

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING  
DWELLING**

**LOCATED AT**

**150 ALLAMBIE ROAD, ALLAMBIE HEIGHTS**

**FOR**

**RUI & BELINDA SILVA AND BRIANNA EMILY DESIGN**



**Prepared  
January 2025**

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## 1.0 Introduction

This revised Statement of Environmental Effects accompanies revised architectural plans prepared on behalf of Rui & Belinda Silva by Brianna Emily Design to detail the proposed construction of alterations and additions to an existing dwelling at **150 Allambie Road, Allambie Heights**.

The architectural plans prepared by Briana Emily Design comprise:

➤ DA-BS-00	Coversheet	Issue A dated 28 November 2024
➤ DA-BS-01	Site Analysis	Issue A dated 28 November 2024
➤ DA-BS-02	Ground Level Plan	Issue A dated 17 December 2024
➤ DA-BS-03	First Floor Plan	Issue A dated 17 December 2024
➤ DA-BS-04	Roof Plan	Issue A dated 17 December 2024
➤ DA-BS-05	Elevations Sheet 1	Issue A dated 17 December 2024
➤ DA-BS-06	Elevations Sheet 2	Issue A dated 17 December 2024
➤ DA-BS-07	Sections Sheet 1	Issue A dated 17 December 2024
➤ DA-BS-08	Sections Sheet 2	Issue A dated 17 December 2024
➤ DA-BS-09	Landscape Plan	Issue A dated 17 December 2024
➤ DA-BS-10	Waste Management Plan	Issue A dated 17 December 2024
➤ DA-BS-11	Shadow Diagram – Existing 21 June 9am	Issue A dated 17 December 2024
➤ DA-BS-12	Shadow Diagram – Proposed 21 June 9am	Issue A dated 17 December 2024
➤ DA-BS-13	Shadow Diagram – Existing 21 June 12 noon	Issue A dated 17 December 2024
➤ DA-BS-14	Shadow Diagram – Proposed 21 June 12 noon	Issue A dated 17 December 2024
➤ DA-BS-15	Shadow Diagram – Existing 21 June 3pm	Issue A dated 17 December 2024
➤ DA-BS-16	Shadow Diagram – Proposed 21 June 3pm	Issue A dated 17 December 2024

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

## **2.0 Property Description**

The subject allotment is described as 150 Allambie Road, Allambie Heights, being Lot 2264 within Deposited Plan 752038 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is located within a conservation area.

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Hazard Assessment has been prepared by Bushfire Consultancy Australia, Report No 150All-01, dated 24 May 2024.

There are no other known hazards affecting the site.

## **3.0 Site Description**

The property is located on the north-eastern side of Allambie Road, south of the Darmour Avenue intersection. The site is rectangular in shape, with a width of 18.29m and a depth of 47.245m. The site has a total surveyed area of 860m<sup>2</sup>.

Topographically the land slopes downwards from the south of the site to the north (rear to front) by approximately 3m via a gentle slope.

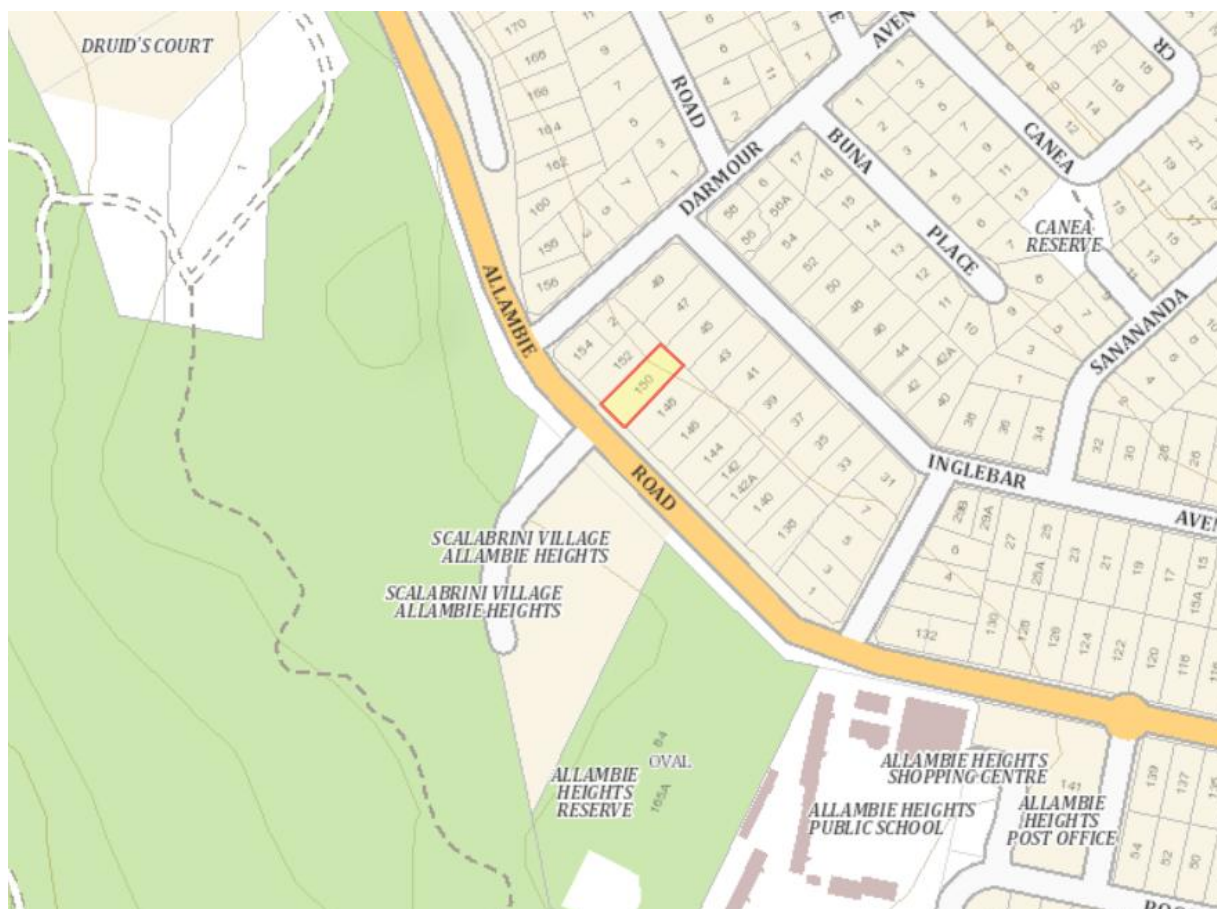
The site is currently developed with a single storey brick dwelling with a tile roof, with an attached garage and carport located forward of the dwelling.

The rear of the site includes an existing swimming pool (CDC2017/0563) and secondary dwelling (CDC2016/0928).

Roofwater from the new roof areas will be connected to the existing stormwater system, which disperses stormwater within the yard areas of the site.

The site does not contain any significant canopy trees, with the site containing mostly landscaped lawned areas at the front and rear of the site.

The details of the site are as indicated on the survey plan prepared by CMS Surveyors, Reference No 23873detail dated 14 October 2024 which accompanies the DA submission.



**Fig 1: Location of Subject Site**  
(Source: Six Maps)



**Fig 2: View of subject site, looking north from Allambie Road**



**Fig 3: View of the neighbouring property to the south-east at No 148 Allambie Road, looking north**



**Fig 4: View of the subject property and pedestrian access along the north-western boundary to the secondary dwelling at the site**



**Fig 5: View looking north towards the adjoining property at No 152 Allambie Road**



**Fig 6: View looking north-east along the pedestrian access to the secondary dwelling at the rear of the site**



**Fig 7: View of the rear elevation of the dwelling, looking south-west along the pedestrian access to the secondary dwelling at the rear of the site**



**Fig 8: View of the rear elevation of the dwelling, looking south**



**Fig 9: View of the rear yard of the site, looking south-east**



**Fig 10: View of the rear yard of the site, looking north-east towards the secondary dwelling at the rear of the site**

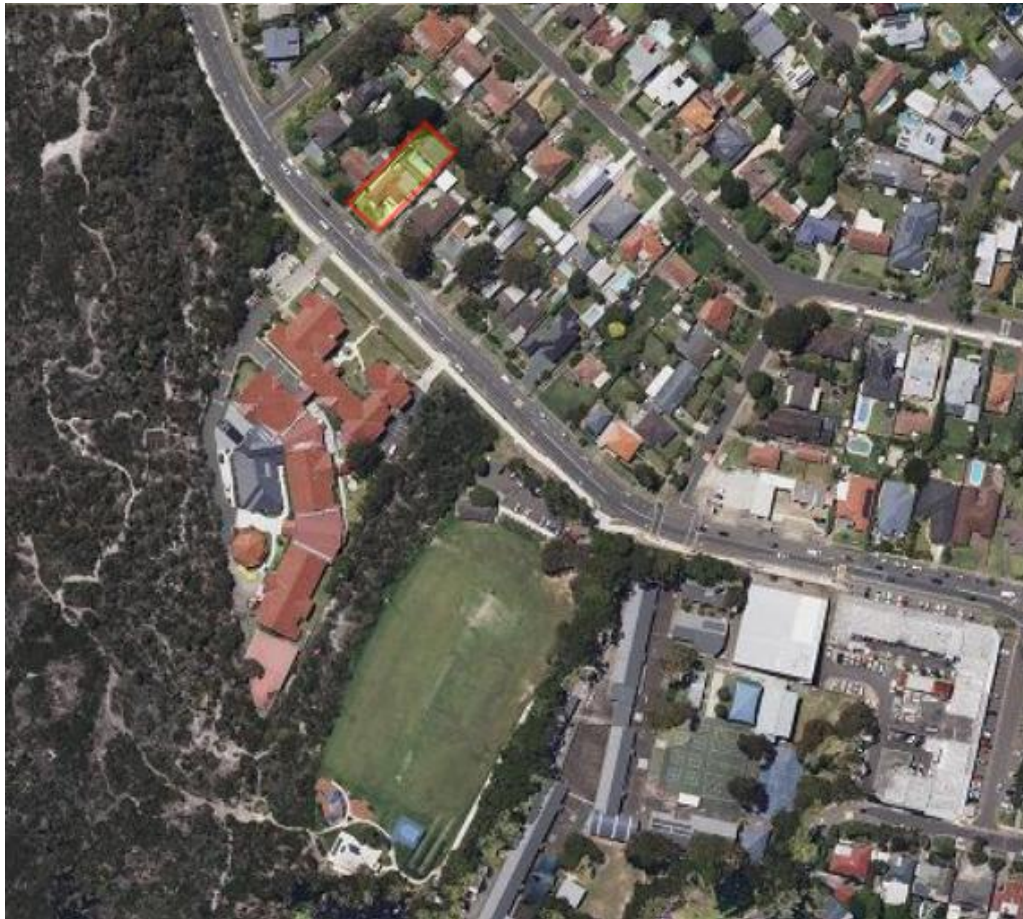
#### **4.0 The Surrounding Environment**

Surrounding the site is a variety of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools reflective of the R2 zoning of the locality.

The site is in close proximity to a number of community and recreational open space areas, including Allambie Heights Oval and community shopping centre.

The general vicinity of the site is characterised by low density residential development of a variety of architectural styles. Given the age of some of the in the area, where provision for two vehicles were not provided behind the front setback, parking structures with nil or reduced setbacks are not uncommon in the locality.

The site and its surrounds are depicted in the following aerial photograph:



**Fig 11: Aerial view of locality  
(Source: Six Maps)**

## **5.0 Proposed Development**

As detailed within the accompanying plans, the proposal seeks approval for the construction of alterations and additions to an existing dwelling, including first floor addition.

The new works will comprise:

### **Ground Floor Plan**

- Alterations and additions to existing ground floor level to provide for guest bedroom, powder room, kitchen/dining/living, rumpus room, internal access stairs to first floor, double garage.

### **First Floor Plan**

- Construction of a new first floor to provide for media room, bedroom 1, 2 and 3, bathroom, master room with WIR and ensuite, rear balcony.

### **External Works**

- New double garage
- Front boundary fence
- New front access steps
- Rear BBQ area
- Replacement of covered rear entertaining area

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the existing dwelling. The resultant development is highly articulated, with skilful use of screening devices, varied roof forms and materiality to reduce bulk and scale.

The works will see generous soft landscaped areas retained and will not see the removal of any significant trees or vegetation.

The new car parking spaces and internal design arrangement will afford improved amenity to the occupants without unreasonably compromising the amenity of surrounding residential properties.

The proposed external finishes have been detailed on the submitted architectural plans prepared by BE Designs and comprise earthy finishes including cladding and timber which will reflect the existing natural bushland within the area and complement surrounding development.

Stormwater from the roof areas will be directed to the existing Level Spreader located at the rear of the site in accordance with the Stormwater Management Design prepared by Waterdesign Civil Engineers, Job No 2024-070 dated 23 December 2024.

The development indices for the site are:

Site Area	860m <sup>2</sup>
Maximum Building Height	8.5m
Proposed Building Height	6.91m
Landscaped Area Required	40% or 345.6m <sup>2</sup>
Landscaped Area – Existing	42% or 364.32m <sup>2</sup> (incl. areas <2m in width)
Landscaped Area - Proposed	40% or 345.08m <sup>2</sup> (incl. areas <2m in width)

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### Vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

No significant or high value vegetation is proposed to be removed as part of the proposed development.

Any new landscaping would include native vegetation, no exotic vegetation. The development is designed, sited and will be managed to avoid any significant adverse environmental impact at any surrounding trees on the neighbouring sites.

### **6.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Remediation of Land

Clause 4.6(1)(a) of SEPP (Resilience and Hazards) prescribes that the consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

The proposal is consistent with the provisions of Chapter 4 of this policy.

### **6.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

#### Bushfire Prone Land

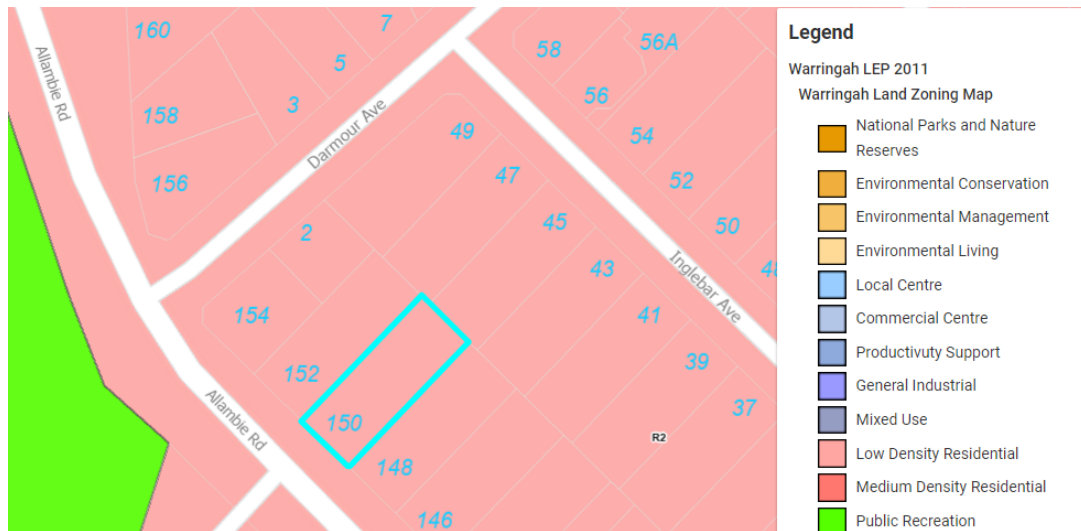
The site is classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires the consent authority to be satisfied that the development conforms to the specifications and requirements of the *Planning for Bush Fire Protection 2019*.

A Bushfire Hazard Assessment has been prepared by Bushfire Consultancy Australia, Report No 150All-01, dated 24 May 2024, stating that the development conforms to the relevant specifications and requirements within *Planning for Bush Fire Protection 2019*. The works will be carried out in accordance

with the recommendations contained within the report and will therefore satisfy the requirements of Planning for Bushfire Protection.

#### 6.4 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011. The proposed works to the dwelling are permissible in the R2 zone with consent.



**Fig 12: Extract of Warringah Local Environmental Plan 2011**

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted over as:

- *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.*

It is considered that the proposed alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The works will not require the removal of any significant trees to facilitate the new works
- The works will not see any substantial change to the views enjoyed by neighbouring properties.

**Clause 4.3** provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Allambie Heights is 8.5m. The proposed new first floor addition will result in a maximum height of approximately 6.95m and therefore complies with the building height control.

**Clause 6.2** relates to earthworks.

The proposal will not require any significant excavation in order to accommodate the new works.

The works will be carried out in accordance with the recommendations of a qualified Structural and Geotechnical Engineer, and therefore satisfy the provisions of this clause.

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

**Clause 6.4** relates to development on sloping land.

The land is noted as being Landslip Risk Area A.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

## 6.5 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	<p>The proposal will provide for wall height of up to 7.6m on the north-eastern and north-western and therefore does not comply with this control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</i></li> <li>• <i>To ensure development is generally beneath the existing tree canopy level.</i></li> <li>• <i>To provide a reasonable sharing of views to and from public and private properties.</i></li> <li>• <i>To minimise the impact of development on adjoining or nearby properties.</i></li> <li>• <i>To ensure that development responds to site topography and to discourage excavation of the natural landform.</i></li> </ul>	Yes – on merit

		<ul style="list-style-type: none"> <li>• <i>To provide sufficient scope for innovative roof pitch and variation in roof design.</i></li> </ul> <p>The proposed development maintains a modest bulk and scale, and will not result in any unreasonable impacts to neighbouring properties in terms of solar access, privacy, views or general amenity.</p> <p>The variation to the wall height control as a direct result of the fall in the site levels towards the north-east and does not in itself result in the presentation of an unreasonable or excessive bulk and scale to either the public domain or neighbouring properties or contribute to excessive view loss.</p> <p>Notwithstanding the minor variation to the wall height control, the proposal is in keeping with the desired outcomes of this control and is worthy of support on merit.</p>	
B2 – Number of storeys	No requirement identified on map		N/A

<p>B3 – Side Boundary Envelope and Side Setback</p>	<p>Building envelope 45 degrees from 5m. Setback 0.9m</p>	<p>The proposal will present a minor variation to the side boundary envelope control on the south-east elevation and north-west elevation.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i></li> <li>• <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i></li> <li>• <i>To ensure that development responds to the topography of the site.</i></li> </ul> <p>The proposed works will present a minor variation to the side boundary envelope as a result of the sloping topography and siting of the existing dwelling above the ground level.</p> <p>The proposal complies with the prescribed building height control, and the side setbacks are consistent with surrounding dwellings. The encroachments will not give rise to any unreasonable amenity impacts.</p>	<p>Yes</p>
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		<p>In this instance, the proposed massing of the building is considered to be appropriate and will not unreasonably remove views for any surrounding properties or result in excessive overshadowing.</p> <p>The low pitch of the roof form assists in reducing the apparent bulk of the building, with the design providing for good articulation in the wall and roof lines.</p> <p>The proposal is not considered to present an excessive bulk and scale, and is not considered to detract from the privacy and solar access currently enjoyed by neighbouring properties.</p> <p>The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.</p>	
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	The proposed garage will be located 0.9m from the south-east side boundary and the new first floor level will stand from 1.0m - 1.8m to the south-east side boundary. The	Yes

		<p>first floor will be located 2.29m - 2.733 to the north-west side boundary.</p> <p>The proposed new works at the ground and first floor level will comply with Council's side setback requirements.</p>	
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	The proposed new garage will stand 6.5m from the front boundary setback. The first floor will be located 7.573m from the front boundary setback. As a result, the new works to the dwelling house are in accordance with Council's front setback control.	Yes
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	The proposal will not see any change to the existing rear boundary setback that is well in excess of 6m.	Yes
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A

B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	New driveway and driveway crossing to be constructed in accordance with Council's requirements.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Two parking spaces, within a new double garage that will be compliant with AS 2890.1	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Roofwater from the development is to be connected to the existing stormwater system. As the impervious areas within the site are maintained, this is considered appropriate.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Sediment and erosion control measures will be carried out as required.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	No significant excavation is required to accommodate the new works.  All works will be carried out in accordance with the recommendations of the consulting	Yes

		Structural and Geotechnical Engineers, and will therefore satisfy the provisions of this clause.	
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available as noted on plans	Yes
<b>Part D – Design</b>			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>Required – 40% or 345.6m<sup>2</sup></p> <p>The existing landscaped area, inclusive of garden areas which have a width of less than 2m is 364.32m<sup>2</sup> or 42%.</p> <p>The proposed new works are largely over the existing building footprint and other than some minor changes to increase the building footprint over current paved areas, the works will see a slight reduction in landscaped area to 345.08m<sup>2</sup> or 40%, also including areas less than 2m in width.</p> <p>From the visual presentation of the site to the naming properties and in terms of the extent of stormwater run-off etc, the site will continue to function largely in its current</p>	Yes – on merit

		<p>form with suitable landscaped area to screen the building from the street and the neighbours and also to maintain the existing store dispersal system located at the rear of the site.</p> <p>The proposed works will not require the removal of any significant vegetation and in this instance, the site will continue to observe Council's objectives for the Landscaped area Control.</p>	
D2 – Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m<sup>2</sup> with min dimension 5m</p>	Private open space will continue to be provided at the rear of the subject site adjoining the rear terrace and swimming pool area.	Yes
D3 – Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	The works are residential in nature and there will be no further acoustic impacts.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	<p>Dwellings to be orientated to receive northern sun</p> <p>Appropriate construction to enhance thermal properties and ventilation/natural cooling</p>	<p>The site will receive ample access to direct sunlight throughout the day in mid-winter.</p> <p>The application is supported by a BASIX Certificate.</p>	Yes

	Compliance with SEPP (BASIX) requirements		
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	Shadow diagrams have been prepared and form part of the submission to Council Solar diagrams have been provided to demonstrate the proposal will not see the unreasonable overshadowing of the adjoining properties to the north-west or south-east, with the works ensuring solar access to private open space and principal living areas have the required access to sunlight.	Yes
D7 – Views	View sharing to be maintained	It is not considered that the proposal will have an unreasonable impact on any existing views currently enjoyed by surrounding properties.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed development has been designed to minimise opportunities for overlooking.  The design of the first floor has duly considered the amenity, including privacy of adjoining properties to the north-west and south-east.  The new larger window and door openings are a	Yes

		<p>orientated to the front and rear of the site to minimise risk of overlooking into neighbouring properties, including any habitable rooms or outdoor living areas.</p> <p>In addition to the above, timber batten privacy screening will be fitted over the window openings of the side elevations of the first floor, along with generous separation and a variety of sill heights which will further assist with maximising privacy for occupants of the subject dwelling and neighbouring properties.</p>	
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of dwellings between one and two storeys in height.	Yes
D10 – Building Colours and materials		The proposed new works will be finished in natural materials and a neutral colour palate which complement the existing development on site and the locality.	Yes

D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed new dwelling provides for a complementary flat roof form to the locality that does not dominate the skyline.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	<p>The proposal includes a curved front fence, consistent with the curves of the first floor, with a height of up to 2m.</p> <p>The proposed front fence only extends part way across the front boundary allowing viewing of the landscaped zones and vehicle access areas within the front setback.</p> <p>The design of the front fence is consistent with the design of the new first floor, other front fences along Allambie Road and a solution for safety and security for the occupants, whilst improving the overall outlook of the built environment.</p>	Yes – on merit
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the	Bin storage area is available adjacent to the proposed garage.	Yes

	view of the site facilities.		
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Existing boundary fencing to be retained.	Yes
D16 – Swimming Pools and Spa Pools	<p>Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.</p> <p>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>	N/A – existing CDC approved swimming pool.	N/A
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	<p>Buildings to enhance the security of the community.</p> <p>Buildings are to provide for casual surveillance of the street.</p>	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling house to the street over and through the front landscaped area.	Yes

D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is provided to support the development	Yes
<b>Part E – The Natural Environment</b>			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposed works will not require the removal of any significant trees or vegetation.	Yes
E2 – Prescribed Vegetation			N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.	The site is noted on Council's Landslip Risk Map as being within Area A.	Yes
E11 – Flood Prone Land	Not identified on map		N/A

## **7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

It is not considered that there are any draft environmental planning instruments applying to the site.

### **7.3 Any development control plan**

The development has been designed to address the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the building envelope and wall height controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for development which fully respects the criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

No matters of relevance are raised in regard to the proposed development.

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

No matters of relevance are raised in regard to the proposed development.

**7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for the construction of alterations and additions to an existing dwelling, which has been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

**7.7 The suitability of the site for the development**

The site is considered suitable for the proposed development.

The proposal will provide for the construction of alterations and additions to an existing dwelling.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

**7.8 Any submissions made in accordance with this Act or the regulations**

This is matter for Council in the consideration of this proposal.

**7.9 The public interest**

The proposal will not impact upon the environment or the character of the locality and the considered location of habitable room windows and decks will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

## **8.0 Conclusion**

The principal objective of this development is to provide for the proposed construction of alterations and additions which respect and complements the site's location.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal complies with the building height standard with floor space of the first floor appropriately distributed across the existing ground floor. The building displays a complimentary and compatible building form when compared to other development located along this section of Allambie Road and within the site's visual precinct generally.

The setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

### **VAUGHAN MILLIGAN**

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)