

## Colco Consulting Pty Ltd

Planning and Development Consultants

ABN: 33 106 423 303

29a Amiens Road Clontarf NSW 2093

Ph/Fx: 61-2-9949 6304 Mb: 0404 805 671

email: wayne.collins3@bigpond.com

**STATEMENT OF ENVIRONMENTAL EFFECTS** – Development application for consent to construct of a double carport at the front of the property within the front setback and adjacent to the neighbour's garage; front gate and a small open pergola at the rear. It's noted that alterations and additions are presently under construction in accordance with complying development certificate No.201816MAR; CDC2018/1257 and NOC2018/1829. Property Lot 22 DP No. 18253 and known as 16 Mary Street, Beacon Hill.

### CONTENTS

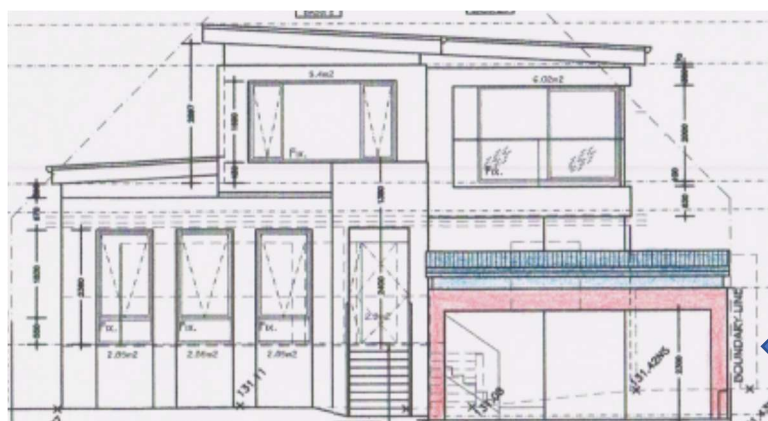
1.0.	Introduction and Documents
2.0.	Property Description, Brief History and consents.
3.0.	Site Analysis, Existing Improvements and Surrounding Locality
4.0.	Proposal
5.0.	Planning Controls and Other Legislation Relevant to the Site and Proposal
6.0.	Environmental Effects Assessment of Applicable Planning Controls: 6.1. Assessment Against Planning Controls – Assessment Tables 6.1.1. Environmental Planning and Assessment Act Section 4.15. 6.1.2. Warringah Local Environmental Plan 2011 (WLEP) 6.1.3. Warringah Development Control Plan 2011 (WDCP) 6.1.4. SEPP 55 – Remediation of Land
7.0.	Conclusion; and Attachments



Existing Property Streetfront - Carport to go where the Blue Bin is and adjacent to neighbouring garage



Neighbouring Property-Garage on Mary Street Front alignment and along the side boundary.



Front Elevation of Proposed Carport (coloured) and arrow

12 March 2019

**Note:** This document has been prepared by for the nominated client. Reproduction of all or part of this document is prohibited without prior permission of Colco Consulting Pty Ltd.

## Colco Consulting Pty Ltd

Planning and Development Consultants

**STATEMENT OF ENVIRONMENTAL EFFECTS** – Development application for consent to construct of a double carport at the front of the property within the front setback adjacent to the neighbour's garage; front gate and a small open pergola at the rear. It's noted that alterations and additions are presently under construction in accordance with complying development certificate No.201816MAR; CDC2018/1257 and NOC2018/1829. Property Lot 22 DP No. 18253 and known as 16 Mary Street, Beacon Hill.

### 1.0. Introduction and Documents

1.1. This statement is prepared to accompany a development application for consent to construct a double carport, front gate and small pergola. It is noted that the adjoining property to the East on corner of Mary Street and O'Connor Street (No. 7 O'Connor Street) has an existing garage located along the front alignment in Mary Street and along the side boundary of 16 Mary Street.

1.2. The original dwelling is currently under construction for alterations and additions for a first floor and swimming pool approved by the issue of a Complying Development certificate – details in the Northern Beaches Council records.

1.3. Drawings and documents accompanying the application are:

Document	Ref.	Prepared By	Date
Site Plan As under construction-with added carport	DA01	Peter Zavaglia Design Studio	Sept 2018
Proposed Ground floor plan	DA03	Ditto	Ditto
Proposed roof plan	DA05	Ditto	Ditto
Proposed Elevations	DA06-07&09	Ditto	Ditto
Calculations Plan	DA10	Ditto	Ditto
Survey report	16MaryA	N.L. Hayes Pty Ltd Surveyors	01.12.17
Statement of Environmental Effects		Colco Consulting Pty Ltd	12.03.19

1.4. This Statement assesses compliance with relevant planning controls and objectives applicable to this structure and identifies compliance and impacts of the proposal on adjoining properties and locality. This development application should be read in conjunction with supporting documents; current and past consents and complying development documents.

### 2.0. Property Description, Brief History and Consents

2.1. The property is legally described as Property Lot 22 DP No. 18253 and known as 16 Mary Street, Beacon Hill upon which is erected a single dwelling with alterations and additions now under construction. The dimensions of the land are 15.240m x 15.240m by 30.480 x 30.480m with an area of 464.2m<sup>2</sup>.

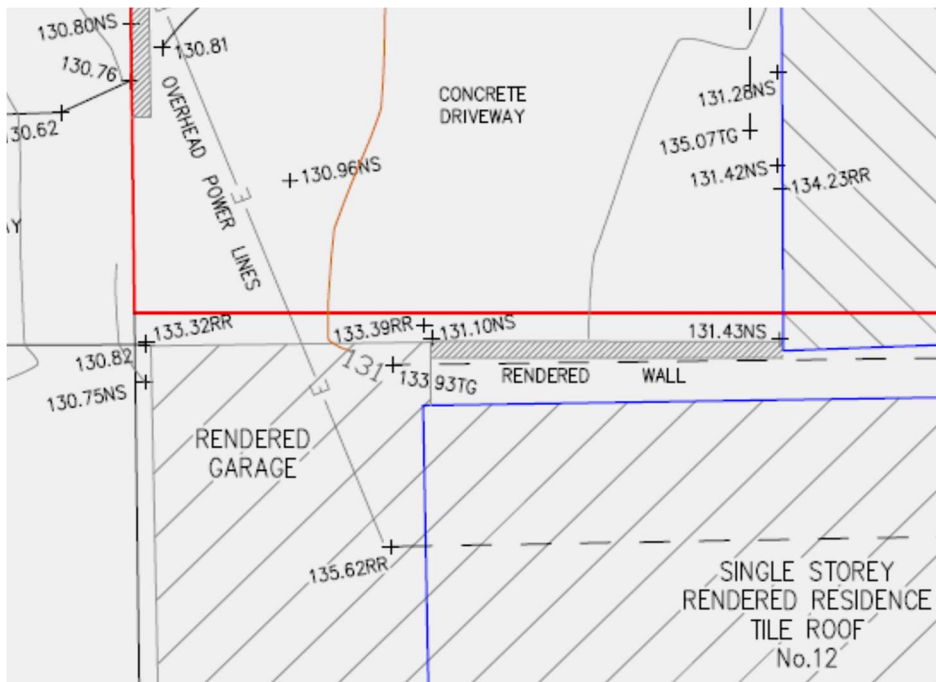
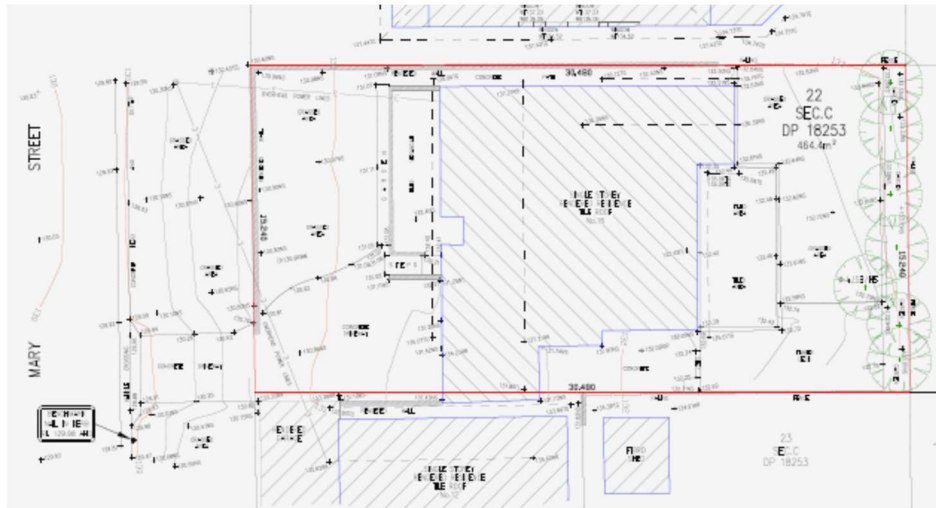
2.2. Alterations and additions to the original dwelling are now under construction for a first floor and swimming pool in accordance with complying development certificate No. 201816MAR/CDC2018/1257 and NOC2018/1829 with this information appearing on the Northern Beaches Council Property information web site.

### 3.0. Site Analysis, Existing Improvements and Surrounding Locality

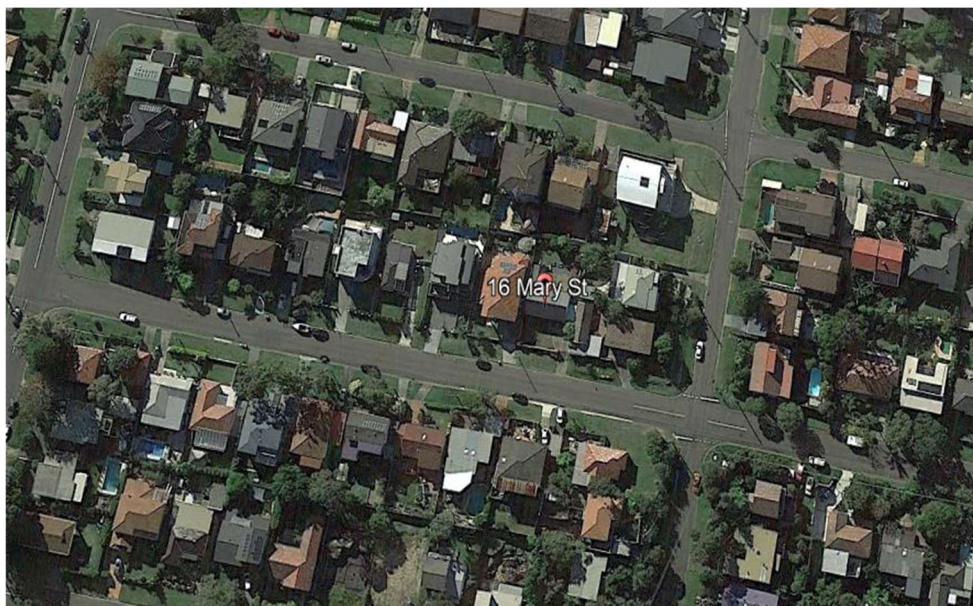
3.1. The land is rectangular in shape with dimensions 15.240m x 15.240m by 30.480 x 30.480m with an area of 464.2m<sup>2</sup> and is relatively flat across the land with a slight rise from front to rear of approximately 2500mm. Levels across the front and across the rear are:

- Front boundary – South west corner – RL130.69 and South east corner boundary – RL130.96
- Rear boundary – North west corner – RL133.20 and north east corner boundary - RL133.01.

**Refer to detail survey submitted with the application and extract below.** Note: That the previous single carport was partly located in the neighbouring property.



3.2. The property is located on the northern side of Mary Street between Government Road and O'Connor's Road. See Google aerial photo [below](#).





3.3. The property is within a developed residential locality mostly being substantial two storeys with some single storey dwellings with double garages; and some with swimming pools and various properties with carports and garages within the front setback area (refer to example photos below indicated with arrows).

3.4. It is noted that the adjoining property to the East on corner of Mary Street and O'Connor Street (No. 7 O'Connor Street) has an existing garage located on the Mary Street alignment and on the side boundary. Also, there are various examples in the street and locality of carports and garages located within the front setback areas – examples indicated in the photos below.



#### 4.0. Proposal

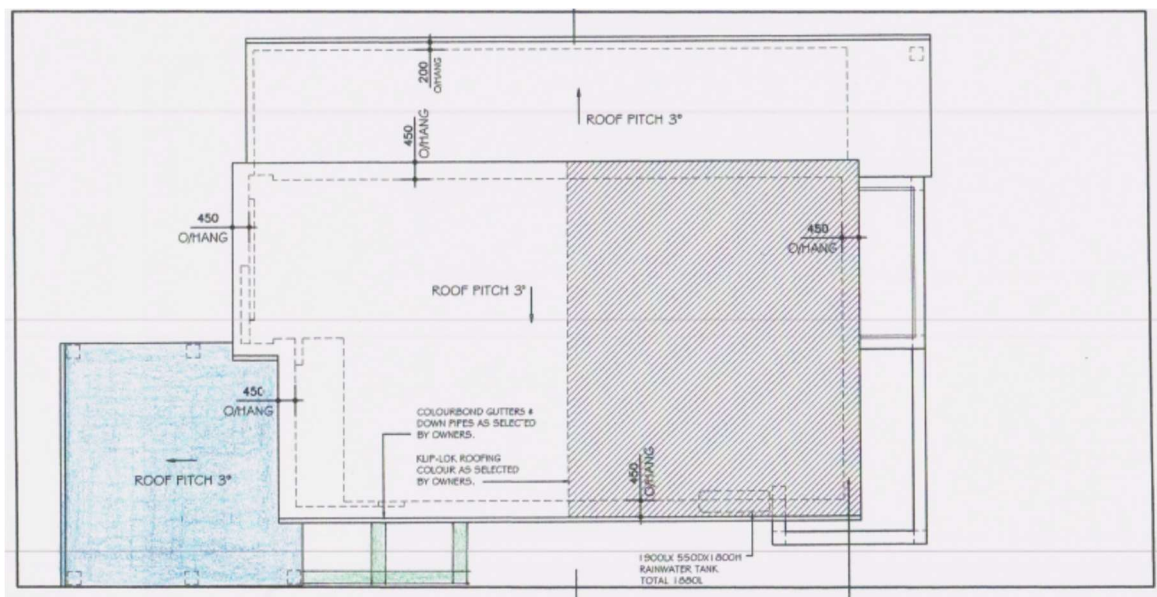
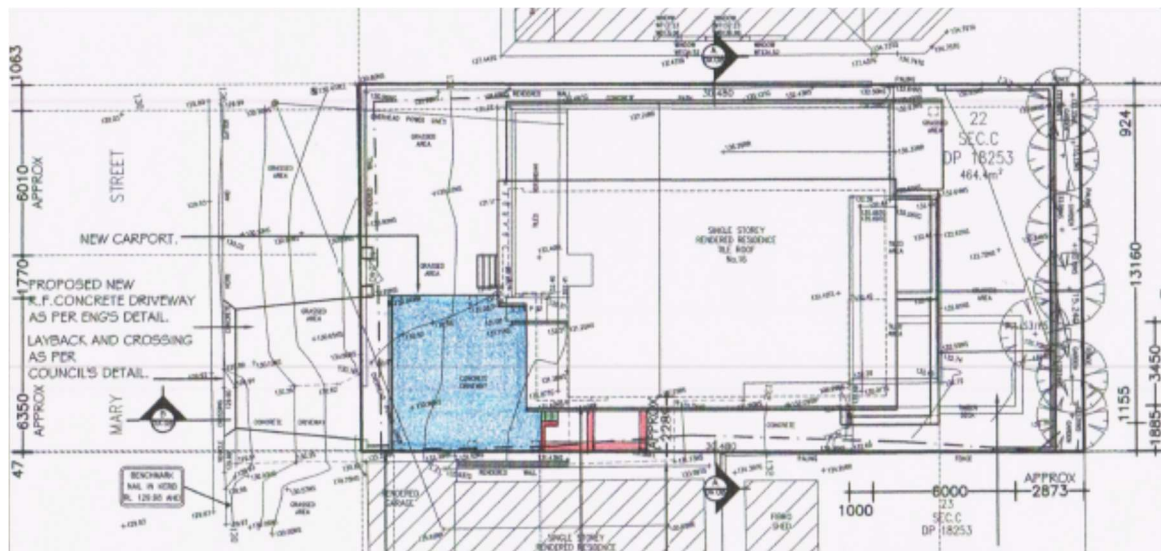
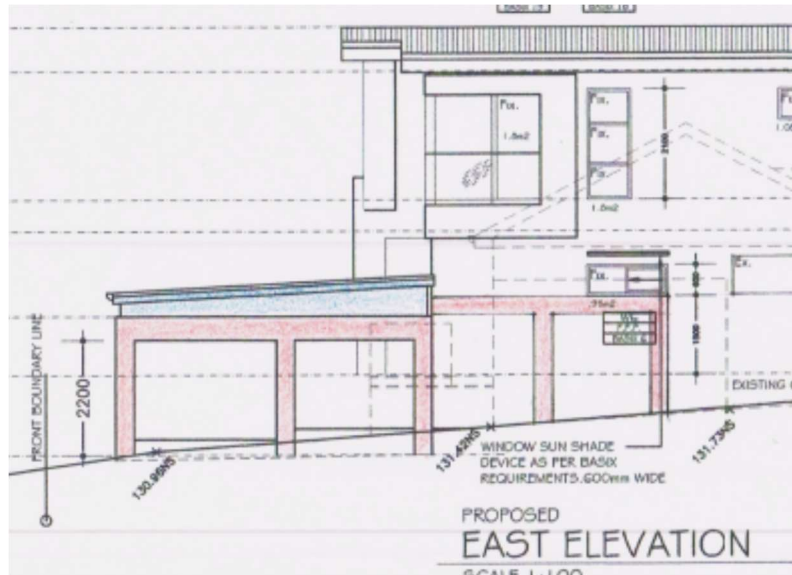
4.1. To construct a double carport located within the front setback area adjacent to the existing garage on the neighbouring property, front gate and a small pergola at the rear. The proposed location is indicated in the photos below where the blue bin is shown below. The adjoining garage on the neighbour's nproperty is also shown.



Existing Property Streetfront - Carport to go where the Blue Bin is and adjacent to neighbouring garage.



Neighbouring Property-Garage on Front Alignment and along the side boundary.



Above - Plan of proposed carport and pergola

## 5.0. Planning Controls and Other Legislation Relevant to the Site and Proposal.

5.1. The following controls apply to the property:

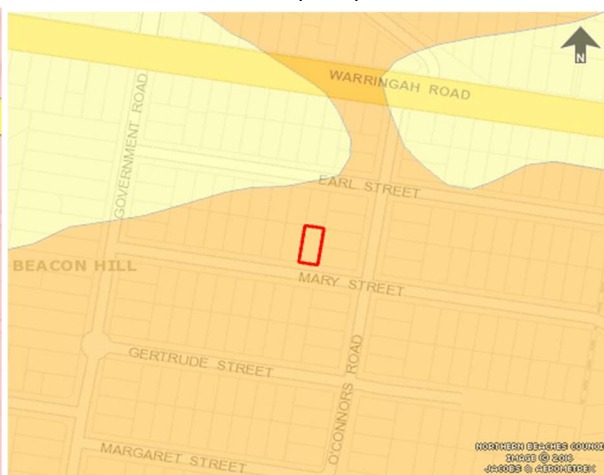
- Environmental Planning and Assessment Act 1979 as amended.
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011.

5.2. Extracts from WLEP Maps

1. WLEP 2011 Land Zone Map



2. WLEP 2011 Land Slip Map



## 6.0. Environmental Effects Assessment of Applicable Planning Controls – Assessment Tables:

### 6.1. Assessment of Proposal against Planning Controls – Assessment Tables

#### 6.1.1. Environmental Planning and Assessment Act 1979 No 203 - Section 4.15 Evaluation

Section 4.15 of the EP&A Act details the relevant matters that a consent authority is to consider in determining a development application in summary as follows:

(a) The provisions of:

1. Any environmental planning instrument, and
2. Any proposed instrument that is or has been the subject of public consultation and notified to the consent authority.
3. Any development control plan, and
4. Any planning agreement entered into under Section 7.4, or any such draft planning agreement that a developer has offered to enter into under section 7.4, an
5. The regulations (to the extent they prescribe matters etc) that apply to the land to which the development application relates
6. Any coastal zone management plan within the meaning of the Coastal Protection Act 1979 that apply to the land.

(b) The likely impacts of that development on the natural and built environments and social and economic impacts in the locality.

(c) The suitability of the site for development.



- (d) Any submission made in accordance with the Act or regulations.  
 (e) The public interest.

Clause 4.15 section (2) relates to Compliance with non-discretionary development standards; (3) Instrument or regulation contains non-discretionary development standards, (3A) Development Control Plans not to require more onerous standards with respect to a development.

#### **6.1.1. Environmental Planning and Assessment Act Section 4.15 (previously 79C) – Assessment Table**

**Proposed** – To construct a double carport located within the front setback area adjacent to the existing garage on the neighbouring property, a front gate and a small open pergola at the rear.

<b>EP&amp;A ACT 1979 SECTION 4.15 EVALUATION (PREVIOUS 579C)</b>		
<b>Planning Control</b>	<b>Instrument/Control</b>	<b>Comment</b>
Any environmental planning instrument.	Warringah Local Environmental Plan 2011 (WLEP)	1. Proposed development is permissible, complies with the Residential R2 zone and is in accord with the WLEP objectives and numerical controls. 2. There are no apparent unsuitable site issues and is in keeping with adjoining development and along Mary Street and locality 3. Planning controls are assessed in accompanying tables. 4. The site is suitable for the development.
Any proposed instrument that is or has been the subject of public consultation and notified to the consent authority.	None applicable	
Any development control plan	Warringah Development Control Plan 2011(DCP)	1.Does not comply with the WDCP front setback control; however, complies with the street pattern and the DCP objectives. 2. Assessed within accompanying WDCP table.
Any planning agreement that has been entered into under Section 7.4	None applicable	
The regulations (to the extent that they prescribe matters for the purposes of this paragraph)	None applicable	
The likely impacts of the development including environmental impacts on both the natural and built environments and social and economic impacts in the locality	EP&A Act and Warringah LEP 2011	1. This is an existing dwelling with alterations and additions under construction to which it is proposed to erect a double carport setback from but within the front setback control area. 2. The proposal is sympathetic to the site, the existing garage development on the neighbouring property and similar structures in the street and locality. 3. No negative impacts on the streetscape. 4.The site is suitable for the development no social or economic impacts.
Suitability of Site for the development		The site improvements and land use are existing, and the business operates in accordance with appropriate consents. The proposal does not change the use and relates only to a change of evening hours and provision of outdoor footpath dining. The site is suitable for development application proposed.
Any submission made in accordance with the Act or Regulations.		Council will consider any submissions received following notification (if required).
The public interest.		The proposal provides public benefit and serves the needs of visitors, local residents and visitors as provided for in the B2 Zone.
<b><u>ASSESSMENT CONCLUSION – EP&amp;A ACT</u></b>		
1. The proposed use is permissible and complies with the land zone. 2. The proposal is in accordance with the Warringah LEP planning controls and objectives with a non-compliance with the Warringah DCP front setback numerical control which is assessed in the WDCP assessment table. 3. The proposal is similar to existing carports and garages constructed on the front boundary and within the front boundary setback; and has no negative impact on the streetscape. 4. The proposal complies with the requirements of the Environmental Planning and Assessment Act Section 4.15 Evaluation; and is considered appropriate for the land and locality.		

**6.1.2. Warringah Local Environmental Plan (WEP) 2011 –Assessment Table - Critical LEP Controls**

**Proposed** – To construct a double carport located within the front setback area adjacent to the existing garage on the neighbouring property, a front gate and a small open pergola at the rear.

Planning Control	Zoning/Control	Com ply	Comment
Warringah Local Environmental Plan 2011	Zone R2 Low Density Residential. Permits dwelling houses and includes garaging for vehicles, carports, swimming pools and other structures - with consent.	YES	The proposal provides for the needs of a modern family living and enjoying the locality with a need to locate two vehicles off the street and on site.
WLEP 2011 R2 Zone Objectives -(Clause 2.3(2))	1. Provide for the housing needs of the community in a low-density residential environment. 2. Enable other land uses that provides facilities or services to meet the day to day needs of residents. 3. Ensure the low-density residential environments are characterised by landscaped settings in harmony with the natural environment of Warringah.	YES	The proposal provides for the needs of a modern family living and enjoying the locality with a need to locate two vehicles off the street and on site.
4.3 Height of Buildings - (Clause 4.3(2))	Not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum height for this land is 8.5metres	YES	Single level carport.
4.6. Exceptions to Development Standards	Objectives include: 1. Provide an appropriate degree of flexibility in applying certain development standards. 2. Achieve better outcomes from development by allowing flexibility.	N/A	An exception is not required as the proposal complies with the WLEP.
Preservation of trees or Vegetation – (Clause 5.9)	Preserve the amenity of the area including biodiversity values through the preservation of trees and other vegetation.	YES	No loss of native vegetation required.
5.10. Heritage Considerations	Conserve local environmental heritage and items of heritage significance.	N/A	
5.11. Aboriginal Heritage	Ditto	N/A	Not known Aboriginal heritage area.
6.2 Earthworks (Clause 6.2)	Likely detrimental effects of earthworks on existing and likely amenity of the site and adjoining properties; likelihood of disturbing relics; and potential to adversely impact on any watercourses and environmentally sensitive area.	YES	Very limited excavation required only to accommodate concrete slab floor.
6.4 Sloping Land/Landslip/Geotech (Clause 6.4)	Applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map. The subject land is in Area B. Development is not to cause significant detrimental impact on stormwater discharge from the site and not impact on existing subsurface flow conditions.	YES	Proposal will have no impact – excavation required only for concrete slab on an almost level site.
<b>PART 7-ADDITIONAL LOCAL PROVISIONS</b>			
7.1. Acid Sulfate Soils	Site is classified on Council's Soil Map as Class 5. Excavation of site may require geotechnical assessment in relation to proposed excavations. Objective to ensure development doesn't disturb, expose or drain acid sulfate soils and cause environmental damage.	YES	Excavation required only for concrete slab on an almost level site. Geotechnical assessment not required.
7.2. Earthworks	Not to have a detrimental effect on environmental functions and processes, neighbouring uses.	YES	Refer to comments in clause 6.4 and 7.1 above which also apply to clause 7.2.
7.6. Biodiversity Protection	Development to protect the natural biodiversity of the locality. To consider whether the development is likely to have any adverse impact on the condition, ecological value and significance of fauna	YES	The entire site has previously been developed over a period of many years and appears to have no ecological value or flora and fauna.



	and flora on the land or any adverse impact on the habitat and connectivity on the land; and any appropriate measures proposed to avoid any such impact.		
7.7. Geotechnical Hazards	Land is classified Geotech Hazard B. The matters to be considered in the design of structures and in the required assessment and report by a Geotech engineer are stated in clause 7.7 of the LEP and include site layout, access, design and construction methods, amount of cut and fill proposed, waste water management, storm water and drainage, geotechnical constraints of the site; and appropriate measures to be taken to avoid, minimise or mitigate the impacts of the proposed development.	YES	<p>1. Refer to comments in clauses 6.2 and 6.4 above which also apply to clause 7.7.</p> <p>2. The entire site has been developed over many years.</p> <p>3. All proposed work shall be in accordance with prevailing site conditions, noting that the excavation proposed is small and relates to minor excavation to accommodate the concrete floor slab.</p>

#### ASSESSMENT CONCLUSION - WARRINGAH LEP 2011

The proposed development for a double carport, front gate and pergola at the rear is permissible under the WLEP and is considered:

- To be compatible with the WLEP; existing street pattern and locality.
- To display no negative/minimal environmental impacts.
- The front setback and side boundary setbacks are addressed in the assessment of the Warringah Development Control Plan. The noncompliance with DCP numerical controls considered permissible and acceptable.


#### **6.1.3. Warringah Development Control Plan (WDCP) Assessment Table - Relevant Controls**

**What is a DCP?** A development control plan is a second-tier planning document with its importance significantly below that of an LEP, being basically as follows:

1. A development control plan provides detailed planning and design guidelines to support the applicable LEP.
2. A development is required to comply with the relevant LEP. However, the DCP is there to provide guidance and is to be flexibly applied.
3. A proposal should be compliant with the LEP and be generally consistent with a relevant DCP.
4. A failure to strictly comply with the standards in a DCP is not, of itself, a reason for refusing an otherwise LEP compliant development. Instead, the consent authority should consider alternative solutions which generally achieve the objects of the DCP.

**Proposed** – To construct a double carport located within the front setback area adjacent to the existing garage on the neighbouring property, a front gate and a small open pergola at the rear.

DCP Control	Control Standard	Comply	Comment
Site Area (m2) and Density	1 dwelling per 600m2 excluding existing allotments.	N/A YES	Existing allotment of 464.4m2.
Land Use Zoning/Category	Residential R2	YES	Carport is permissible
PART B-BUILT FORM CONTROLS			
B1 Wall Heights	Maximum 8.5 metres	YES	Single storey carport
B2- Number of Storeys	In accord with DCP map.	YES	
B3-Side Boundary Envelope and Side Setback	Building envelope determined at 45 degrees from 4 metres above boundary - minimum side setback of 0.9m with provision for carports and garages to be built on the side boundary.	YES	

B5-Side Boundary Setbacks	<p>0.9 metres for R2 land zone with provision for carports and garages to be built on the side boundary.</p> <p><b>Summary – Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide opportunities for deep soil landscape areas.</li> <li>• To ensure that development does not become visually dominant.</li> <li>• To ensure that the scale and bulk of buildings is minimised.</li> <li>• To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</li> <li>• To provide reasonable sharing of views to and from public and private properties.</li> </ul> <p><b>Requirements</b> Development on land shown coloured on 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.</p> <p><b>Exceptions</b> Land Zoned R2 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</p>	YES/ NO	<p>1. The proposed carport is to be located along the eastern side boundary and accords with the existing garage structure on the adjoining property to the east - refer to photo in clause 3.3 and 4.1 of this report – and photos below:</p>  <p><b>NOTE: Existing neighbours' garage to right arrowed, and area of proposed carport is where the skip bin is shown above.</b></p> <p><b>2. Exceptions Provision:</b> The WDCP provides for Exceptions for Land Zoned R2 for ancillary structures to a dwelling including a single storey outbuilding carport, pergola or the like.</p> <p>3. There are no apparent negative impacts on any neighbour at the rear or on either side. See also Merit assessment application in clause 6.1.3.1 of this report. (*)</p>
B6-Merit Assessment Side Boundary Setbacks	<p><b>Summary - Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide ample opportunities for deep soil landscape areas.</li> <li>• To ensure that development does not become visually dominant.</li> <li>• To ensure that the scale and bulk of buildings is minimised.</li> <li>• To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.</li> <li>• To provide reasonable sharing of views to and from public and private properties.</li> </ul> <p><b>Requirements</b> 1. Side boundary setbacks will be determined on a merit basis and will have regard to:  <ul style="list-style-type: none"> <li>• streetscape;</li> <li>• amenity of surrounding properties; and</li> <li>• setbacks of neighbouring development</li> </ul> 2. Generally, 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.</p>	YES	<p><b>Refer to comments in B5 above; and Merit assessment to build on the side boundary submitted. Refer to clause 6.1.3.1 of this report. (*)</b></p>
B7-Front Setback	<p>6.5 metres or average of adjoining property setbacks.</p> <p><b>Summary – Objectives</b></p> <ul style="list-style-type: none"> <li>• Create a sense of openness.</li> <li>• Maintain the visual continuity and pattern of buildings and landscape.</li> <li>• Protect and enhance the visual quality of</li> </ul>	NO/ YES	<p>1. The proposed setback is 1327mm approximately and it is not physically possible to increase the setback.</p> <p>2. We have assessed the proposal on the basis of the existing site limitations and existing carports and garages immediately adjoining to the east, across the road opposite the subject site and</p>

	streetscapes and public spaces. • Achieve reasonable view sharing.  Requirements 1. Development to maintain a minimum setback to road frontages. 2. Front setback area is to be landscaped and generally free of structures.		others in the locality. Examples of garages and carport structures within the front setback are provided in clause 3.1 and 4.3 of this report. 3. We consider the proposal is appropriate for the site and should be approved. See also Merit justification assessment in Clause 6.1.3.2 of this report. (**)
B8- Merit Assessment Front Boundary Setback	<b>Summary – Objectives</b> • To create a sense of openness. • To provide opportunities for casual surveillance of the street. • To provide opportunities for deep soil landscape areas and aesthetic improvements. • To protect and enhance the visual quality of streetscapes and public spaces. • To achieve reasonable view sharing. Requirements The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the: • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development.	YES	1. Merit assessment required. 2. The proposed setback of the carport is 1327mm approximately and constructed along the eastern boundary in accord with the garage structure on the adjoining property – refer to photos in this report. 3. We have assessed the proposal on the basis of the existing site limitations and existing carports and garages immediately adjoining to the east, across the road opposite the subject site and others in the locality. Examples of garages and carport structures within the front setback are provided in clause 3.1 and 4.3 of this report. 4. We consider the proposal is appropriate for the site and should be approved.  See also Merit justification assessment in Clause 6.1.3.2 of this report. (**)
B9-Rear setback	6 metres; however, exceptions are made for swimming pools and outbuildings.	N/A	
PART C-SITING FACTORS			
C2-Traffic, Access and Safety	<b>Summary – Objectives</b> 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. <b>Requirements</b> 1. Applicants to demonstrate that the location of vehicular and pedestrian access meets the objectives. 2. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.	YES	
C3-Parking	<b>Summary - Objectives</b> • 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. <b>Requirements</b> • 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. Off street parking is to be provided within the property. • Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.	YES	Two (2) off-street parking spaces required and are proposed to be provided.

C4- Stormwater	Compliance with Council's Stormwater Drainage Design Guidelines – Minor works. Impervious area greater than 50m2	YES	Drained to existing stormwater system to the Council street system.
C5-Erosion and Sediment control	Management of soil and water required	YES	
C7-Excavation and Landfill	Site stability – Landslip Area	N/A	
C8-Demolition and Construction	Waste management control	YES	
C9-Waste Management	On-site waste management and storage	N/A	
PART D- DESIGN			
D1-Landscaped Open Space	Minimum 40% of site area = 464.2m2. 464.2m2x40% = 185.68m2 with minimum dimensions of 2mx2m.	YES	Existing site area = 464.4m2 Landscape area over 2m2 = 198m2 = 42.63%. Refer to architects' calculations on drawing No. DA10-10
D2- Private Open Space	60m2 per dwelling with 3 or more bedrooms accessible from a living area.	YES	
D5- Energy Usage, Efficiency, Sustainability.	Compliance with BASIX and energy efficiency rating requirements.	N/A	Not applicable to carports.
D6-Access to Sunlight	Sunlight to at least 50% of private open space to adjoining properties not to be less than 2 hours between 9am and 3pm on the winter solstice.	YES	No impact on neighbouring properties.
D7-Views	View sharing to be maintained	YES	No impact
D8-Privacy	Development not to cause unreasonable overlooking of habitable rooms and principal private open space.	YES	No impact
D9-Building Bulk	Buildings/structures to have visual bulk and architectural scale consistent with locality	YES	
PART E- NATURAL ENVIRONMENT			
E1-Private Property Tree Management	Impact on trees to be supported by Arborist report	N/A	
E2-Prescribed Vegetation	Not identified	N/A	
E3-Threatened Species	Not identified	N/A	
E4-Wildlife Corridors	Not identified	N/A	
E5- Native Vegetation	Not identified	N/A	
E6-Retention of Unique Environmental Features	Not identified	N/A	
E10-Landslip Risk	Land Slip Risk Map – Part Area B.	YES	
E11- Flood Prone Land	Not identified	N/A	
<p><b>ASSESSMENT CONCLUSION - WARRINGAH DCP 2011</b></p> <p>The proposed development for a double carport, front gate and pergola at the rear in our opinion:</p> <ul style="list-style-type: none"> <li>Is compatible with the WDCP; the existing and changing street pattern as evidenced by major alterations and additions and new dwellings; the locality generally; and examples of garages and carports constructed within the front setbacks and also on a side boundary as referred to in this report.</li> <li>The non-compliance's with the WDCP numerical controls for front setback and construction on the side boundary are merit based permissible and considered appropriate and acceptable for the reasons stated in the Merit considerations contained in this assessment.</li> <li>These non-compliances have no environmental impacts – do not cause overshadowing or loss of any existing views or negative impact on the streetscape. Absolute numerical compliance is not possible and to require such would be pointless and serve no useful purpose.</li> </ul>			



### 6.1.3.1. (\*) Merit Assessment – B6 Side Boundary Setbacks

#### B6 Merit Assessment of Side Boundary Setbacks – with regard to:

- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development

Objective	Assessment
To provide ample opportunities for deep soil landscape areas.	The landscape plan shows that landscaping of the front yard area of the site will be landscaped including shrubs and trees as indicated.
To ensure that development does not become visually dominant.	The carport is open with a low roof and is not visibly dominant; and far less than other garages and carports in the street and locality. The pergola is located behind the carport and on the eastern side of the dwelling and has no negative impacts.
To ensure that the scale and bulk of buildings is minimised.	The proposal is low scale and bulk minimal.
To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.	The proposal is set along the boundary of the neighbouring garage with the pergola at the rear and does not interfere in amenity of solar concerns.
To provide reasonable sharing of views to and from public and private properties.	There are no views impacted by the proposal.

1. The proposed carport is to be located along the eastern side boundary and accords with the existing garage structure on the adjoining property to the east - refer to photo in clause 3.3 and 4.1 of this report – and photos below:



**NOTE:** Existing neighbours garage to right arrowed is constructed along the front boundary of Mary Street and the side boundary of the subject site. It is considered far more appropriate to construct an open carport or No. 16 Mary Street along the same side boundary rather than elsewhere as it consolidates the structures rather than spread them along the street.

**The location of the proposed carport is where the skip bin is shown above.**

**2. Exceptions Provision:** The WDCP provides for Exceptions for Land Zoned R2 for ancillary structures to a dwelling including a single storey outbuilding, carport, pergola or the like and we have considered the proposal on that basis and the criteria for merit determination.

3. There are no apparent negative impacts on any neighbour at the rear or on either side.

#### CONCLUSION

The non-compliance's with the WDCP numerical controls for the side boundary setback is merit based permissible under the WDCP, complies with the WDCP objectives for the standard and considered appropriate and acceptable for the reasons stated – streetscape, amenity of neighbours and surrounding properties; and existing setback of adjoining property and others in the street and locality.

**6.1.3.2. (\*\*) Merit Assessment - B8 -Front Boundary Setback – with regard to:**

- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development.

Objective	Assessment
Create a sense of openness.	
Provide opportunities for casual surveillance of the street.	The carport and pergola are open structures with low roof to the carport; and will not impede casual surveillance of the street.
Provide opportunities for deep soil landscape areas and aesthetic improvements.	The landscape plan shows that landscaping of the front yard area of the site will be landscaped including shrubs and trees as indicated.
Protect and enhance the visual quality of streetscapes and public spaces.	The proposed carport in our opinion, is sensibly located adjacent to the garage adjoining. We consider it more appropriate to locate the building structures in this case together rather than a separate structure in a different location across the front of the property.
Achieve reasonable view sharing.	There are no views impacted by the proposal.
<p>1. The WDCP provides that garages, carports located at the front of a property - road frontages, <u>will be determined on merit</u>.</p> <p>2. The proposed setback of the carport is 1327mm approximately from the front boundary it being noted that the adjoining garage to the east is constructed along the Mary Street frontage alignment. Refer to photos in this report.</p> <p>3. We have assessed the proposal on the basis of the existing site limitations, and existing carports and garages immediately adjoining to the east, across the road opposite the subject site and others in the locality and the merit consideration criteria. Examples of garages and carport structures within the front setback are provided in clause 3.1 and 4.3 of this report.</p> <p>4. We consider the proposal is appropriate for the site and should be approved for the reasons stated – the location of the carport is appropriately located adjoining the existing neighbours garage, streetscape, amenity of neighbours and surrounding properties; and existing setback of adjoining property and others in the street and locality.</p>	
<p><u>CONCLUSION</u></p> <p>The non-compliance's with the WDCP numerical control for the front boundary setback is merit based permissible under the WDCP, complies with the WDCP objectives for the standard and considered appropriate and acceptable for the reasons stated including - the location of the carport is appropriately located adjoining the existing neighbours garage, streetscape, amenity of neighbours and surrounding properties; and existing setback of adjoining property and others in the street and locality.</p>	

**6.1.4. SEPP 55 – Remediation of Land**

SEPP 55 Remediation of Land			
Remediate contaminated land as provided in SEPP No.55 and the Contaminated Land Management Act 1997	The long-term use of the subject site is established as residential and the use will continue.	N/A	There is no available evidence to suggest the land is contaminated.

**7.0. Conclusion**

7.1 The application has been assessed having regard to the provisions of Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979, the Warringah LEP 2011 and Warringah DCP 2011 controls and applicable legislation.

7.2. The proposal is for a simple and well-designed open double carport with a low skillion roof sloping from front to rear, front gate and small pergola behind the carport. It is considered appropriate for the site and the streetscape for the reasons stated in this assessment.

7.3. The WDCP 2011 numerical non-compliances for front setback and side boundary setback with the carport to be located along the eastern side boundary and front setback of 1327mm represents a logical approach to this property having regard to the existing neighbouring garage adjoining and the general streetscape where

there are examples of garages and carports within the front setback and on the boundary. These should be accepted for the reasons stated in the Merit assessments contained within this report; and noting that a development control plan is required to be flexibly applied.

7.4. The proposed development:

1. Is permissible in the zone; the design and scale is consistent with the locality and the streetscape, enhances the character and amenity of the local neighbourhood and meets the planning outcome objectives applicable to the land.
2. Has no unreasonable or unacceptable environmental impacts on the natural and built environment or the amenity of the neighbourhood.
3. Succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 Evaluation of the Environmental Planning and Assessment Act, 1979 and applicable planning controls and objectives.
4. Consent should be granted subject to normal appropriate conditions.

**Colco Consulting Pty Ltd**

Wayne Collins  
Director

12 March 2019

Attachments: Floor plan