



STATEMENT OF ENVIRONMENTAL EFFECTS

Secondary Dwelling

Lot 19 Section 1 DP 10649

13 Cumberland Avenue

Collaroy

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LOT 19 SECTION 1 DP 10649
13 Cumberland Avenue Collaroy

Contact:

(mob) 0432 848 467
email: admin@outlookplanningdevelopment.com.au
web: www.outlookplanningdevelopment.com.au

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the secondary dwelling on land identified as Lot 19 Section 1 DP 10649, 13 Cumberland Avenue Collaroy.

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description

The subject land is identified as Lot 19 Section 1 DP 10649, 13 Cumberland Avenue Collaroy. Located on site is an existing dwelling and is surrounded by dwellings of a similar size. Access to the site is via Cumberland Avenue. The site is a regular shape and has an area of approximately 699sqm.

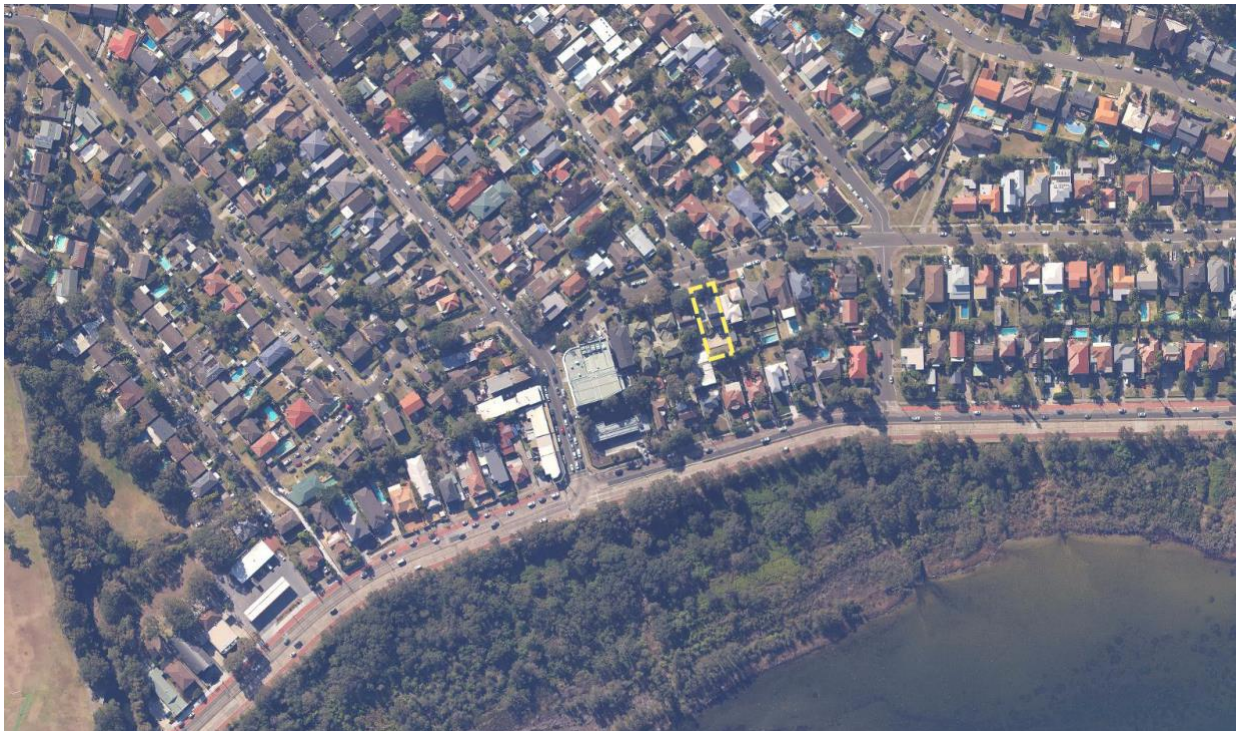


Figure 1: Aerial Image of Site & Surrounding Area



Figure 2: Map of the subject site

1.2 Proposed Development

The proposed development involves the approval to use the lower ground floor area of the dwelling for the purpose of a **secondary dwelling**.

The secondary dwelling comprises of a living room, dining room, kitchen, bathroom and two bedrooms.

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(b) *to encourage:*

(ii) *the promotion and co-ordination of the orderly and economic use and development of land.*

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.2.1 Environmental Planning Instruments – Section 4.15 (1)(a)(i)

2.2.1.1 State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

Clause 7 – Contamination and remediation to be considered in determining development application

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

(a) *It has considered whether the land is contaminated, and*

(b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

© *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

SEPP Infrastructure 2007

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

2.2.1.2 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R2: Low Density Residential
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none">• 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.
Permitted without consent	Home-based child care; Home occupations
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
Prohibited	Any other development not specified in item 2 or 3
Height of Building	The site is located in an area with an 8.5m height of building limit.

Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	No Floor Space Ratio.
Minimum Lot Size	The site has a 600sqm minimum lot size.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Class 5 Acid Sulphate.
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The site is located within a Vegetation Buffer Zone.
Flood Prone Land	Not identified as being flood prone land
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.
Landslide Risk Land	The site is located in landslide risk land identified as Area A – Slope <5.

Clause 4.1 Minimum subdivision lot size

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 600sqm. The development is not for subdivision.

Clause 4.3 Height of buildings

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 8.5m. The proposed development complies with the standard.

Clause 4.4 Floor space ratio

The site is located is not located within an area with a prescribed Floor Space Ratio. The proposed development complies with the FSR development standard.

Clause 4.6 Exceptions to development standards

The clause provides an avenue to seek a variation to development standards. It is noted that the development results in a non-compliance with Clause 6.10 and therefore a clause 4.6 accompanies this development application.

Clause 5.10 Heritage conservation

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

Clause 6.10 Development for the purposes of secondary dwellings in Zones R2 and R3

- (1) *The objective of this clause is to ensure that secondary dwellings on land to which this clause applies are of low impact and without adverse effects on the specific ecological, social and aesthetic values of the land.*
- (2) *This clause applies to land in the following zones—*
- (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential.*
- (3) *Despite clause 5.4 (9), development consent may be granted for development for the purposes of a secondary dwelling on land to which this clause applies if—*
- (a) *the total floor area of the secondary dwelling does not exceed 75 square metres, and*
 - (b) *the consent authority is satisfied that the secondary dwelling will be located entirely within an existing principal dwelling that contains no other secondary dwelling.*
- (4) *In this clause—development for the purposes of a secondary dwelling includes the following—*
- (a) *the erection of, or alterations or additions to, a secondary dwelling,*
 - (b) *alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

The proposed development application seeks consent for the use of the existing secondary dwelling that has been installed on the lower ground floor of the existing dwelling. The owners purchased the dwelling with the downstairs area being partially converted into a secondary dwelling by the previous owners. A larger meal preparation area was added by the current owners.

Due to the large space on the lower ground floor it is considered that the existing secondary dwelling is approximately 100sqm in size which doesn't comply with the maximum floor area of 75sqm permitted under this clause and as such an exception is requested under clause 4.6 of the LEP.

It is requested that Council be flexible on the application of this development standard as the secondary dwelling is solely for the occupation of the family of the owners of the property and is not separately rented out. The owners wish to retain the kitchen

2.2.2 Proposed Instruments – Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.2.3 Warringah Development Control Plan 2011 – Section 4.15 (1)(a)(iii)

Warringah Development Control Plan 2011 (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development Control	Compliance
Part B- Building Form Controls	
B1 Wall Heights	The wall heights of the dwelling does not exceed 7.2m. The development complies.
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).	
B2 Number of Storeys Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The site is located within an area with no maximum number of storeys. The development complies.
B3 Side Boundary Envelope (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: <ul style="list-style-type: none"> • 4 metres, or • 5 metres as identified on the map. (2) On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.	The proposed development complies with the 4m side boundary envelope control.
B4 Site Coverage Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as: <ul style="list-style-type: none"> • 33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and • 20% = 3,500m² or 30% <3,500m² – the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m² where the total building footprint/s must not cover more than 30% of the site area. 	The site is not mapped as having a site coverage requirement. The development complies.
B5 Side Boundary Setbacks (1) Development on land shown coloured on the DCP Map Side Boundary Setbacks is to	The proposed development complies.

<p>maintain a minimum setback from side boundaries as shown on the map.</p> <p>(2) Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</p> <p>(3) On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.</p>	
<p>B6 Merit Assessment of Side Boundary Setbacks</p> <p>(1) Side boundary setbacks will be determined on a merit basis and will have regard to:</p> <ul style="list-style-type: none"> • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development <p>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>	<p>Not applicable.</p>
<p>B7 Front Boundary Setbacks</p> <p>(1) Development is to maintain a minimum setback to road frontages.</p> <p>(2) The <u>front boundary setback</u> area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, <u>garbage</u> storage areas and fences.</p> <p>(3) Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.</p> <p>(4) For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally</p>	<p>The proposed development complies.</p>

<p>occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.</p>	
<p>B8 Merit Assessment of Front Boundary Setbacks</p> <p>(1) The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the:</p> <ul style="list-style-type: none"> • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development. 	<p>Not applicable.</p>
<p>B9 Rear Boundary Setbacks</p> <p>(1) Development is to maintain a minimum setback to rear boundaries.</p> <p>(2) The rear setback area is to be landscaped and free of any above or below ground structures.</p> <p>(3) On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.</p> <p>(4) The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.</p> <p>(5) The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access</p>	<p>The proposed development complies.</p>
<p>B10 Merit Assessment of Rear Boundary Setbacks</p> <p>(1) Rear boundary setbacks will be determined on a merit basis and will have regard to:</p> <ul style="list-style-type: none"> • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development <p>(2) Development adjacent to Narrabeen Lagoon in the B2 Local Centre zone is to address the water and parkland. Buildings are not to</p>	<p>Not applicable.</p>

dominate the parkland setting and will incorporate generous setbacks where necessary to achieve this.	
B11 Foreshore Building Setback (1) Development is to be set back a minimum 15 metres from the property boundary which adjoins the waterway or waterfront reserve. (2) The foreshore building setback area is to be a <u>deep soil landscape area</u> and free of any above or below ground structures.	Not applicable.
B12 National Parks Setback (1) Development is to be set back a minimum of 20 metres from any National Park boundary. (2) The setback area is to be landscaped with locally indigenous species.	Not applicable.
B13 Coastal Cliffs Setback (1) Development must not extend beyond the coastal cliffs building line . The location of the coastal cliffs building line is shown as a heavy black line on the following figure (not to scale). (2) The area between the coastal cliffs building line and the cliff is to be free of any buildings or structure and landscaped using predominately indigenous vegetation.	Not applicable.
B14 Main Road Setbacks (1) Development is to be set back the minimum indicated on the DCP Map Main Road Setbacks. The measurement is to be made perpendicular to the property boundary to the main road. (2) On land where the main roads setback is 30 metres, the front setback area: a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and	Not applicable.

<p>b) no signs are to be erected in the 30 metre front setback area.</p>	
<p>Part C Siting Factors</p>	
<p>C3 Parking Facilities</p> <p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> • Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; • Laneways are to be used to provide rear access to carparking areas where possible; • Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser. <p>2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> • the land use; • the hours of operation; • the availability of public transport; • the availability of alternative car parking; and • the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles. <p>3. Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"> • Avoid the use of mechanical car stacking spaces; • Not be readily apparent from public spaces; • Provide safe and convenient pedestrian and traffic movement; 	<p>Sufficient car parking space exists on site and can be accessed through an existing driveway from Cumberland Avenue. Street parking is also available.</p>

<ul style="list-style-type: none"> • Include adequate provision for manoeuvring and convenient access to individual spaces; • Enable vehicles to enter and leave the site in a forward direction; • Incorporate unobstructed access to visitor parking spaces; • Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; • Provide on site detention of stormwater, where appropriate; and • Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1. 	
<p>Part D Design</p>	
<p>D1 Landscaped Open Space and Bushland</p> <p>(1) The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and <u>Bushland</u> Setting. To measure the area of landscaped open space:</p> <p>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</p> <p>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</p> <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p> <p>(2) Where land is shown on DCP Map Landscaped Open Space and <u>Bushland</u> Setting as “<u>Bushland</u> Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural <u>bushland</u> or landscaped with locally indigenous species.</p>	<p>The proposed development is existing and located on the lower ground floor of the site therefore will not decrease the existing landscaped area.</p>

<p>(3) In Cottage Point the relationship of the locality with the surrounding National Park and Cowan <u>Creek</u> waterway will be given top priority by enhancing the spread of indigenous <u>tree</u> canopy and protecting the natural landscape including rock outcrops and remnant <u>bushland</u>.</p>									
<p>D2 Private Open Space</p> <p>(1) Residential development is to include private open space for each dwelling.</p> <p>(2) The minimum area and dimensions of private open space are as follows:</p> <table border="1" data-bbox="193 846 667 1749"> <thead> <tr> <th>DWELLING Type</th><th>Area and Minimum Dimensions per dwelling</th></tr> </thead> <tbody> <tr> <td>Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms</td><td>A total of 35m² with minimum dimensions of 3 metres</td></tr> <tr> <td>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms</td><td>A total of 60m² with minimum dimensions of 5 metres</td></tr> <tr> <td>Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing</td><td>A total of 10m² with minimum dimensions of 2.5 metres</td></tr> </tbody> </table> <p>(3) Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.</p>	DWELLING Type	Area and Minimum Dimensions per dwelling	Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres	Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres	Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres	<p>The development will not decrease the existing private open space of the dwelling.</p>
DWELLING Type	Area and Minimum Dimensions per dwelling								
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres								
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres								
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres								

<p>(4) Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>(5) Private open space shall not be located in the primary front building setback.</p> <p>(6) Private open space is to be located to maximise solar access.</p>	
<p>D3 Noise</p> <p>(1) Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.</p> <p>(2) Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.</p> <p>(3) <u>Waste</u> collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</p> <p>(4) Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.</p> <p>(5) Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.</p>	<p>The proposed development does not result in any acoustic privacy impacts on adjoining dwellings.</p>
<p>D4 Electromagnetic Radiation</p> <p>Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements: Telecommunications Act 1997</p>	<p>Not applicable.</p>

<u>Code of Practice</u> <u>ACMA</u>	
<p>D6 Access to sunlight</p> <p>(1) Development should avoid unreasonable overshadowing any public open space.</p> <p>(2) At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21</p>	<p>The development maintains sufficient sunlight access to the site and will not have an overshadowing impact on adjoining dwellings. The secondary dwelling is located on the lower ground level of the site however will receive sufficient sunlight access from the windows and doors above the natural ground line.</p>
<p>D7 Views</p> <p>Development shall provide for the reasonable sharing of views.</p>	<p>The development will not impact the existing views of neighbouring properties.</p>
<p>D8 Privacy</p> <p>(1) Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</p> <p>(2) Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>The secondary dwelling will not result in any impact from a privacy perspective.</p>
<p>D9 Building Bulk</p>	<p>The proposed development complies with building bulk controls.</p>

<p>(1) Side and rear setbacks are to be progressively increased as wall height increases.</p> <p>(2) Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</p> <p>(3) On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:</p> <p style="padding-left: 40px;">The amount of fill is not to exceed one metre in depth.</p> <p style="padding-left: 40px;">Fill is not to spread beyond the footprint of the building.</p> <p style="padding-left: 40px;">Excavation of the landform is to be minimised.</p> <p>(4) Building height and scale needs to relate to topography and site conditions.</p> <p>(5) Orientate development to address the street.</p> <p style="padding-left: 40px;">6. Use colour, materials and surface treatment to reduce building bulk.</p> <p>(6) Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>(7) Articulate walls to reduce building mass.</p>	
<p>D10 Building Colours and Materials</p> <p>(1) In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.</p> <p>(2) The colours and materials of development on sites adjoining, or in close proximity to, <u>bushland</u> areas, waterways or the beach must blend in to the natural landscape.</p> <p>(3) The colours and materials used for <u>alterations and additions</u> to an existing</p>	<p>The proposed development does not require any changes to building colours or materials.</p>

<p>structure shall complement the existing external building façade.</p> <p>(4) The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.</p>	
<p>D11 Roofs</p> <p>(1) Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.</p> <p>(2) Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.</p> <p>(3) Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.</p> <p>(4) Roofs shall incorporate eaves for shading.</p> <p>(5) Roofing materials should not cause excessive glare and reflection.</p> <p>(6) Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.</p>	<p>The development complies.</p>
<p>D12 Glare and Reflection</p> <p>(1) The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;</p> <ul style="list-style-type: none"> • Minimising the lit area of signage; • Locating the light source away from adjoining properties or boundaries; and • Directing light spill within the site. 	<p>The development complies.</p>

<p>(2) Any glare from artificial illumination is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> • Indirect lighting; • Controlling the level of illumination; and • Directing the light source away from view lines. <p>(3) Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> • Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones; • Orienting reflective materials away from properties that may be impacted; • Recessing glass into the façade; • Utilising shading devices; • Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and • Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls. 	
<p>D13 Front Fences and Front Walls</p> <p>(1) Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character</p> <p>(2) Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.</p> <p>(3) Fences located within the front building setback area are to complement the existing streetscape character.</p> <p>(4) Fences are to be constructed to allow casual surveillance, except where there is excessive noise.</p> <p>(5) Gates are not to encroach over the property boundary when opening or closing.</p> <p>(6) Fences should complement the architectural period of the building.</p>	<p>No front fences or walls are included in the development.</p>

<p>D14 Site Facilities</p> <p>Site facilities including <u>garbage</u> and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:</p> <ul style="list-style-type: none"> • <u>Waste</u> and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection; • All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets; • <u>Garbage</u> areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers; • Landscaping is to be provided to reduce the impact of all <u>garbage</u> and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and • Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable. 	<p>The existing site facilities will remain on site. Occupants of the secondary dwelling will have access to existing laundry, waste and recycling facilities.</p>
<p>D15 Side and Rear Fences</p> <p>(1) Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.</p>	<p>The development does not include side or rear fencing.</p>

<p>(2) For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.</p> <p>(3) All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.</p>	
<p>D16 Swimming Pools and Spa Pools</p> <p>(1) Pools are not to be located in the front building setback.</p> <p>(2) Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.</p> <p>(3) Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.</p>	<p>Not applicable.</p>
<p>D17 Tennis Courts</p> <p>(1) Tennis courts are to be located behind the front building setback.</p> <p>(2) Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.</p> <p>(3) Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.</p> <p>(4) The height and location of court fencing is to enable:</p> <ul style="list-style-type: none"> a) Sharing of views from surrounding residences; and b) Provision of sunlight to surrounding properties. <p>(5) Fencing material is to be a dark colour.</p> <p>(6) Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.</p>	<p>Not applicable.</p>

<p>D18 Accessibility</p> <ul style="list-style-type: none"> (1) The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided. (2) There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings. (3) Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces. (4) Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated. (5) There is to be effective signage and sufficient illumination for people with a disability. (6) Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard. 	<p>Not applicable.</p>
<p>D20 Safety and Security</p> <ul style="list-style-type: none"> (1) 1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance. (2) Service areas and access ways are to be either secured or designed to allow casual surveillance. (3) There is to be adequate lighting of entrances and pedestrian areas. (4) After hours land use activities are to be given priority along primary pedestrian routes to increase safety. (5) Entrances to buildings are to be from public streets wherever possible. 	<p>The development complies.</p>

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| <p>(6) For larger developments, a site management plan and formal <u>risk</u> assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security <u>risk</u>. See <i>Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979</i> prepared by the Department of Urban Affairs and Planning (now Department of Planning).</p> <p>(7) Buildings are to be designed to allow casual surveillance of the street, for example by:</p> <ul style="list-style-type: none">a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;c) Locating high use rooms to maximise casual surveillance;d) Clearly displaying the street number on the front of the building in pedestrian view; ande) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters. <p>(8) Casual surveillance of loading areas is to be improved by:</p> <ul style="list-style-type: none">a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; andb) Providing adequate day and night lighting which will reduce the <u>risk</u> of undesirable activity. <p>9. Design entrances to buildings from public streets so that:</p> <ul style="list-style-type: none">a) Building entrances are clearly identifiable, defined, lit and visible;b) The residential component of a shop | |
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<p>top housing development has a separate secure pedestrian entrance from the commercial component of the development;</p> <ul style="list-style-type: none"> c) Main entrances are clearly identifiable; d) Pavement surfaces and signage direct pedestrian movements; and e) Potential conflict between pedestrians and vehicles is avoided. 	
<p>D21 Provision and Location of Utility Services</p> <p>(1) If a proposed development will involve a need for them, <u>utility services</u> must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p> <p>(2) Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.</p> <p>(3) Where possible, underground <u>utility services</u> such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:</p> <ul style="list-style-type: none"> a) A reduction in the number of trenches required; b) An accurate location of services for maintenance; c) Minimising the conflict between services; d) Minimising land required and cost; <p>(4) The location of <u>utility services</u> should take account of and minimise any impact on natural features such as <u>bushland</u> and natural watercourses.</p> <p>(5) Where natural features are disturbed the soil profile should be restored and landscaping and <u>tree</u> planting should be sited and selected to minimise impact on services, including existing overhead cables.</p>	<p>The proposed development will not impact the existing utility services on site.</p>

<p>(6) Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.</p> <p>(7) Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.</p> <p>(8) On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.</p>	
<p>D22 Conservation of Energy and Water</p> <ol style="list-style-type: none"> 1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy. 2. Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties. 3. Buildings are to be designed to minimize energy and water consumption. 4. Landscape design is to assist in the conservation of energy and water. 5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks. 6. All development must comply with Council's Water Management Policy. 	<p>Not applicable.</p>
<p>E10 Landslip Risk</p> <ol style="list-style-type: none"> 1. The applicant must demonstrate that: <ul style="list-style-type: none"> • The proposed development is justified in terms of geotechnical stability; and 	<p>The proposed development is located within Area A and therefore a preliminary assessment will only be undertaken if it is required by Council. As the development is located within the footprint of the existing building and only provided a new kitchen area it is considered that</p>

<ul style="list-style-type: none"> • The proposed development will be carried out in accordance with good engineering practice. <p>2. Development must not cause detrimental impacts because of stormwater discharge from the land.</p> <p>3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.</p> <p>4. To address Requirements 1 to 3:</p> <ol style="list-style-type: none"> a. For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent. <p>If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.</p> <p>Landslip Risk Class A <5 <i>A Geotechnical report not normally required.</i></p> <p>Topographic Position</p> <ul style="list-style-type: none"> - Plateau Areas, ridge crests, major spur slopes, footslope areas' and beach, foredune and alluvial flats. <p>Geology</p> <ul style="list-style-type: none"> - At higher elevations, generally shallow residual soils developed on Hawkesbury Sandstone. Hawkesbury Sandstone exposed in occasional outcrops and in near vertical road cuts. Some areas of fill. At lower elevations, unconsolidated marine and alluvial sands often overlying deep marine sediments. 	<p>the preliminary assessment would not be required.</p>
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2.2.4 The likely impacts of that development – Section 4.15(b)

2.2.4.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;

b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and

c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

2.2.4.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the surroundings through its consistency with the existing residential development of the area.

2.2.4.3 VISUAL IMPACT

The development has been designed in a way and style that complements the area. The development is not expected to create an eye sore to the surrounding community.

2.2.4.4 ACCESS, TRANSPORT AND TRAFFIC

Due to the small nature of the development it is not considered to cause any impact on the local road network.

2.2.4.5 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

2.2.4.6 European Heritage

The site is not within a heritage area or close to any existing heritage items.

2.2.4.7 Flooding

The site is not located within a flood prone area.

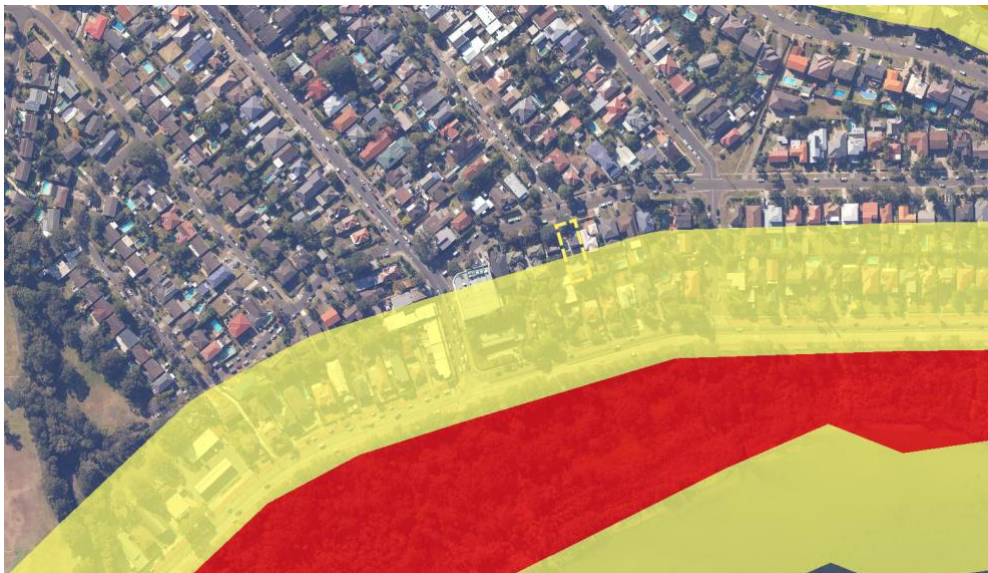
2.2.4.8 Landslip Risk Hazard

The site is mapped as being a landslip hazard. The site is located within Area A – Slope <5. It is requested that Council be lenient on this as there are no additional works required as part of the development.



2.2.4.9 Bushfire

The site located within a bushfire zone. The site is within a Vegetation Buffer Zone however as the works are within the existing dwelling a bushfire report has not been provided for this development.



2.2.4.10 Ecology

The physical works that will result from the proposed development will involve some minor earthworks for the footing/ slab.

2.2.4.11 Noise and Vibration

No potential noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

2.2.4.12 Social and Economic Impact

The proposed development is for the use of the lower ground floor of the dwelling as a secondary dwelling and should have no social or economic impact on the area.

2.2.5 Suitability of the Site – Section 4.15(c)

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

2.2.6 The Public Interest – Section 4.15(e)

The proposed development is considered to be in the public interest.

3 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed *secondary dwelling* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Warringah Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.