



44 Greycliffe Street, Queenscliff

**Alterations and additions to an existing
dwelling house and construction of a
swimming pool**

Statement of Environmental Effects

**For Northern Beaches Council
Prepared by Geoff Goodyer**

October 2020

Project No. 20-129

Symons Goodyer Pty Ltd
Town planning and
development consultants

Mob. 0413 361 483

PO Box 673
Balgowlah NSW 2093

info@symonsgoodyer.com.au
www.symonsgoodyer.com.au

This page is intentionally left blank

Contents

1.	Executive summary	1
2.	Introduction.....	2
3.	Pre-lodgement consultation with Council	3
4.	The proposal.....	4
5.	The site and surrounding area	6
6.	Warringah Local Environmental Plan 2011	10
6.1	Aims of plan.....	10
6.2	Zone objectives and permissibility.....	10
6.3	Principal development standards	11
6.4	Miscellaneous provisions	12
6.5	Additional local provisions.....	12
7.	Warringah Development Control Plan 2011	13
7.1	Compliance Table	13
7.2	Planning rules	13
8.	State Environmental Planning Policies.....	24
8.1	SEPP No. 55 - Remediation of land	24
8.2	SEPP (Building Sustainability Index) 2004.....	24
8.3	SEPP (Coastal Management) 2018.....	24
8.4	SEPP (Infrastructure) 2007	27
8.5	SEPP (Vegetation in Non-Rural Areas) 2017	27
9.	Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979	28
9.1	The likely impacts of the development.....	28
9.2	The suitability of the site	28
9.3	Submissions	28
9.4	The public interest	28
10.	Summary	29
Appendix A	Details of the Author	30
Appendix B	Clause 4.6 request – building height	31

1. Executive summary

- 1.1. The proposal is to carry out alterations and additions to the existing dwelling house and construct a new swimming pool at 44 Greycliffe Street, Queenscliff.
- 1.2. The proposal seeks to improve the amenity of the dwelling house by upgrading the living areas, rationalising the bedrooms, providing an additional bedroom, and enhancing the usability of the private open space.
- 1.3. The design follows a pre-lodgement process with Council officers and the proposal has been modified from that which was first presented to address concerns related to the siting of the swimming pool.
- 1.4. Particular care has been taken to minimize impacts in terms of views, overshadowing and privacy, recognising the relationship of the site to the neighbouring dwelling houses.
- 1.5. The site is zoned R2 Low Density Residential under *Warringah Local Environmental Plan 2011* ("WLEP 2011"). The proposal is permissible with development consent. Due to the steepness of the site the proposal exceeds the 8.5m building height control and a request to vary the control is attached to this Statement of Environmental Effects.
- 1.6. In summary, the proposal is consistent with the aims and objectives of Council's planning controls and is considered to be suitable for approval on town planning grounds.

2. Introduction

- 2.1. This Statement of Environmental Effects has been prepared by Geoff Goodyer of Symons Goodyer Pty Limited. My details are included in Appendix A of this Statement of Environmental Effects.
- 2.2. I am a town planner with over 30 years' experience in local government and private practice. I am a Registered Planner accredited by the Planning Institute of Australia.
- 2.3. This Statement of Environmental Effects assesses the impacts of a proposal to carry out alterations and additions to the existing dwelling house and construct a swimming pool at 44 Greycliffe Street, Queenscliff under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2.4. In the course of preparing this Statement of Environmental Effects I have:
- inspected the site and surrounding locality;
 - taken photographs of the site and surrounding locality; and
 - reviewed relevant environmental planning instruments and Council policies, in particular *Warringah Local Environmental Plan 2011* and *Warringah Development Control Plan 2011*.

3. Pre-lodgement consultation with Council

- 3.1. The applicant and project architects attended a formal pre-lodgement meeting with Council's planners and technical officers on 18 June 2020.
- 3.2. The feedback provided by Council was generally supportive of the proposal. The proposal has responded to the comments that were received in the following ways:
- The swimming pool has been reconfigured and provided with a dense landscaped setback to the western boundary. It is not possible to move the pool further to the east because of the minimum width required for the pedestrian access from the street to the dwelling house.
 - The south facing balconies have been carefully examined in Part 7.2 of the Statement of Environmental Effects, which includes a view analysis demonstrating that reasonable view sharing is maintained in accordance with WDCP 2011 and the Land and Environment Court's planning principles.

4. The proposal

- 4.1. The proposal is to carry out alterations and additions to the existing dwelling house and construct a swimming pool at 44 Greycliffe Street, Queenscliff.
- 4.2. The objective is to upgrade the appearance and aesthetics of the dwelling house, improve the internal amenity and utility of the dwelling house and enhance the private open space. Care has been taken to achieve these objectives in a way that maintains the amenity of the adjoining dwelling houses.
- 4.3. No works are proposed to the lower ground floor (RL11.94 – RL12.145).
- 4.4. Only minor works are proposed to the ground floor (RL14.34), comprising upgrading of the existing bathroom and ensuite and installation of a new internal laundry.
- 4.5. At first floor level (Greycliffe Street level, RL17.63) the proposal involves the rationalisation of the existing floor area, installation of new stairs to the upper level, and a powder room. The existing balcony is to be “squared off” and a vergola installed over the area to the east of the living room. The existing fire place is to be relocated within the living room.
- 4.6. A new bedroom with robe, ensuite and juliette balcony is proposed at the upper level (RL20.56).
- 4.7. The existing metal roof is to be replaced on the house and garage.
- 4.8. A swimming pool is proposed at the front of the site measuring 2.6m x 5.8m and 1.7m deep (approximately 24,000 litres). Landscaping is proposed around the pool and a landscaped roof proposed over the pedestrian entry to the site.
- 4.9. The proposal is shown on the following drawings:

Dwg	Drawing:	Drawn by:
DA01/G	Cover sheet	Watershed Design
DA02/G	Site analysis	Watershed Design
DA03/G	Survey	Watershed Design
DA04/G	Site & roof plan	Watershed Design
DA05/G	First floor plan	Watershed Design
DA06/G	Upper floor	Watershed Design
DA07/G	Ground floor plan	Watershed Design
DA08/G	Lower ground floor plan	Watershed Design
DA09/G	Section AA	Watershed Design
DA10/G	Section BB	Watershed Design
DA11/G	Elevation 01 front north	Watershed Design
DA12/G	Elevation 02 rear south	Watershed Design
DA13/G	Elevation 03 east	Watershed Design
DA14/G	Elevation 04 west	Watershed Design
DA15/G	Landscape open space	Watershed Design
DA16/G	Shadow diagrams plan	Watershed Design

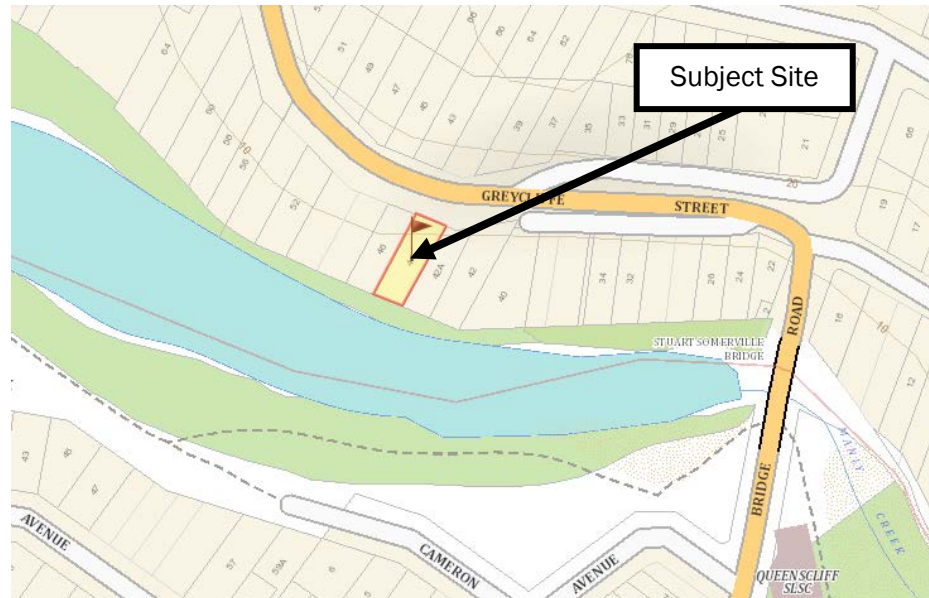
Dwg	Drawing:	Drawn by:
DA17/G	Shadow diagram elevation 42 Greycliffe St	Watershed Design
DA18/G	Shadow diagram elevation 46 Greycliffe St	Watershed Design
DA19/G	Finishes schedule	Watershed Design
DA20/G	3D building envelope side 1	Watershed Design
DA21/G	3D building envelope side 2	Watershed Design
DA22/G	Demolition plan roof	Watershed Design
DA23/G	Demolition plan first floor	Watershed Design
DA24/G	Demolition plan ground	Watershed Design
DA25/G	Excavation plan	Watershed Design
DA-14/A	Planting plan	Landart
22399	Detail survey	GK Wilson & Ass.

4.10. The proposal is supported by the following documents:

Title	Date	Prepared by:
BASIX Certificate No. A389901	15.09.2020	Efficient Living
Construction Methodology and Traffic Management Plan	October 2020	Watershed Design
Geotechnical Assessment	06.08.2020	White Geotechnical Group
Statement of Environmental Effects	October 2020	Symons Goodyer
Stormwater Statement	02.10.2020	iStruct Consulting Engineers
Waste Management Plan	25.09.2020	D and H Armstrong

5. The site and surrounding area

- 5.1. The site is Lot 13, DP 8373, known as 44 Greycliffe Street, Queenscliff. It is located on the southern side of Greycliffe Street between Bridge Road and Queenscliff Road.
- 5.2. The location of the site is shown in the following maps.



Map 1 - Location (Source: sixmaps)



Map 2 - Aerial photograph (Source: sixmaps)

- 5.3. The site is irregularly shaped. It has a frontage of 12.35m to Greycliffe Street to the north, a western side boundary of 35.695m, an eastern side boundary of 35.89m, and a southern rear boundary of 12.325.

- 5.4. The site area is 438.9m².
- 5.5. The site slopes steeply from its front boundary down to its rear boundary. The total fall is approximately 16.9m, representing an average slope of 47.2% (1:2.1 or 25.3°).
- 5.6. The site is currently occupied by a 1/2/3-storey dwelling house constructed of rendered brick with a tiled roof. The area around the building is landscaped and paved.
- 5.7. Adjoining the site to the east and west are 1/2/3-storey dwelling houses in landscaped settings. Adjoining the site to the south is Manly Lagoon and adjoining public open space. The site is located on a slip road off Greycliffe Street.
- 5.8. The surrounding area has been developed for a variety of residential dwelling types that are typically 2-4 storeys in height in landscaped settings.
- 5.9. The site has access to public transport, shops, services, schools and public open space.
- 5.10. The following photographs show the site and surrounding area:



Photograph 1: The subject site, 44 Greycliffe Street.



Photograph 2: The front courtyard on the subject site, showing the location of the proposed swimming pool and development on the opposite side of Greycliffe Street.



Photograph 3: The neighbouring dwelling house to the west, 46 Greycliffe Street.



Photograph 4: The neighbouring dwelling house to the east, 42A Greycliffe Street.



Photograph 5: View from the subject site over Manly Lagoon to the south.

6. Warringah Local Environmental Plan 2011

6.1 Aims of plan

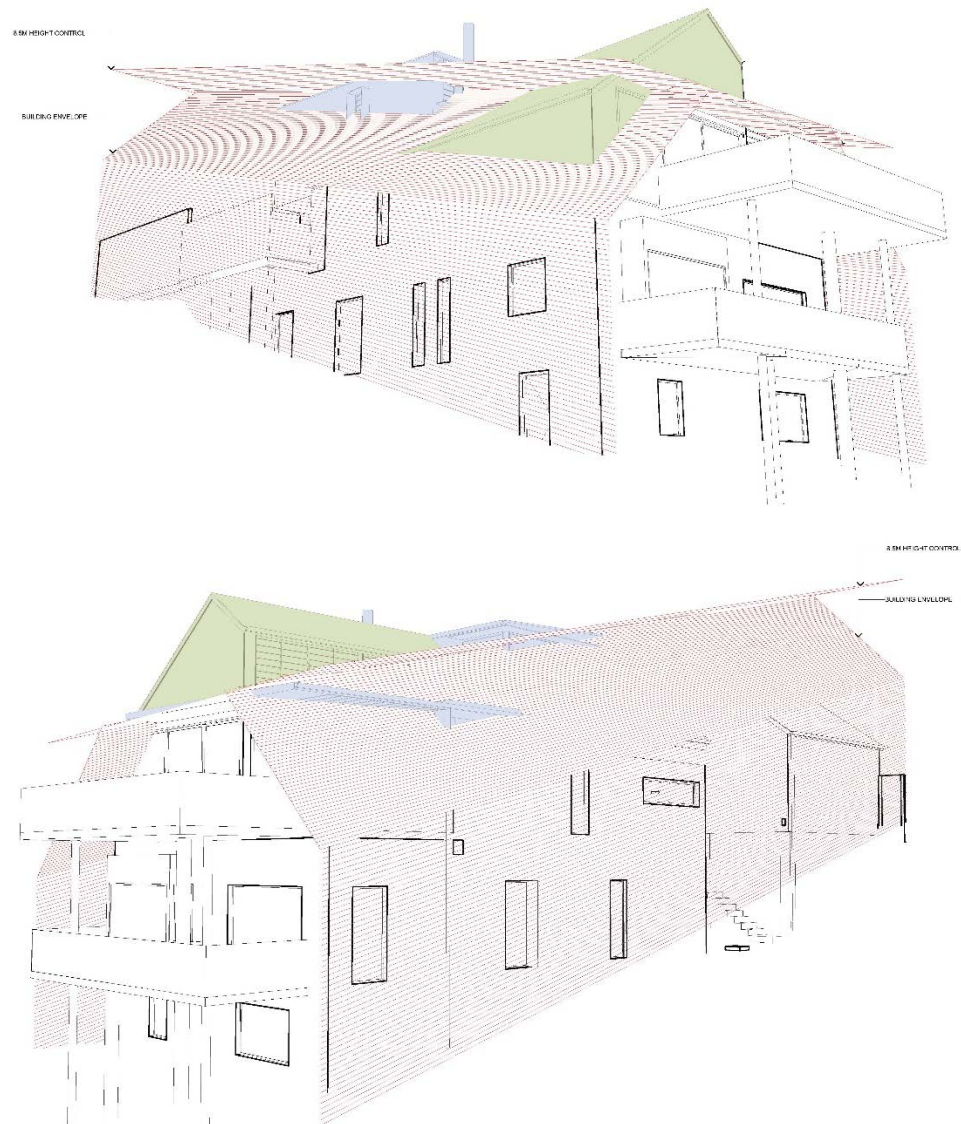
- 6.1.1. The proposal is considered to be consistent with the relevant aims of WLEP 2011 in clause 1.2, in particular:
- 2(d)(i) The proposed development protects existing residential amenity and continues the residential use of the land.
 - 2(d)(ii) The dwelling house is compatible with existing and future neighbouring development in terms of bulk, scale and appearance.
 - 2(d)(iii) The proposal will maintain the availability of dwellings to enable population growth without having adverse effects on the character and amenity of the local government area.
 - 2(f)(i) The alterations and additions to the dwelling house have been architecturally designed and represent quality urban design.
 - 2(f)(ii) The dwelling house demonstrates sustainable use of energy and resources and is supported by a BASIX Certificate.
 - 2(f)(iii) The site is connected to all required infrastructure.
 - 2(f)(iv) The building enhances the streetscape.
 - 2(f)(v) The proposal protects the natural environment subject to standard conditions regarding erosion control and construction and waste management.
 - 2(f)(vi) The site is not subject to environmental constraints such as acid sulfate soils or flooding. A preliminary geotechnical assessment raises no concerns regarding the stability of the site.

6.2 Zone objectives and permissibility

- 6.2.1. The site is zoned R2 Low Density Residential. The proposal is permissible with development consent as a “*dwelling house*” with ancillary swimming pool.
- 6.2.2. The proposal is considered to be consistent with the relevant objectives of the zone, as follows:
- The dwelling house meets the housing needs of the community in a low density residential environment.
 - The dwelling house provides a landscaped setting and is in harmony with the natural environment of Warringah.

6.3 Principal development standards

- 6.3.1. Clause 4.3 of WLEP 2011 prescribes a maximum building height of 8.5m. The existing building already exceeds this control, with a maximum height of 11.2m at the southern end of the existing roof ridge. Whilst the proposal does not increase this roof height it does involve the replacement of the existing roof materials (whilst retaining the existing structure) and these works will exceed the building height control.
- 6.3.2. Other than the replacement of the roof cladding described above, the proposal also involves the addition of an upper level bedroom, robe and ensuite, and the addition of a narrow awning at ground floor level. These works partly exceed the maximum building height control. The maximum height of these works is 9.35m at the southern end of the roof over the upper level on the western elevation. The extent to which the proposed additions exceed the building height control is shown in the following diagrams (Drawings DA20 and DA21):



- 6.3.3. The proposal has been designed to minimise the extent to which any additions exceed the building height control by siting the upper level addition at the northern end of the building. However, the site is very steep and the topography contributes substantially to the ability of any proposal to satisfy the building height control.
- 6.3.4. It is noted that the top of the flue of the relocated fire place has a nominal height greater than 8.5m. However, the definition of “building height” in WLEP 2011 specifically excludes chimneys and flues.
- 6.3.5. A request to vary the building height control under clause 4.6 of WLEP 2011 is attached as Appendix B. The request details the extent of the variation that is requested and the way in which the proposal satisfies the objectives of the control and the zone. The request also lists the environmental planning grounds that justify the proposed variation. If Council considers the written request to be well-founded then the proposal can be approved, notwithstanding the variation to the control.

6.4 Miscellaneous provisions

- 6.4.1. The site is not a heritage item, is not within the vicinity of any heritage items, and is not within a conservation area. The proposal satisfies clause 5.10 of WLEP 2011.

6.5 Additional local provisions

- 6.5.1. The site is identified as being partly within the Class 5 area on the Acid Sulfate Soils Map. However, no works are proposed on this part of the site and the development is therefore unlikely to lower the watertable below 1m AHD on any adjacent Class 1, 2, 3 or 4 land. Consequently, the proposal satisfies the requirements of clause 6.1(2) of WLEP 2011 and the other provisions of clause 6.1 are not relevant.
- 6.5.2. Some earthworks are required for the proposed swimming pool. HA Stormwater Statement has been prepared by iStruct Consulting Engineers which will ensure that there is no detrimental impact on existing drainage patterns and soil stability. Standard soil erosion controls will be implemented during construction to prevent adverse impacts on any watercourse. The proposal complies with clause 6.2 of WLEP 2011.
- 6.5.3. The site is within Areas B and C on the Landslip Risk Map. A Geotechnical Assessment has been prepared by White Geotechnical Group which relevantly states:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

- 6.5.4. The proposal satisfies the requirements of clause 6.4 of WLEP 2011.

7. Warringah Development Control Plan 2011

7.1 Compliance Table

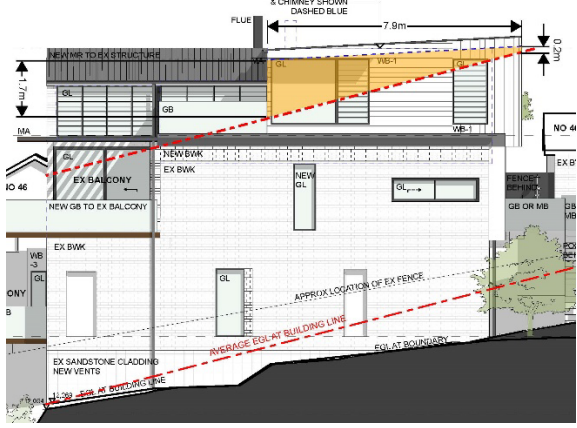
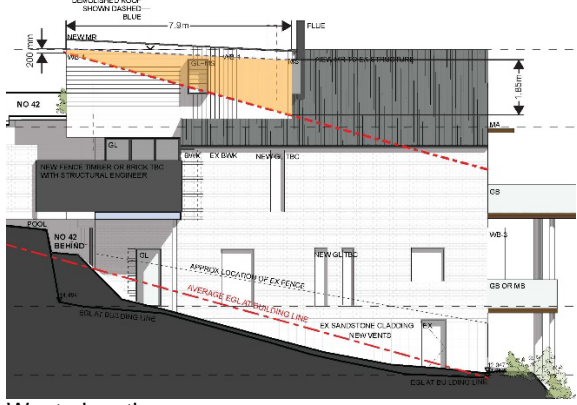
7.1.1. The following table summarises the relevant numerical controls in WDCP 2011:

Development Standard	Required	Proposed	Complies?
B1 Wall height	7.2 metres	East: 7.4m – 8.9m West: 7.4m – 9.05m	No No
B3 Side boundary envelope	5 metres + 45°	East: Outside envelope by up to 831mm West: Outside envelope by up to 1.9m	No No
B5 Side boundary setback	0.9m	East first floor: 1.7m East upper floor: 3.3m West first floor: 1.3m West upper floor: 2.6m	Yes Yes Yes Yes
B7 Front boundary setback	6.5 metres	7.9m	Yes
B9 Rear boundary setback	6 metres	9.1m	Yes
C3 Parking facilities	2 car spaces	2 car spaces	Yes
D1 Landscaped open space and bushland setting	40% of site area: 175.6m ²	35.7% of site area: 156.9m ²	More than existing
D2 Private open space	60 m ² , minimum dimension 3m	> 60 m ² , minimum dimension 3m	Yes
D6 Access to sunlight	3 hours sunlight in midwinter	> 3 hours sunlight in midwinter	Yes

7.2 Planning rules

7.2.1. The following table details the performance of the proposal against the relevant planning rules in WDCP 2011:

General Principles	Applies	Comments	Complies
B1 Wall heights	YES	<p>Parts of the proposed dwelling house additions exceed the 7.2m wall height control, as a result of the steeply sloping nature of the site. On the eastern side the slope across the building platform is 1:3.8 and on the western side it is 1:3.6.</p> <p>The fall is 3.6m (east) and 3.8m (west) for the length of the building, which means that the site falls more than a full storey across the length of the building. By comparison, the breach of the wall height control is substantially less: 1.7m on the east and 1.85m on the west.</p> <p>The elements of the building that exceed the wall height control are shown in the following diagrams (in orange). On the eastern elevation the non-compliance is 0.2m – 1.7m for a length of 7.9m and on the western elevation the non-compliance is 0.2m – 1.85m for a length of 7.9m.</p>	YES On merit

General Principles	Applies	Comments	Complies
		 <p>East elevation</p>  <p>West elevation</p> <p>Notwithstanding this technical non-compliance, the proposal satisfies the objectives of the wall height control:</p> <ul style="list-style-type: none"> ✓ The visual impact is minimised by providing a well-articulated building and by siting the addition at the northern end of the building so that it maintains the existing roof ridge level. ✓ The proposal is commensurate in scale with proposed landscaping. Existing landscaped area is maintained and additional landscaped area is proposed. ✓ Reasonable view sharing is maintained (see discussion below). The siting of the addition at the northern end of the building maintains views for neighbouring properties across the side boundaries of the site and for residents to the north of the site (on the northern side of Greycliffe Street) over the top of the building. ✓ There is minimal impact on neighbouring properties in terms of privacy, views and overshadowing (see discussion below) and the proposal complies comfortably with the relevant standards in regard to these issues. ✓ Minimal excavation is proposed and the impact on the landform is minimal and reasonable. The 	

Symons Goodyer Pty Limited Page 15.

General Principles	Applies	Comments	Complies
		<p>screen and soften the building and the landscaped area is increased.</p> <ul style="list-style-type: none"> ✓ Privacy and reasonable solar access are maintained, as discussed below. The development complies with the requirements of WDCP 2011 with regards to neighbouring solar access. ✓ The building conforms to the topography of the land. 	
B4 Site coverage	NO	No Comment	N/A
B5 Side boundary setbacks	YES	<p>The proposal complies with the side boundary setbacks control. The proposal achieves the objectives of the control:</p> <ul style="list-style-type: none"> ✓ Landscaped areas are increased compared to the existing situation. ✓ The articulated design of the building, the varied side setbacks, together with the proposed landscaping ensure that the building is not visually dominant. The upper level addition is designed to sit partially within the existing roof form. ✓ The bulk is reduced through fenestration and articulation. It is in scale with its neighbours. ✓ Privacy is maintained. There are no living area windows overlooking neighbouring properties. Solar access exceeds the requirements of the WDCP 2011. ✓ There is no impact on public and private views, as discussed with regards to Part D7 of WDCP 2011 below. 	YES
B6 Merit assessment of side boundary setbacks	NO	No Comment	N/A

General Principles	Applies	Comments	Complies
B7 Front boundary setbacks	YES	<p>The proposal provides a front setback that satisfies the minimum requirement of 6.5m. The streetscape presentation is essentially unchanged due to the existing front fence and garage screening the development on the site.</p> <p>The proposed swimming pool is located within the front setback area. Due to the steeply sloping topography of the allotment a swimming pool in the rear of the site would be extremely difficult to access and would not add to the utility of the private open space or the amenity of the dwelling house. The proposed pool is sited in an area that is currently hard paving, whereas siting the pool at the rear of the site would require the removal of existing soft landscaped area. The rear of the site is also more visible from public places, being adjacent to Manly Lagoon and its adjacent public reserves.</p> <p>The proposal achieves the objectives of the control:</p> <ul style="list-style-type: none"> ✓ The front setback maintains the existing situation with regards to the sense of openness. ✓ The building is consistent with its neighbours and the streetscape. ✓ The building is a contemporary design and well-articulated and, together with the proposed landscaping, will improve the quality of the public space. ✓ Reasonable view sharing is maintained. 	YES
B8 merit assessment of front boundary setbacks	NO	No Comment	N/A
B9 Rear boundary setbacks	YES	<p>The proposal substantially exceeds the rear boundary setback requirements and achieves the objectives of the control:</p> <ul style="list-style-type: none"> ✓ Landscaped areas will be increased compared to the existing situation. ✓ The proposal provides for a sense of openness in the rear yard. ✓ Neighbouring amenity, including privacy, is maintained. ✓ The pattern of rear setbacks with the neighbouring properties is maintained. 	YES
B10 Merit assessment of rear boundary setbacks	NO	No Comment	N/A
B11 Foreshore building setback	NO	No Comment	N/A
B12 National Parks setback	NO	No Comment	N/A
B13 Coastal cliffs setback	NO	No Comment	N/A
B14 Main roads setback	NO	No Comment	N/A
C1 Subdivision	NO	No Comment	N/A
C2 Traffic, access and safety	YES	No change is proposed to the existing access arrangements to the site.	YES
C3 Parking facilities	YES	The proposal retains the existing double garage.	YES

General Principles	Applies	Comments	Complies
C3(A) Bicycle parking and end of trip facilities	NO	No Comment	N/A
C4 Stormwater	YES	A Stormwater Statement has been prepared by iStruct Consulting Engineers. Stormwater will continue to be disposed of directly to Manly Lagoon.	YES
C5 Erosion and sedimentation	YES	Erosion and sedimentation can be controlled in accordance with standard conditions imposed by Council.	YES
C6 Building over or adjacent to constructed Council drainage easements	NO	No Comment	N/A
C7 Excavation and landfill	YES	Excavation is limited to that required for the proposed swimming pool. Sedimentation will be controlled in accordance with standard conditions of consent.	YES
C8 Demolition and construction	YES	<p>Demolition will be carried out in accordance with AS 2601-2001 and this can be conditioned in Council's normal manner.</p> <p>A Waste Management Plan prepared by Watershed Design and D & H Armstrong and accompanies the development application.</p> <p>A Construction Methodology and Traffic Management Plan has been prepared and accompanies the development application. Particular consideration has been given to mitigating the potential impacts on the slip road in front of the site during the construction process.</p>	YES
C9 Waste management	YES	Bin storage is provided within the garage and bins can be easily left on the street on collection days.	YES
D1 Landscaped open space and bushland setting	YES	<p>The existing development provides 142m² of landscaped area and the proposal will increase this to 156m². All landscaped areas included in the calculation are at finished ground level and a minimum of 2m in dimension, as required by Part D1 of WDCP 2011.</p> <p>In addition, a landscaped planter is proposed on the covering over the pedestrian entrance to the site, which will enhance the appearance of the development from the street. Additional landscaping is also proposed around and under the proposed pool; these areas are currently hard-paved and the landscaping will soften the appearance of the development and provide infiltration for rainwater.</p> <p>The landscaping softens the appearance of the building and provides a suitable private open space for the dwelling house, as shown on Drawing DA-14/A by Landart. Drawing DA15 shows the areas included in the calculation of landscaped open space.</p>	YES On merit
D2 Private open space	YES	The rear yard, living room terrace and pool area together provide private open space in excess of the requirements of WDCP 2011.	YES
D3 Noise	YES	Noise will be domestic level only and comply with the requirements of the POEO Act and the <i>NSW Industrial Noise Policy</i> .	YES
D4 Electromagnetic radiation	NO	No Comment	N/A

General Principles	Applies	Comments	Complies
D5 Orientation and energy efficiency	YES	Excellent natural cross ventilation is provided in the design. The rear yard receives sunlight throughout the year. BASIX Certificate has been provided.	YES
D6 Access to sunlight	YES	<p>Shadow diagrams have been prepared (Drawings DA16-DA18) which identify the overshadowing impacts of the proposal.</p> <p>Control D6 requires that 3 hours sunlight be provided to 50% of the required area of private open space (ie: 30m²) of the subject site and of adjoining dwellings in midwinter. The shadow diagrams demonstrate compliance with this requirement.</p> <p>The neighbour to the east, 42A Greycliffe Street, has its principal private open space in a courtyard on the eastern side of the property. The proposal has no impact on solar access to this private open space.</p> <p>The neighbour to the west, 46 Greycliffe Street, has its principal private open space in courtyards on the northern side of the allotment between the dwelling house and the front boundary. The proposal has not impact on solar access to this private open space.</p> <p>Whilst not a requirement of Part D6 of WDCP 2011, the shadow diagrams also demonstrate that there is minimal impact on the windows of the neighbouring properties that face towards the subject site. They also show no impact to any existing solar collectors on the rooves of the neighbouring properties.</p>	YES
D7 Views	YES	<p>The following assessment has been carried out using the four-step process contained in the planning principle established by the Land and Environment Court (<i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140) for each of the affected properties.</p> <p><u>46 Greycliffe Street.</u></p> <p>46 Greycliffe Street is the neighbouring property on the western side of the subject site.</p> <p>Step 1: Assess the value of the views to be affected.</p> <p>To the extent that any views are affected they are views to the east across Manly Lagoon towards Queenscliff Beach. The beach is not visible but there may be water glimpses. The views to be affected are of a moderate value.</p> <p>Step 2: Consider from what parts of the property the views are obtained?</p> <p>The views are obtained from a small rear balcony and a living room window and from both sitting and standing positions. The views are obtained across the side boundary. The Tenacity principle states that “the expectation to retain side views and sitting views is often unrealistic”.</p> <p>Step 3: Assess the extent of the impact.</p> <p>The affected views are obtuse views. The direct views from the property over the rear boundary are retained. The retained views are expansive of Manly</p>	YES

General Principles	Applies	Comments	Complies
		<p>Lagoon and the opposite foreshore reserve. The retained views are enjoyed from the internal living areas of the dwelling. The impact is considered to be negligible to minor.</p> <p>Step 4: Assess the reasonableness of the proposal that is causing the impact.</p> <p>To the extent that there is any impact on views from 46 Greycliffe Street the proposal is fully compliant. The proposal provides a rear setback of 9.1m, which is substantially in excess of the minimum rear setback of 6.0m required under Control B9 of WDCP 2011. The additional rear setback provides for a greater sharing of views with 46 Greycliffe Street by opening up views across the side boundary that would otherwise be lost. The proposal is considered to be skilfully designed as a result of this very generous rear setback.</p> <p>The proposal results in a negligible to minor impact on a view of moderate value across a side boundary, such that the expectation to retain that view is unrealistic. The major views across the rear boundary are fully retained. The proposal provides for reasonable view sharing with 46 Greycliffe Street.</p> <p><u>42A Greycliffe Street</u></p> <p>42A is the neighbouring property to the east of the subject site.</p> <p>Step 1: Assess the value of the views to be affected.</p> <p>To the extent that any views are affected they are views to the west across Manly Lagoon to the public reserve and urban development beyond. The views to be affected are of a moderate value.</p> <p>Step 2: Consider from what parts of the property the views are obtained?</p> <p>The views are obtained from an upper level terrace and from both sitting and standing positions. The views are obtained across the side boundary. The Tenacity principle states that <i>"the expectation to retain side views and sitting views is often unrealistic"</i>.</p> <p>Step 3: Assess the extent of the impact.</p> <p>The affected views are obtuse views. The direct views from the property over the rear boundary are retained. The retained views are expansive views of high value of Manly Lagoon and include water glimpses of the Pacific Ocean and trees on the Manly beachfront. The impact is considered to be negligible.</p> <p>Step 4: Assess the reasonableness of the proposal that is causing the impact.</p> <p>To the extent that there is any impact on views from 42A Greycliffe Street the proposal is fully compliant. The proposal provides a rear setback of 9.1m, which</p>	

General Principles	Applies	Comments	Complies
		<p>is substantially in excess of the minimum rear setback of 6.0m permitted under Control B9 of WDCP 2011. The impact is negligible and across a side boundary. The proposal maintains reasonable view sharing with 42A Greycliffe Street.</p> <p><u>45 Greycliffe Street</u></p> <p>45 Greycliffe Street is located on the northern side of Greycliffe Street to the west of the subject site. It sits in an elevated position on the high side of the street.</p> <p>Step 1: Assess the value of the views to be affected.</p> <p>The views affected are of trees in Manly Lagoon Reserve and apartment buildings beyond. The view that is impacted is considered to be of low to moderate value.</p> <p>Step 2: Consider from what parts of the property the views are obtained?</p> <p>Views are obtained from balconies and living areas. They are across a front boundary and are available from both sitting and standing positions.</p> <p>Step 3: Assess the extent of the impact.</p> <p>The extent of impact is shown in the following marked-up photograph:</p>  <p>The proposal retains all of the existing ocean view to the east. The impact is limited to treetops and urban backdrop. The impact is considered to be negligible.</p> <p>Step 4: Assess the reasonableness of the proposal that is causing the impact.</p> <p>The proposal has a negligible impact on a view of minor to moderate value. The majority of existing views from 45 Greycliffe Street are retained, including any water views. It is considered that the proposal retains reasonable view sharing.</p>	

General Principles	Applies	Comments	Complies
D8 Privacy	YES	<p>The proposal retains a high level of privacy between dwellings.</p> <p>The upper level addition has been sited at the northern end of the building and, consequently, does not result in overlooking of neighbouring private open spaces or windows. The proposed Juliette balcony on the upper level is positioned so that it does not have direct sight lines into windows or the private open spaces of the neighbouring property, 42A Greycliffe Street. It is relatively small and appurtenant to a bedroom so its use is unlikely to lead to offensive noise.</p> <p>The "squaring off" of the terrace appurtenant to the living area will maintain the existing situation with regards to privacy.</p>	YES
D9 Building bulk	YES	All wall planes are broken up to reduce the building bulk. The building conforms to the topography of the land. The building has been designed to complement the landscape.	YES
D10 Building colours and materials	YES	Proposed colours and materials comprise timber, dark painted brick, white cladding and glass windows and balustrades. Existing sandstone cladding is retained. Details of finished materials and colours are shown on drawing DA19. The materials will not result in excessive glare or reflection.	YES
D11 Roofs	YES	The proposal provides for a combination of the existing gabled roof form with a low-pitched roof for the addition.	YES
D12 Glare and reflection	YES	Domestic lighting only is proposed. Roofing materials are non-reflective and coloured to not result in excessive glare.	YES
D13 Front fences and front walls	YES	No change is proposed to the existing front wall.	YES
D14 Site facilities	YES	Bin storage is provided in the garage. A domestic letter box is provided at the front of the site. There is room in the courtyard for a drying area.	YES
D15 Side and rear fences	YES	No change is proposed to the existing side and rear fences.	YES
D16 Swimming pools and spa pools	YES	<p>The swimming pool is located in such that it is not in proximity to any existing trees. For reasons discussed above with regards to the front setback (Control B7) the siting of the swimming pool within the front setback area is appropriate in the circumstances of the case.</p> <p>The setback of the swimming pool from the front and side boundaries is to be provided with dense landscaping which, together with the existing boundary walls, provides a buffer between the swimming pool and the neighbouring property and privacy for people using the swimming pool.</p>	YES On merit
D17 Tennis courts	NO	No Comment	N/A
D18 Accessibility	NO	No Comment	N/A
D19 Site consolidation in the R3 and IN1 zone	NO	No Comment	N/A
D20 Safety and security	YES	Casual surveillance of the street is maintained. Building entrances are clearly identifiable.	YES
D21 Provision and location of utility services	YES	The site is connected to all relevant utility services.	YES
D22 Conservation of energy and water	YES	The building has excellent natural cross-ventilation. A BASIX Certificate has been provided.	YES
D23 Signs	NO	No Comment	N/A

General Principles	Applies	Comments	Complies
E1 Preservation of trees or bushland vegetation	YES	No trees will be affected by the proposal.	YES
E2 Prescribed vegetation	YES	The site is not in a wildlife corridor and does not contain native vegetation or any threatened or high conservation habitat.	YES
E3 Threatened species, populations, ecological communities	NO	No Comment	N/A
E4 Wildlife corridors	NO	No Comment	N/A
E5 Native vegetation	NO	No Comment	N/A
E6 Retaining unique environmental features	YES	No unique environmental features are affected by the proposed works.	N/A
E7 Development adjoining public open space	YES	Works are generally located away from the adjoining public open space to the south and the existing character of development is retained. There is minimal impact on views to and from public open space. Casual surveillance of the public open space is maximised.	YES
E8 Waterways and riparian lands	YES	The proposal has no impact on the adjoining waterway (Manly Lagoon) subject to appropriate erosion and sedimentation control measures being implemented during construction. This matter can be addressed by appropriate conditions of consent.	YES
E9 Coastline hazard	NO	No Comment	N/A
E10 Landslip risk	YES	The site is within Landslip Risk Areas B and C. A geotechnical assessment report has been prepared by White Geotechnical Group which relevantly states: <i>The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.</i>	YES
E11 Flood prone land	YES	A very small portion of the lower part of the site adjacent to Manly Lagoon is identified as being flood prone. The proposal does not involve any works on the lower part of the site.	YES
F1 Local and neighbourhood retail centres	NO	No Comment	N/A
F2 Brookvale brickworks	NO	No Comment	N/A
F3 Special activities	NO	No Comment	N/A
F4 SP2 Infrastructure zone	NO	No Comment	N/A
G1 Dee Why mixed use area	NO	No Comment	N/A
G2 Medium density residential land in B4 Mixed Use zone	NO	No Comment	N/A
G3 Belrose corridor	NO	No Comment	N/A
G4 Warringah Mall	NO	No Comment	N/A
G5 Queenscliff Village	NO	No Comment	N/A
G6 Dee Why RSL Club	NO	No Comment	N/A
G7 Evergreen Estate	NO	No Comment	N/A

8. State Environmental Planning Policies

8.1 SEPP No. 55 - Remediation of land

- 8.1.1. Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.
- 8.1.2. The site has been used for residential purposes for approximately 60 years prior to which it was vacant. The historical uses of the site are not listed in Table 1 to the Planning Guidelines under SEPP 55 as being activities likely to cause contamination. It is considered unlikely that the site has experienced any contamination, and no further assessment is considered necessary.

8.2 SEPP (Building Sustainability Index) 2004

- 8.2.1. The proposal is “BASIX affected development” for the purposes of State Environmental Planning Policy (building Sustainability Index: BASIX) 2004 (“SEPP (BASIX)”).
- 8.2.2. Under clauses 8 and 9 of SEPP BASIX, other planning instruments and DCP’s do not apply to BASIX commitments. A BASIX Certificate accompanies the proposal.
- 8.2.3. A BASIX Certificate accompanies the proposal.

8.3 SEPP (Coastal Management) 2018

- 8.3.1. The site is located within the Coastal Environment and Coastal Use areas as identified in SEPP (Coastal Management) 2018.
- 8.3.2. Under clause 13(1) Council must consider whether the proposed development is likely to cause an adverse impact on the following:
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

Comment: The proposal will have no impacts subject to the incorporation of standard erosions and sedimentation controls. This matter may be addressed by conditions of consent.
 - (b) *coastal environmental values and natural coastal processes,*

Comment: No impact.
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

Comment: The proposal will have no impacts subject to the incorporation of standard erosion and sedimentation controls. This matter may be addressed by conditions of consent.

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: The proposal will have no impacts subject to the incorporation of standard erosion and sedimentation controls. This matter may be addressed by conditions of consent.

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: No impact.

- (f) *Aboriginal cultural heritage, practices and places,*

Comment: No impact.

- (g) *the use of the surf zone.*

Comment: No impact.

- 8.3.3. Under clause 13(2) Council must be satisfied of the following matters before granting consent to the development:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

Comment: No adverse impacts arise as a result of the development.

- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

Comment: No adverse impacts arise as a result of the development.

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Comment: No adverse impacts arise as a result of the development.

- 8.3.4. Under clause 14(1)(a) Council must consider whether the proposed development is likely to cause an adverse impact on the following:

- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: The proposal maintains public access to the foreshore.

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

Comment: The proposal has minimal impacts with regards to overshadowing, wind funnelling and view from public places to foreshores.

- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

Comment: The proposal involves modest additions to an existing dwelling house and the upgrading of the appearance of the building. It will improve the visual amenity and scenic qualities of the coast.

- (iv) *Aboriginal cultural heritage, practices and places,*

Comment: The proposal is unlikely to have an impact on aboriginal heritage, practices and places given the historical development and use of the site.

- (v) *cultural and built environment heritage*

Comment: The proposal has no impact on heritage items in the vicinity of the site.

- 8.3.5. Under clause 14(1)(b) Council must be satisfied of the following matters before granting consent to the development:

- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

Comment: No adverse impacts arise as a result of the development.

- (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

Comment: No adverse impacts arise as a result of the development.

- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Comment: No adverse impacts arise as a result of the development.

- 8.3.6. Under clause 14(c) Council must take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. In this regard, the proposal represents modest alterations and additions to the existing dwelling house and the bulk, scale and size of the building is relatively unchanged. Additional landscaping is proposed to soften the appearance of the building.

- 8.3.7. Pursuant to clause 15 of SEPP Coastal Management, the proposal will not increase the risk of coastal hazards, being located a significant distance from the foreshore.
- 8.3.8. Pursuant to clause 16 of SEPP Coastal Management, there are no coastal management programs of relevance to this proposal.

8.4 SEPP (Infrastructure) 2007

- 8.4.1. Clause 45 of SEPP Infrastructure requires the Consent Authority to notify the electricity supply authority of any development application (or an application for modification of consent) for any development proposal:
- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
 - immediately adjacent to an electricity substation,
 - within 5m of an overhead power line
 - that includes installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line
- 8.4.2. Council will notify the electricity supply authority of the proposal in accordance with its usual practice.

8.5 SEPP (Vegetation in Non-Rural Areas) 2017

- 8.5.1. Under clause 10 of SEPP (Vegetation in Non-Rural Areas) 2017, Council may issue a permit to clear vegetation in any non-rural area of the State. The proposal does not involve the removal of any vegetation.

9. Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979

9.1 The likely impacts of the development

- 9.1.1. These have been addressed above.

9.2 The suitability of the site

- 9.2.1. The site has been identified in WLEP 2011 as being suitable for housing development. It is zoned R2 Low Density Residential.
- 9.2.2. There are no unique environmental features on the site that render it unsuitable for development. The site does not have a history of use that would result in land contamination (per SEPP 55) and is not subject to bush fire risk.
- 9.2.3. In summary the site is considered to be suitable for the type of development proposed.

9.3 Submissions

- 9.3.1. None relevant at this time.

9.4 The public interest

- 9.4.1. The public interest is served by developing the land in an efficient and economic way that maintains the character of the area and the amenity of the neighbourhood.
- 9.4.2. The Council's LEP and DCP encourage such development in this locality.

10. Summary

- 10.1. The merits of this application have been identified in this assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *Warringah Local Environmental Plan 2011* and the *Warringah Development Control Plan*.
- 10.2. The proposal satisfies the aims and objectives of Council's planning controls. Careful consideration has been given to the design to ensure that adjoining and nearby residents continue to enjoy reasonable solar access, privacy and views. The proposal will upgrade the appearance of the building and enhance the streetscape and character of the area.
- 10.3. Overall the aims and objectives of Council's development controls are achieved and the proposal is considered to be suitable for approval on town planning grounds.

Appendix A Details of the Author

ACADEMIC QUALIFICATIONS

Bachelor of Town Planning (Honours), University of New South Wales (1988).
Master of Professional Accounting (Distinction), University of Southern Queensland (1999).

PROFESSIONAL EXPERIENCE

1997 to present SYMONS GOODYER PTY LTD

Principal town planning consultant responsible for providing expert town planning advice to a diverse range of clients.

Expert witness in the Land and Environment Court.

Statutory and strategic projects within numerous Council areas, including Ashfield, Bankstown, Canterbury, Hornsby, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Warringah, Waverley, and Woollahra.

1988 to 1997 WARRINGAH COUNCIL

Manager, Planning and Urban Design Branch (1994-7). Responsible for drafting of operative provisions of the Warringah Local Environmental Plan 2000.

Senior Strategic Planner (1993-1994)

Development Assessment Officer (1988-1993)

1986 to 1988 MARRICKVILLE MUNICIPAL COUNCIL

Town Planner

1986 EDWARDS MADIGAN TORZILLO BRIGGS INTERNATIONAL PTY LTD

Town Planner

1984 RYDE MUNICIPAL COUNCIL

Student Town Planner

PUBLICATIONS

Goodyer, G (1988)

Retail and office activities in industrial areas in the Sydney region. University of New South Wales.

Goodyer, G (1989)

Hi-tech industry. Planning Law and Practice, UNSW, 1989.

Goodyer, G (1995)

Modern Planning Instruments. Health and Building Surveyors' Association (NSW) Conference, 1995.

Appendix B Clause 4.6 request – building height

See attached written request.