over the footprint of the existing dwelling.

No trees require removal to facilitate the proposed development. Ample green space exists around the dwelling to assist with natural absorption.

## **2.2 Site Context**

The subject site is situated within an established low density residential precinct characterised by a mix of single and two storey dwellings. The buildings in the precinct are generally well presented and situated on similar sized allotments. Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the west is a singlet storey residence of brick and tile construction known as No. 76 Ashworth Avenue, Belrose. This adjoining dwelling is well setback from the subject dwelling and both houses are orientated away from one another.



**View of No. 76 Ashworth Avenue to the west of the subject property**

This adjoining dwelling is set lower than the subject property. A significant amount of vegetation exists along the common boundary between the properties and this adjoining dwelling has a driveway access adjacent to the common boundary. Shadow diagrams accompanying the development plans indicate that additional shadows cast by the proposed development will fall in a sweeping motion towards the street frontage and partially across the front yard of the neighbouring eastern dwelling. There will be no additional shadow



impacts on this adjoining dwelling to the west. The existing setbacks coupled with the vegetation along the common boundary and the orientation of both dwellings will ensure that adequate levels of privacy and solar access are maintained between the two properties because of the proposed addition.

- Adjoining the subject site to the east is a single storey brick dwelling known as No 72 Ashworth Avenue. This adjoining dwelling sits at a higher level than the subject dwelling. The subject dwelling is well setback from the eastern side boundary and is orientated to look away from this adjoining property. It is further noted that the driveway access for this property is located adjacent to the common boundary. The outlook from the proposed addition is towards the front and the rear of the block and only two 'highlight type' windows are proposed along the upper level eastern elevation. The existing setbacks and design initiatives ensure that privacy between the two properties is well resolved.

Shadows cast by the proposed addition will fall in a sweeping motion towards the street frontage and slightly across the front yard of the eastern adjoining property. Shadows cast will be reasonable given the residential context of the site, the established vegetation along the common boundary and the setbacks between the two properties.



**View of the eastern adjoining property at No 72 Ashworth Avenue**



It is noted that there are examples of recent upper level additions and newly constructed large two storey dwellings in the vicinity of the site.

The subject dwelling will enjoy some district views to the south and west above the roof lines of the lower sitting dwellings on the opposite side of the road.

The precinct is well serviced by public transport and recreational facilities.

The enhancement of the floor space on-site is therefore consistent with urban renewal initiatives.

### **3.0 PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following at No 74 Ashworth Avenue, Belrose:

- Construct an upper level addition comprising of:
  - A main bedroom;
  - Two additional bedrooms;
  - A bathroom/laundry;
  - A sitting area opening out onto a front deck;
  - A dining/wet bar area; and
  - An internal staircase accessing the lower level.
- Ground level alterations and addition to the existing dwelling include:
  - Demolish the existing entry stairs and construct a new front porch entry area and stairs;
  - Demolish a number of internal walls to create a new large living area and to increase the size of an existing bedroom;
  - Install bulkheads where required to support the proposed upper level; and
  - Construct an internal staircase accessing the upper level.



**Artist's impression of the proposed addition**

### **3.1 Design Approach**

The proposed upper floor addition is sought to provide most needed quality internal living space to meet the needs of the residents. The proposed addition is contained over the dwelling footprint and has been suitably articulated to present well to the street frontage. The proposed new front entry area and deck provides an all-weather entry area to the property and replaces a dated and redundant entry to the dwelling. The new entry area will match the proposed upper-level deck and will provide a more secure main entry point to the dwelling. The proposed upper level will complement the overall appearance of the dwelling. The proposal includes a conventional pitched roof and the design is consistent with the lower level roof profile. The proposed upper level and is recessed into the lower level of the dwelling particularly along the western elevation to ensure the front façade does not present as overly bulky when viewed at street level and so the dwelling can comply as far as practical with the height limit for the locality.

In addition, the proposed upper level is well setback from all common boundaries and the street.



The design solution ensures that privacy issues are well resolved through design. The outlook from the proposed addition is oriented towards the street frontage via a proposed front deck and the rear yard.

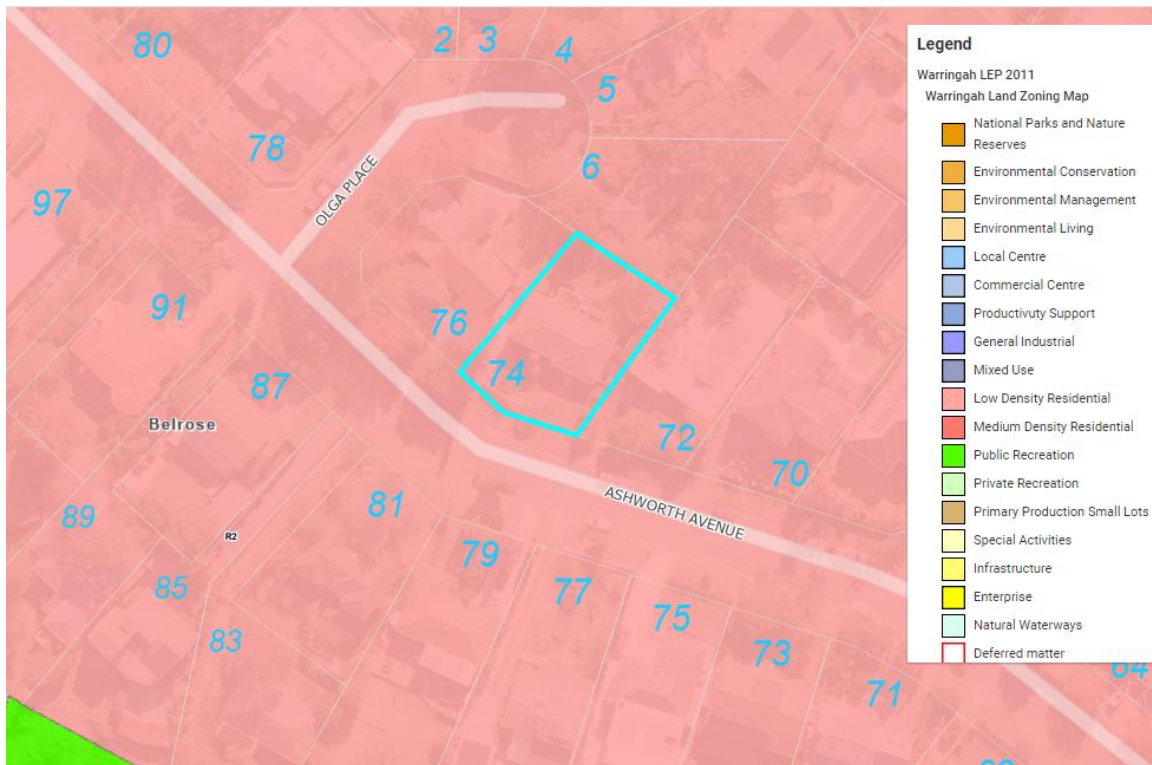
Shadows cast by the proposed addition will generally fall in a sweeping motion within the site and across street front and partially across the front yard of the adjoining eastern dwelling during the afternoon periods of the winter solstice.

The generous separation between dwellings coupled with the existing established vegetation along the common boundaries will ensure that privacy and overshadowing issues are reasonably resolved.

## **4.0 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011**

### **4.1 Zoning and Zone Objectives**

The subject land is zoned **R2 Low Density Residential** pursuant to Warringah LEP 2011.



**Land Zoning Extract – R2 Low Density Residential**

A dwelling is defined to mean *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposed works are ancillary to a dwelling and complies with the above definitions. The proposal is permissible in the zone with development consent.

The specified zone objectives for the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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

Comment:

An assessment of the proposal against the zone objectives indicates that the zone objectives can be met.

The salient elements of this assessment follow:

- The proposed development provides an enhanced level of amenity to the residents on-site. No change in intensification of the use of the dwelling is proposed thus maintaining the low density residential environment. The subject site will continue to benefit from quality green space on-site.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this statement of environmental effects. The proposal is appropriate in this regard.
- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the immediate area. The proposal will be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment.
- There is no proposal to carry out other land use activities.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

#### **4.3 Relevant Clauses of the LEP**

**Clause 4.3** of the LEP sets a maximum **height** for development in accordance with the Building Height Map. The building height map specifies a maximum height limit within the R2 zone of 8.5m.



Comment:

The proposed development gives rise to a small departure from the building height standard by a maximum of 0.35m because of the fall in the land and the existing underfloor single garage. The encroachment into the maximum permissible height limit is for a small portion of the roof ridge only along the western elevation. A variation to the height limit is proposed pursuant to Clause 4.6 of the LEP. A Clause 4.6 justification for the variation is provided under separate cover.

**Clause 4.4** of the LEP relates to **Floor Space Ratio**.

Comment:

There is no floor space ratio control applicable to the site.

**Clause 4.6** relates to **Exceptions to development standards**.

Comment:

The applicant does seek to vary the building height development standard. A clause 4.6 justification is provided under separate cover.

**Clause 6.1** of the LEP relates to **Acid Sulphate Soils**.

Comment;

The subject site is not subject to acid sulphate soil consideration. Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

**Clause 6.2** of the LEP relates to **Earthworks**.

Comment;

Minimal earthworks are required associated with footings to facilitate the proposal.

**Clause 6.3** of the LEP relates to **Flood planning**.

The subject site is not flood affected.

**Clause 6.4** of the LEP relates to Development on sloping land and states the following:

- 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:**

The subject site is situated partly within a Landslip Area A with most of the site situated in the Landslip Area B locality with slopes between 5 to 25 degrees.



### **Landslip Area A and B**

Despite the landslip rating the subject site is relatively level for that part of the allotment upon which the existing dwelling is constructed. The dwelling does benefit from a level building platform and has resisted movement over the years. The proposed development will be appropriately engineered to ensure stability and longevity of construction. The works are essentially minor and will not disturb the existing terrain. The proposed works will have no influence on existing water flows.



## **5.0 DEVELOPMENT CONTROL PLAN 2011**

Warringah Development Control Plan (DCP) 2011 was adopted by Council on 12<sup>th</sup> May 2010 and came into effect on 9<sup>th</sup> November 2010.

The DCP applies to all land within the Warringah Local Government Area (LGA) and provides complimentary controls and considerations to the Warringah Local Environmental Plan (LEP) 2011.

The DCP is to be read in conjunction with LEP 2011.

The DCP contains 4 relevant parts relating to built form controls, siting factors, design and the natural environment.

### **5.1 Context and Site Analysis**

A site analysis plan accompanies the architectural plans. A written analysis of the site and context supplements the site analysis plan under section 2 of this statement of environmental effects.

## **Part B - Built Form Control Objectives**

### **B1 Wall Height**

#### *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 for land shown on DCP Wall Height Map 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.*

### *Comment:*

The proposal does not give rise to a wall height greater than 7.2m

A slight variation is sought from maximum building height by a maximum of 0.35m for a small portion of the roof along the western elevation. The proposed design maintains a standard roof pitch and floor to ceiling heights. As the extent of non-compliance is minor and is contained to only a small single part of the proposed addition no environmental impacts arise. A clause 4.6 justification is provided under separate cover.

## **B2 Number of Storeys**

### *Objectives*

- To ensure development does not visually dominate its surrounds.*
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- To provide equitable sharing of views to and from public and private properties.*
- To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.*
- To provide sufficient scope for innovative roof pitch and variation in roof design.*
- To complement the height of buildings control in the LEP with a number of storeys control.*

Comment:

The Number of Storeys DCP map does not indicate a maximum number of storeys applying to the subject site.

### **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.*

Comment:

Apart from the minor encroachment of a small portion of the eaves along the northern elevation and despite the minor encroachment into the height limit the proposed upper-level addition does not encroach into the side boundary building envelope.

### **B4 Site Coverage**

#### *Objectives*

- *To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.*
- *To minimise the bulk and scale of development.*
- *To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.*



- *To limit impervious areas and encourage natural drainage into the sub-surface.*

Comment:

The proposed development is domestic in nature. The proposed upper floor addition is effectively contained within the footprint of the lower level of the dwelling and the proposed front deck area. Ample green space exists on-site and the proposed development will enhance the streetscape.

No change is proposed to the existing drainage arrangements on-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.*

Comment:

The proposed upper floor addition is contained within the footprint of the existing dwelling. The existing side boundary setbacks are therefore maintained and compliant.

## **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.*

Comment:

No encroachment into the front setback is proposed. No change is proposed within the front building alignment other than a new carport to be erected.

## **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.*

Comment:

The rear setback remains substantial.

## **Part C - Siting Factors**

### **C1 Subdivision**

Comment: Not applicable.

### **C2 Traffic Access and Safety**

#### *Objectives*

*To minimise:*

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

Comment:

The subject site presently accommodates 2 on-site car spaces within the single garage and existing driveway. The subject application does not seek to later the existing parking arrangements on site.

### **C3 Parking Facilities**

*Objectives*

- *To provide adequate off street car parking.*
- *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.*

Comment:

There is opportunity to park two cars on-site. As discussed, there is no proposal to alter the existing on-site parking arrangements as part of this application.

### **C4 Stormwater**

*Objectives*

- *To ensure the appropriate management of stormwater.*
- *To ensure the appropriate management of stormwater.*
- *To minimise the quantity of stormwater run-off.*
- *To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.*
- *To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).*

Comment:

No change is proposed to the existing drainage arrangements on-site.

## **C5 Erosion and Sediment Control**

### *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.*

### *Comment:*

Appropriate measures will be undertaken during construction so as to minimise disruption to surrounding residents and the natural environment. The applicant will abide by appropriate conditions of consent in this regard.

## **C6 Building Over or Adjacent to Constructed Council's Drainage Easements**

### *Objectives*

- *To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property.*

*Comment:* Not applicable.

## **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.*

Comment:

Minimal excavation is required associated with footings. No issues arise in this regard.

## **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.*

Comment: Noted.

## **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.*
- *To discourage illegal dumping.*

Comment:

Appropriate waste management procedures will be implemented during the construction phase. A waste management plan accompanies the development plans.

## **Part D – Design**

### **D1 Landscape 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.*

Comment:

The applicant does not seek to alter the landscape content on-site.

There will be no adverse effect on native vegetation. There are no trees requiring removal to facilitate the proposed upper level addition.

Appropriate design measures have been undertaken to provide an attractive addition and minimise privacy loss.

Ample open space and private recreation space exists on-site to the benefit of the residents.

## **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.*

### *Comment:*

The open space areas on site benefit from ample solar access, particularly across the rear of the site. The private open space will be embellished through the provision of the development works.

## **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.*

### *Comment:*

The proposed upper-level addition maintains compliant setbacks. No adverse noise is anticipated from a typically domestic use.

## **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.*

Comment: 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.*
- *To promote passive solar design and the use of solar energy.*

***Note:** Overshadowing by vegetation will not form part of Council's assessment of access to sunlight.*

*The planning principle established in the *Benevolent Society v Waverly Council* (2010) NSWLEC 1082 will be used in the assessment of sunlight.*

### *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.*

Comment:

Shadow diagrams are provided in the plan set.

Shadows cast by the proposed upper level will effectively fall towards the street frontage and partly over the adjoining eastern property during the afternoon periods of the winter solstice. The shadow impacts are reasonable in the context of the site, including separation between dwellings, the existence of established vegetation between properties, the topography of the land and the modest scale of the proposed upper level addition.

Accordingly, no issues arise in respect of overshadowing in the context of site circumstances, site orientation and design initiatives.

## **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.*

**Note:** *Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting v Warringah Council (2004) NSWLEC 140.*

### *Comment:*

The containment of the proposed upper level over the existing dwelling and recessed away from the street frontage within the typical street building zone ensures that views currently enjoyed by the adjoining properties will not be unreasonably obscured.

There are no issues in terms of view loss particularly as the dwelling is positioned on the high side of the road.

## **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.*

**Comment:**

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

The proposed addition to the dwelling is suitably designed to direct outlook towards the street from the proposed upper level deck and the rear yard. Privacy is well maintained between sites. Highlight type windows are proposed along the eastern side elevation.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

## **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.*

**Comment:**

The proposed upper floor addition is well conceived and is architecturally treated along all elevations to present well when viewed from the street.

## **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.*

**Comment:**

The proposed addition will be sympathetic to the built environment in terms of colour and materials. The colour tones selected for the site reflect the existing established vegetated environment and be consistent with the lower level of the dwelling.

## **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.*

**Comment:**

A conventional pitched roof is proposed with the addition consistent with the existing roof pitch of the dwelling. The pitch of the roof has been reduced as far as practical so as not to excessively protrude into the maximum permissible building height more than necessary.

## **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.*

**Comment:**

The proposed development being domestic in nature and situated on a local road will not result in any undue impact with regards to overspill glare and reflection.



### **D13 Front Fences and 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.*

#### **Comment:**

No change is proposed to fencing.

### **D14 Site Facilities**

#### *Objectives*

- *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To make servicing the site as efficient and easy as possible.*
- *To allow for discreet and easily serviceable placement of site facilities in new development.*

#### **Comment:**

All site facilities are currently available to the site in accordance with Clause D14. It is not proposed to alter the current arrangement in terms of site facilities.

### **D15 Side and Rear Fences**

#### *Objectives*

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

Comment:

No change is proposed.

## **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.*

Comment:

A swimming pool is not proposed as part of the application.

## **D17 Tennis Courts**

Comment: Not applicable.

## **D18 Accessibility**

### *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.*

Comment: Not applicable.

## **D19 Site Consolidation in R3 and IN1 Zones**

Comment: Not applicable.

## **D20 Safety and Security**

### *Objectives*

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

Comment:

The new entrance to the building will be easily identified and well lit. The provision of a covered front entry deck will provide all weather protection and improve the safety and security on-site.

## **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.*

Comment: Not applicable.

## **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.*

Comment:

The proposed development is to incorporate the following ESD design features in the completed development:

- Appropriate insulation which achieves an “R” value is to be included in wall cavities, roof and ceiling.
- The addition has been designed to facilitate cross ventilation by virtue of external openings on opposing walls.
- Water efficient fixtures are to be installed in the addition to lessen the demand for mains water and wastewater discharge.
- Energy efficient globes are to be installed in the dwelling.

## **Part E – The Natural Environment**

### **E1 Private Property Tree Management**

#### *Objectives*

- *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect human life and property through professional management of trees in an urban environment.*
- *To provide habitat for local wildlife.*
- *Promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community. See Warringah Natural Area Survey, August 2005.*
- *To preserve and enhance the area's amenity.*

Comment: Not applicable.

### **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.*

Comment: Not applicable.

#### **E4 Wildlife Corridors**

Comment: Not applicable.

#### **E5 Native Vegetation**

*This control applies to land identified on DCP Map Native Vegetation.*

Comment:

The subject site is not identified on the DCP map as having 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.*

Comment: Not applicable.

#### **E7 Development on land adjoining public open space**

Comment: Not applicable.

#### **E8 Waterways and Riparian Lands**

Comment: Not applicable.

**E9 Coastline Hazard**

Comment: 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.*

Comment:

The subject site is identified as being situated partly within Landslip Area A and partly within Landslip Risk Area B. The addition will be appropriately engineered and the existing dwelling has resisted movement over a number of years. The proposed addition can be constructed on-site to meet the appropriate and required standards.

**E11 Flood Prone Land**

Comment:

The subject site is not identified as being flood prone land.



## **6.0 SECTION 4.15 CHECKLIST**

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

*(1) Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(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*

*(iii) any development control plan, and*

*(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*

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

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

**Comment:**

The proposal is permissible and satisfies the objectives of Warringah Local Environmental Plan 2011 and prescriptive and performance controls of the DCP pursuant to the provisions of clause 4.6 of the WLEP 2011.

The proposed development is appropriate in consideration of the streetscape objectives, overshadowing and privacy.

*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.*

Comment:

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposal provides for a high degree of amenity for future occupants and is respectful of the amenity of neighbouring properties. A minor encroachment into the maximum building height and building envelope occurs because of the slope of the land and the existing under building storage area.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

*c. the suitability of the site for the development.*

Comment:

The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

*d. any submissions made in accordance with the Act or the regulations.*

Comment: Nil

*e. the public interest*

*Note.*

*See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.*

Comment:

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space on-site contained mainly within

the footprint of the existing dwelling therefore satisfying urban consolidation initiatives and furthering the public interest.

*(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

*Note.*

*The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

*(3A) Development control plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, standards include performance criteria.*

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

*(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

*(6) Definitions In this section:*

*(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and*

*(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

Comment: Not applicable.

## **7.0 CONCLUSION**

The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to improving the quality of living space on-site.

The proposed development seeks a departure from the overall building height control. A clause 4.6 justification submitted under separate cover details the reasoning and merits of the proposal.

The applicant has specifically sought to provide a development with a high quality design, which reflects contemporary planning and design initiatives. A site specific design has been developed in this instance.

The proposed development provides for an improved level of amenity for the residents. The proposal has been designed to enhance the appearance of the dwelling without compromising the amenity of adjoining residents.

The proposed development is respectful of the amenity of neighbouring properties and will not give rise to adverse overshadowing or privacy impacts in the context of site circumstances. The proposal is reasonable pursuant to the provisions of the LEP/DCP.

In view of the above, the proposed development is appropriate and Council approval is recommended.