

STATEMENT OF
ENVIRONMENTAL EFFECTS
FOR
ALTERATIONS AND ADDITIONS TO
EXISTING DWELLING
AT
105 ARTHUR STREET FORESTVILLE
(LOT 2 DP 112668)



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TABLE OF CONTENTS

1.0 INTRODUCTION AND BACKGROUND.....	3
2.0 SITE AND LOCALITY.....	4
3.0 THE PROPOSAL.....	6
4.0 PLANNING ASSESSMENT.....	8
5.0 SECTION 4.15 EVALUATION.....	30
6.0 CONCLUSION.....	36

1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects has been prepared in support of a Development Application for the proposed alterations and additions to the existing dwelling at 105 Arthur Street Forestville (Lot 2 DP 112668).

In the preparation of this Statement of Environmental Effects, consideration has been given to the following documents:

- Plans of the proposal prepared by Leung Architects;
- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011;
- Planning Principles of the NSW Land and Environment Court;
- Bushfire Risk Assessment by BPAD dated 26 July 2021;
- Geotechnical Report by Crozier dated 23 July 2021;
- Survey Report by True North Surveys dated May 2021;
- BASIX certificate.

During the preparation of this Statement of Environmental Effects, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its future relationship with the streetscape and the immediate surrounding sites.

I have examined a number of iterations of the proposal to ensure that the proposed works will, when completed, make a positive contribution to the locality and address the constraints of the subject site and surrounds.

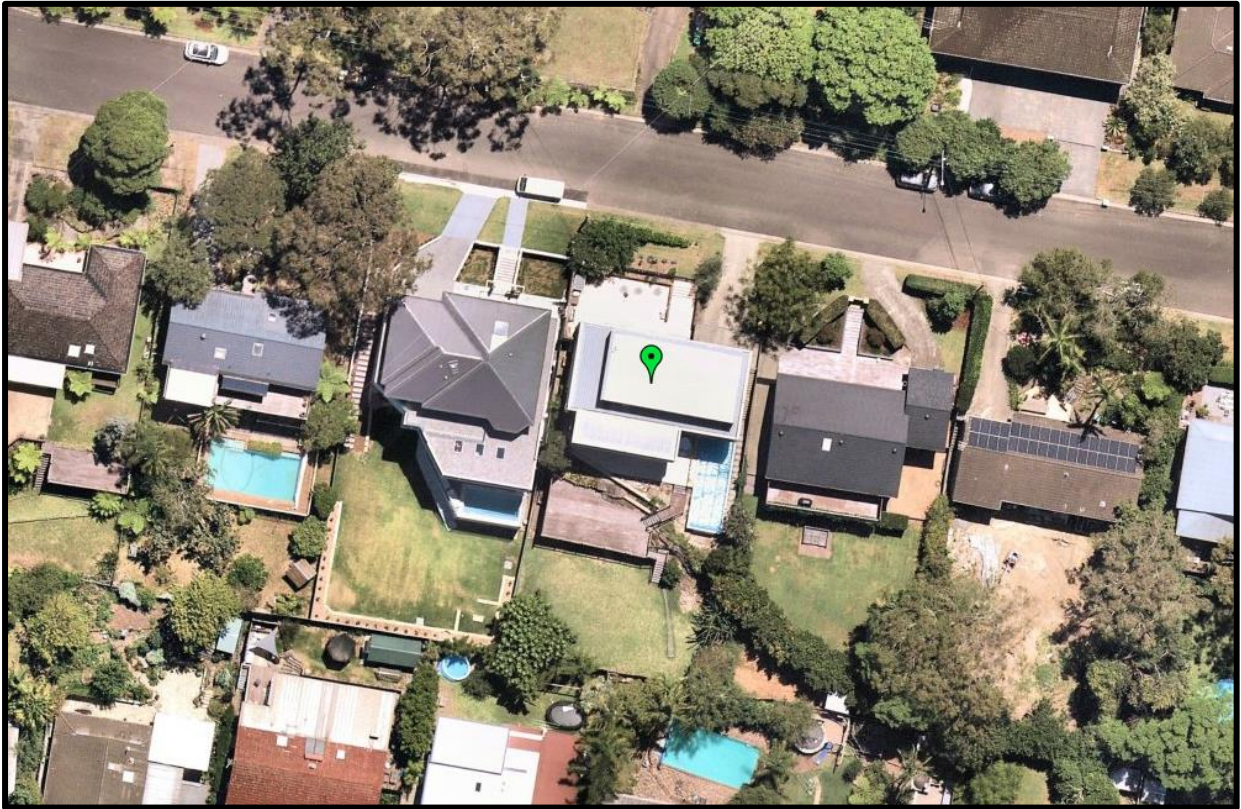
I am satisfied that the proposal as submitted will not only offer a high standard of use for the occupants but will do so in a manner that respects its juxtaposition with adjacent and nearby properties.

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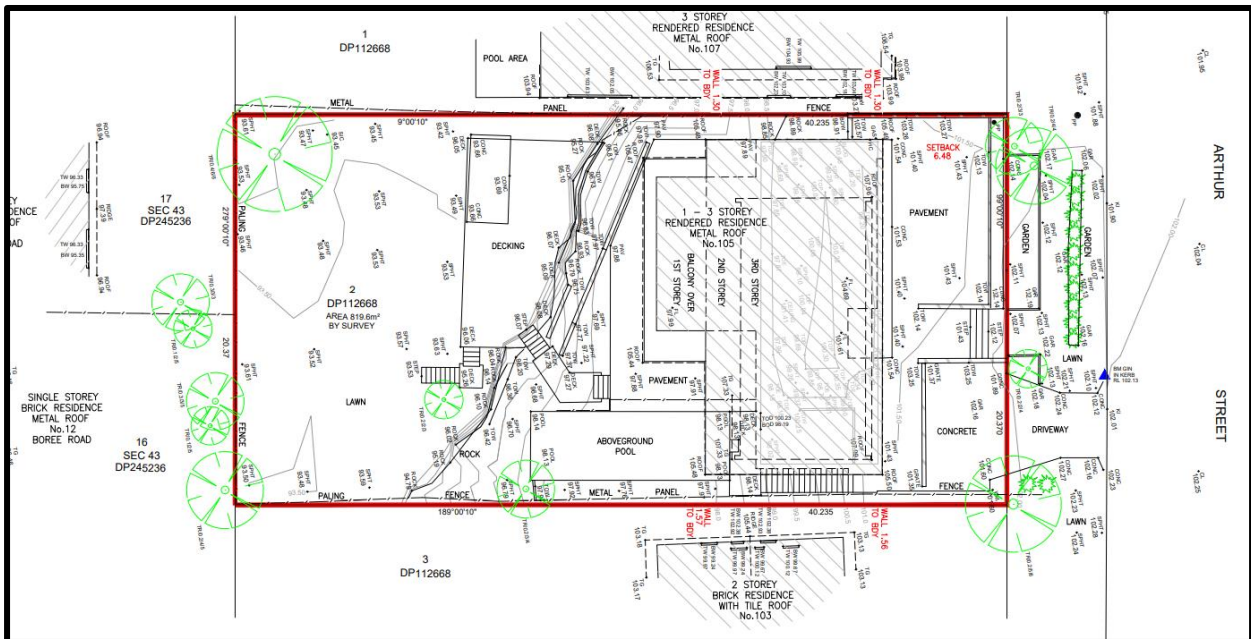
STATEMENT OF ENVIRONMENTAL EFFECTS

105 ARTHUR STREET FORESTVILLE

2.0 SITE AND LOCALITY



SUBJECT SITE FLAGGED (NEARMAP)



EXTRACT FROM TRUE NORTH SURVEY DATED 31 MAY 2021

The subject site, 105 Arthur Street Forestville (Lot 2 DP 112668) encompasses an area of 819.6 m² and is located on the southern side of Arthur Street three properties to the east of Milham Crescent at Forestville.

The subject site is rectangular in shape, with a width of 20.370 metres to Arthur Street and a depth of 40.235 metres. The site falls from a high point of RL 102.1m AHD at Arthur Street to a low point of RL 93.46 m AHD.

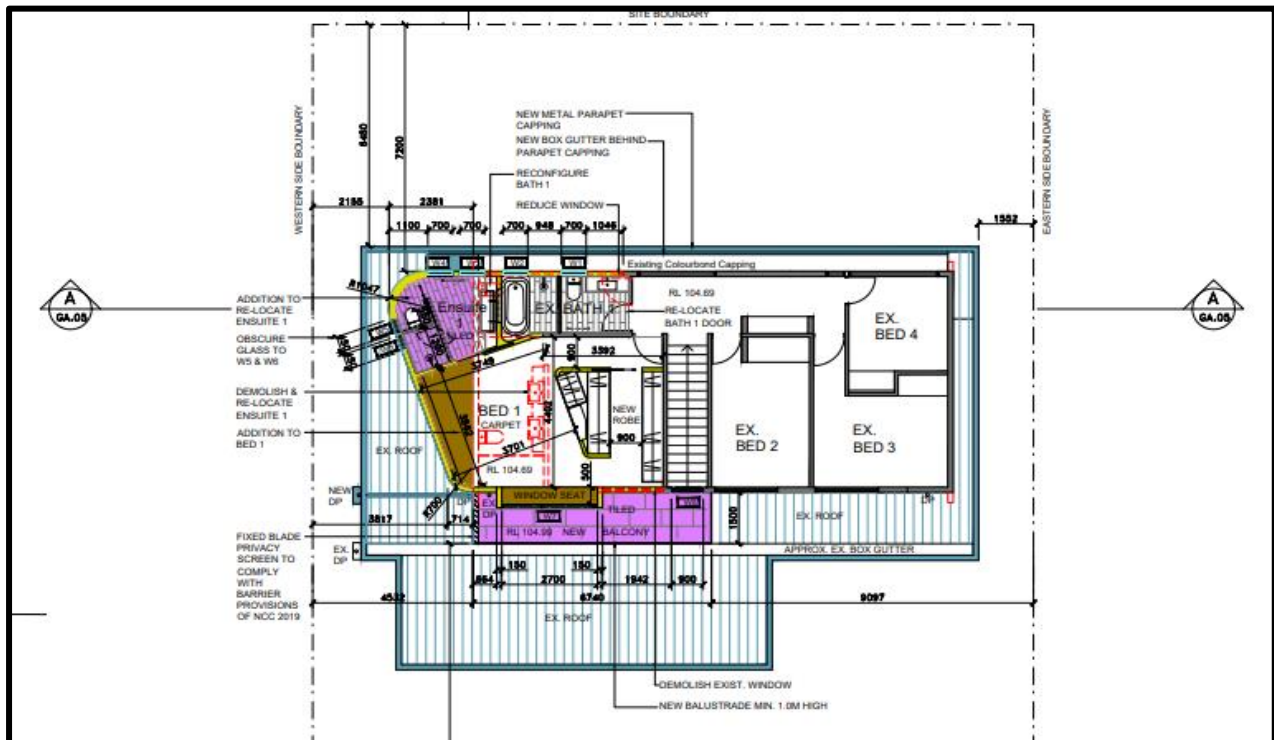
Currently the subject site contains an existing three level dwelling approved under DA 2010/0411.

The dwelling typology surrounding the site is a mixture of single and double storey masonry dwellings with tiled roofs however the locality is undergoing change with a number of contemporary dwellings being erected in the nearby locality. The adjacent site at 107 Arthur Street is a recently constructed example of a contemporary three level dwelling reflecting the evolving character of the locality.

The subject site does not contain any significant vegetation and is not affected by flooding or significant landslip risk however, the proximity of the site to the Garigal National Park, renders the site prone to impacts by bushfire although not in an active flame zone.

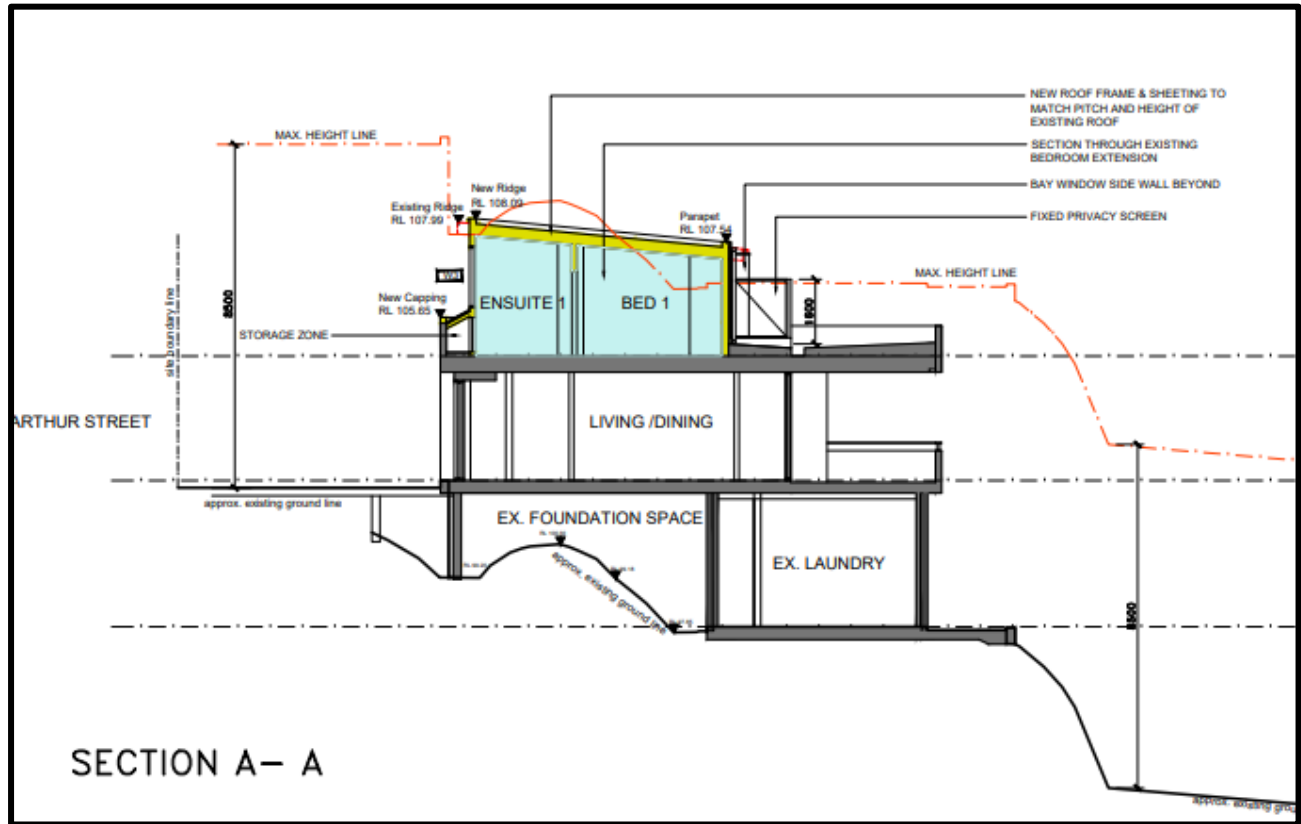
3.0 THE PROPOSAL

The proposal seeks consent for the carrying out of building works to the upper storey of the existing dwelling comprising re cladding of the external walls, adjustments to the ridgeline and an extended Bedroom 1 and Ensuite with some internal reconfiguration as illustrated in the following extracts from the plans by Leung Architects-



UPPER LEVEL FLOOR PLAN

STATEMENT OF ENVIRONMENTAL EFFECTS
105 ARTHUR STREET FORESTVILLE



SECTION A-A

The above section clearly illustrates the internal ground level of the subject dwelling following the retention of excavated material to accommodate footings for the current structure.

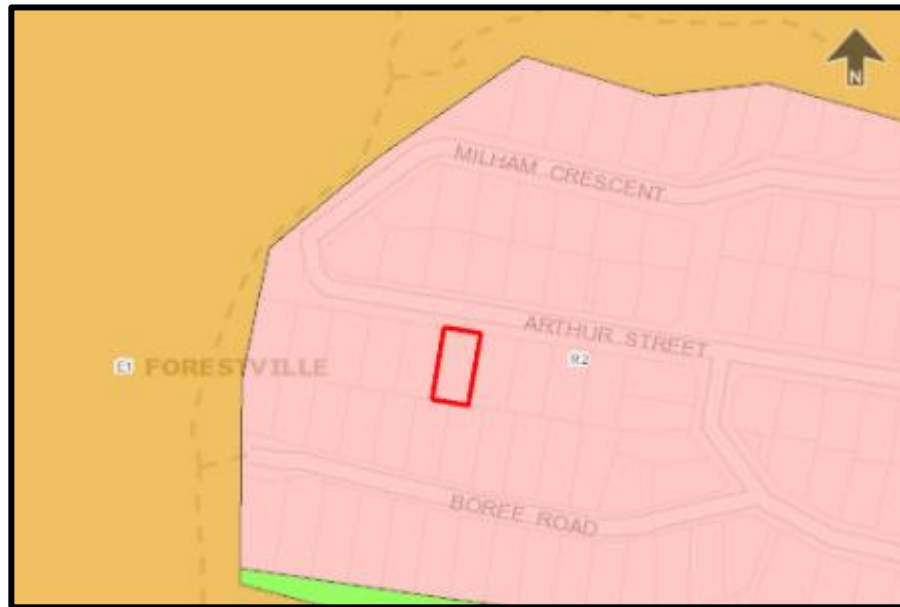
This modification to the ground levels internally may potentially be regarded as the determining ground level for the calculation of building height.

If it is determined that the internal ground level is the baseline for determining the building height, a Clause 4.6 request has been prepared and is included in the DA documentation.

4.0 PLANNING ASSESSMENT

4.1 Warringah Local Environmental Plan 2011

The site is zoned R2 Low Density Residential under the provisions of the Warringah Local Environmental Plan 2011 (LEP). An extract of the zoning map can be seen below.



ZONING MAP WITH SUBJECT SITE OUTLINED

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

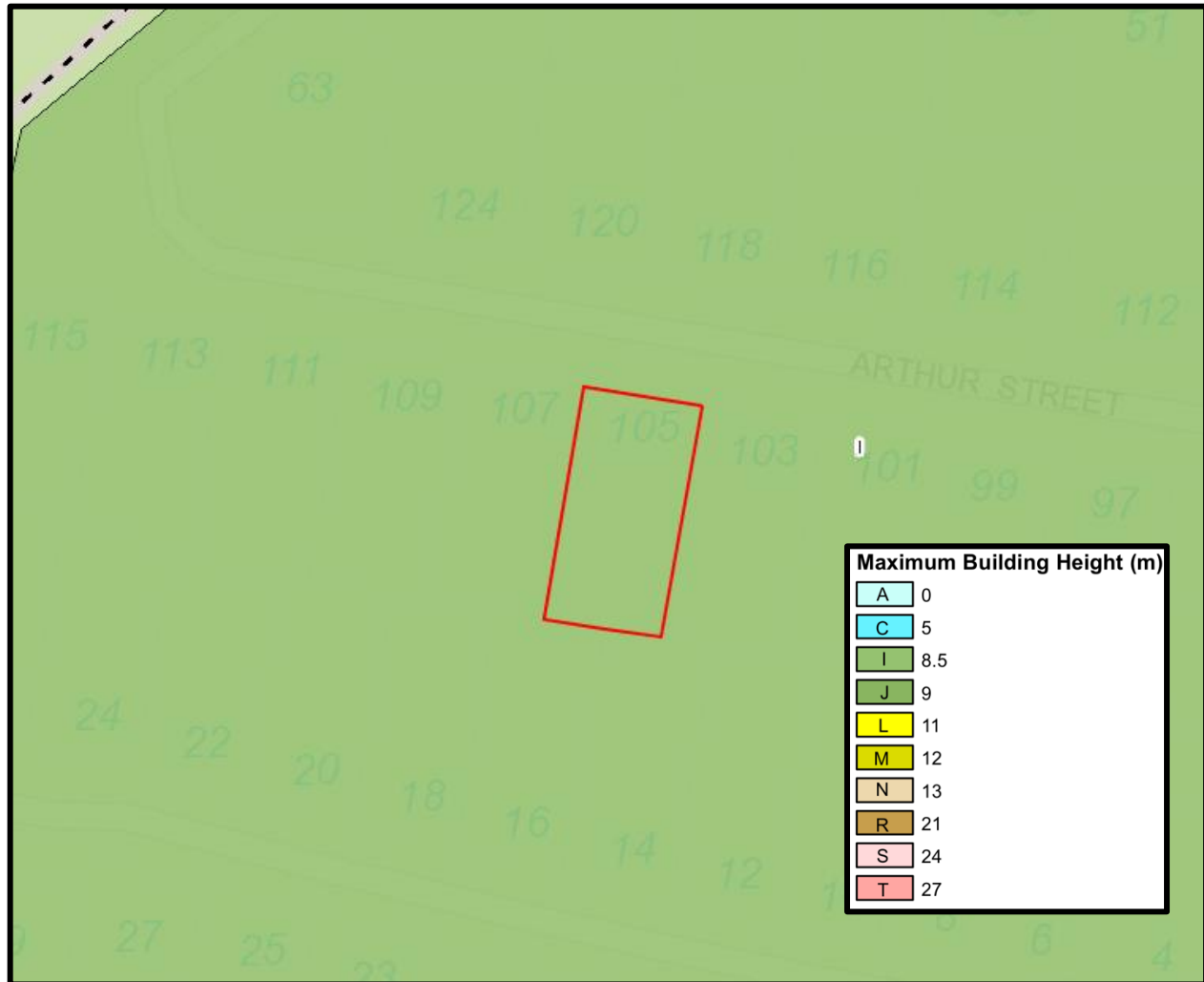
Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition 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

RESPONSE

The proposal, being alterations and additions to an existing dwelling, is a permissible use in the R2 zone.



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

STATEMENT OF ENVIRONMENTAL EFFECTS

105 ARTHUR STREET FORESTVILLE

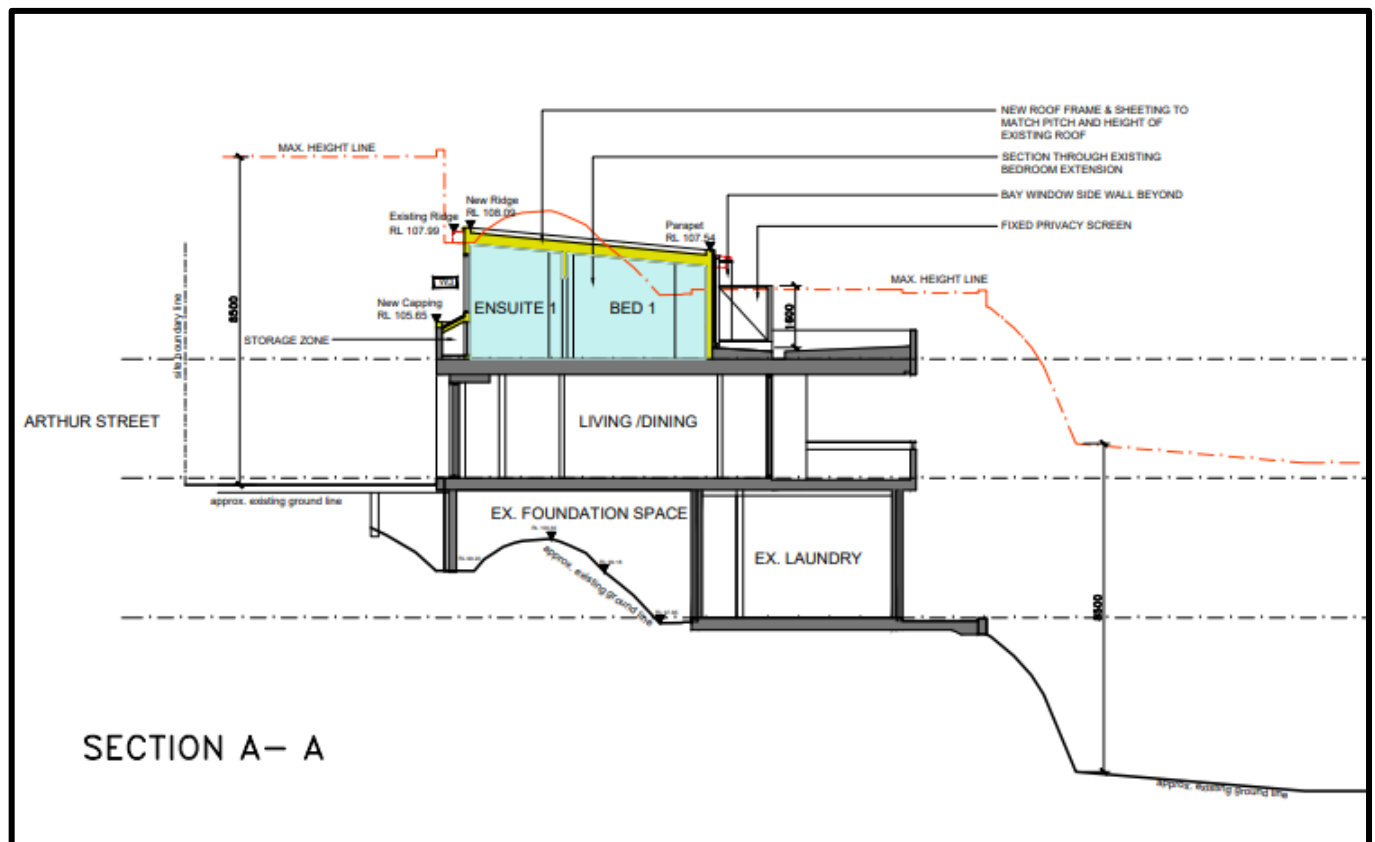
land on the Height of Buildings Map.

(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.

RESPONSE

The subject alterations and additions, due to the configuration of the existing ground level within the building footprint could be deemed non-compliant with the 8.5 metre maximum building height control.

To ensure that the assessment of the proposal is able to be carried out, the submitted documentation includes a Clause 4.6 request to address the compliance or otherwise with the maximum building height control.



SECTION THROUGH PROPOSED WORKS SHOWING 8.5M HEIGHT LINE

All 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.

RESPONSE

No earthworks are proposed.

4.2 Warringah Development Control Plan 2011

Part B General Controls

B1 Wall Heights

Applies to Land

This control applies to land shown coloured on the DCP [Map 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)*

RESPONSE

No change is proposed to the wall height.

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.*

RESPONSE

The above control limits the number of storeys on the subject site to a maximum of three. The proposal therefore accords with the subject control.

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.

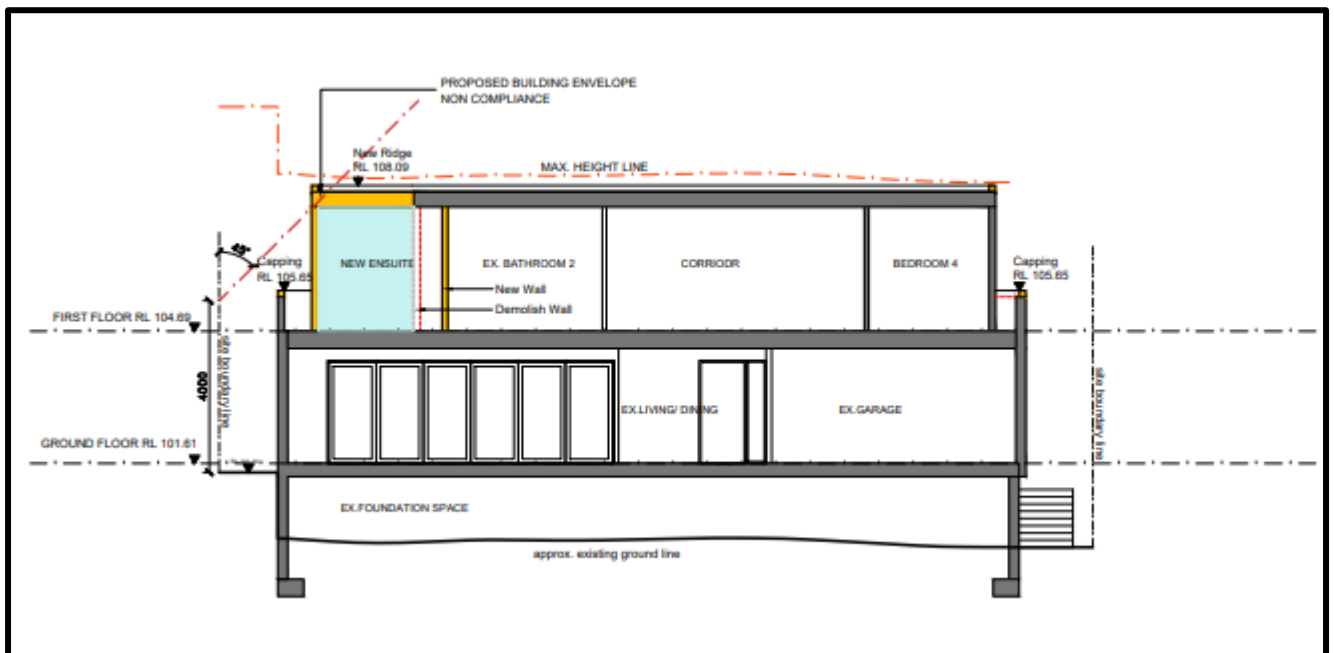
- *To ensure that development responds to the topography of the site.*

RESPONSE

The side boundary envelope comprises a 45° angle in which to the subject site at a height of 4 m above the existing ground level.

The subject proposal exhibits a minor non-compliance with this control as evidenced in the below section and elevations submitted with the application documentation.

The minor breach of this control does not result in any material impacts upon solar access to the private open space or living area windows of the adjacent site as shown on the accompanying shadow diagrams.



SECTION B-B SHOWING BUILDING ENVELOPE CONTROL

B5 Side Boundary Setbacks

Objectives

To provide opportunities for deep soil landscape areas.

STATEMENT OF ENVIRONMENTAL EFFECTS

105 ARTHUR STREET FORESTVILLE

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.

RESPONSE

The proposal, with a side boundary setback of over .9m to the side boundary is 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.*

RESPONSE

As existing.

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.*

RESPONSE

As existing.

Part C – Siting Factors

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.*

RESPONSE

As existing.

C4 Stormwater

Objectives

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

To minimise the risk to public health and safety;

To reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to

STATEMENT OF ENVIRONMENTAL EFFECTS

105 ARTHUR STREET FORESTVILLE

address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

RESPONSE

Stormwater generation will not require the provision of any additional stormwater detention device as there is no increase in the hard surfaces proposed as the subject proposal is to be constructed over the existing roof.

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.*

RESPONSE

As existing.

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.*

RESPONSE

Demolition will be carried out to accommodate the new upper level in a manner that does not substantially disturb or otherwise impact upon the fabric of the existing dwelling.

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.*

RESPONSE

The accompanying Waste Management Plan clearly prescribes the quantities of waste to be generated and the destination of any waste unable to be recycled or to be reused on the subject site.

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.*

RESPONSE

As existing.

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.*

RESPONSE

The private open space to the subject site will be preserved as existing whilst the accompanying shadow diagrams illustrate that the proposal will retain the requisite quantum of solar access to private open space to adjacent sites.

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.*

RESPONSE

The subject site is for a residential use only and any sound generating equipment installations will be subject to the standards prescribed under the

relevant legislation.

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.*

RESPONSE

The proposed works will not materially impact upon solar access to adjacent properties whilst the private open space of the subject site will be provided with solar access to accord with Councils controls.

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.*

RESPONSE

Views across the subject site from adjacent and nearby sites, including public spaces in the locality, will not be materially impacted upon

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.*

RESPONSE

Potential privacy impacts have been ameliorated by the provision of a privacy screen to the proposed upper level deck whilst the window in the West elevation is to contain obscure glazing.

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.*

RESPONSE

The location of the minimal additional amount of accommodation to the upper level will ensure that the proposal is visually consistent with the locality when viewed from surrounding streets, waterways and land zoned for public recreation purposes. When viewed from adjacent properties, the subject addition comprises a minimal extent of the depth of the subject site and as such does not impose unreasonable built forms upon the surrounding locality.

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.

RESPONSE

The proposed colours and materials of the proposal have been selected to ensure that when viewed in context with the existing dwelling, the colour will not be seen as a new element as some recladding and re-colouring of the existing structure is proposed.

A schedule of colours and finishes is included in the submitted documentation.

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.*

RESPONSE

The existing roof structure is to be extended across the additional floor area with a minor reconfiguration of the ridgeline to accommodate the new floorspace.

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.

RESPONSE

The proposed finishes to the new addition will be of low reflectivity.

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.*

RESPONSE

No changes are proposed to the front fences or front walls.

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.*

RESPONSE

Site facilities will remain generally in the existing locations on site.

D15 Side and Rear Fences

Objectives

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

RESPONSE

No changes are proposed to the side or rear fences.

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.*

RESPONSE

The proposal will not result in any loss of accessibility to the existing site.

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.*

RESPONSE

The submitted BASIX certificate provides sustainability criteria to be met by the proposal when constructed.

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.*

RESPONSE

No significant trees are to be removed as a result of the proposed works.

E2 Prescribed Vegetation

Objectives

STATEMENT OF ENVIRONMENTAL EFFECTS

105 ARTHUR STREET FORESTVILLE

- 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.

RESPONSE

As existing.

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.*

RESPONSE

Landscape is to remain as existing.

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*

RESPONSE

Landscape is to remain as existing.

E6 Retaining unique environmental features

Objectives

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

RESPONSE

The subject site does not contain any unique environmental features.

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.*

RESPONSE

The proposal has been assessed by CROZIER Geotechnical Engineers and a copy of this report is submitted with the DA documentation.

Recommendations within this report are to be incorporated into the construction documentation prior to the issue of the Construction Certificate.

C1.25 Plant, Equipment Boxes and Lift Over-Run

Outcomes

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

STATEMENT OF ENVIRONMENTAL EFFECTS

105 ARTHUR STREET FORESTVILLE

Equitable preservation of views and vistas to and/or from public/private places.

To achieve reduction in visual clutter.

The appropriate location and design of noise generating equipment.

RESPONSE

No additional plant is proposed.

5.0 SECTION 4.15 Evaluation

7.6 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

RESPONSE

The relevant provisions of the Warringah LEP have been addressed in the body of this Statement.

(iii) any development control plan,

RESPONSE

The relevant provisions of the Warringah DCP have been addressed in the body of this Statement.

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,

RESPONSE

No planning agreements apply to the proposal.

and

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

RESPONSE

The relevant regulations have been given due regard in the construction of this Statement.

and

(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,

RESPONSE

The body of this Statement describes the potential impacts upon the natural and built environments and the mechanisms to be incorporated to reduce or prevent these impacts upon the locality.

(c) the suitability of the site for the development,

RESPONSE

The subject site, by virtue of its existing layout, topography and locality is suitable for the proposal.

(d) any submissions made in accordance with this Act or the regulations,

RESPONSE

Any submissions received in response to Councils notification of the proposal will be considered as part of Councils assessment of the proposal.

(e) the public interest.

RESPONSE

The proposal endorses the public interest by limiting the impact of the proposal to the existing footprint and overall height.

(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

© 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).

(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

© may consider those provisions only in connection with the assessment of that development application. In this subsection, standards include performance criteria.

(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.

Environmental Planning Instruments

The proposal is a permissible use within the R2 Zone.

Development Control Plans

This is addressed in the body of this SEE.

Impact on the Natural Environment.

The proposal is unlikely to unreasonably impact upon heritage values, flora and fauna, soil or water quality, air quality or the conservation of natural resources due to the sensitive location of the works within the existing building footprint.

Impact on the Built Environment.

Scenic qualities – the proposal is consistent with the current and future character of the area as expressed within the provisions of Councils planning controls.

Compatibility with adjacent land uses – The proposal is for a residential use, compatible with surrounding residential uses.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing development, topography and locality is suitable for the proposal.

6.0 CONCLUSION

The subject proposal seeks to respect the existing dwelling as it is modest in its extent and will not materially impact upon the locality whilst the completed proposal will satisfactorily integrate with the existing upper floor appearance and finishes.

The potential breach of the maximum height control needs to be seen in its context as it is a result of modifications to the internal ground level of the subject dwelling which potentially could be construed as the ground level.

The sections contained within the architectural drawings clearly indicate the extent of the breach but also clearly indicate the potential height that could be achieved if the internal ground levels are used as a benchmark.

The proposal by virtue of its limited scale, sensitive location and proposed finishes will satisfactorily integrate with the locality with no material impacts upon public or private open space or view corridors and as such is worthy of consent.

LANCE DOYLE

REGISTERED PLANNER

AUGUST 2021