

STATEMENT OF ENVIRONMENTAL EFFECTS

72 CARRINGTON PARADE, CURL CURL

DEMOLITION AND CONSTRUCTION OF A NEW DWELLING

**PREPARED ON BEHALF OF
Breakspear Architects**

April 2019

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	BACKGROUND	5
2.	SITE DESCRIPTION AND LOCALITY	12
3.	THE DEVELOPMENT PROPOSAL	16
4.	ZONING & DEVELOPMENT CONTROLS	17
5.	EP&A ACT – SECTION 4.15	38
6.	CONCLUSION	39

1. INTRODUCTION

This application seeks approval for the demolition and construction of a new dwelling on Lot 1 in DP 366860 which is known as **No. 72 Carrington Parade, Curl Curl**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by NGENO Surveys, Job Ref 160331D1 and dated 31.03.2016.
- Architectural Plans prepared by Breakspear Architects, Project No. 1701, Revision D, dated 04/04/2019.
- BASIX Certificate No. 984836S.
- Geotechnical Investigation, Acid Sulfate Soils Assessment & Preliminary Landslip Assessment prepared by STS Geo Environmental, Report No. 18/3658 and dated December 2018.
- Landscape Plan prepared by Paterson Design Studio, Revision No. 1 and dated 31.01.19.
- Stormwater Management Plan prepared by Ecological Design, Drawing No. 0711_01, Issue A and dated 30/1/2019.
- Waste Management Plan.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

Breakspear Architects have responded to the client's brief with an exceptional design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves a contemporary, low profile, site specific building design that is responsive to the micro-climatic conditions, undersized character of the allotment, Pre-DA lodgement consultation, and the beachside development context.

The proposed development outcome comprises a modern, high quality design, on a visually exposed corner site, involving a thoughtfully configured building form, with integrated vehicle parking, storage, and private open spaces.

The design provides appropriate 'soft' landscaped and integrated garden and recreational areas within the proposed dwelling footprint, appropriately connected to the main living spaces but also appropriately separated to maintain privacy to neighbouring properties and the adjacent street frontages.

The bulk of the design is minimised through its angled building facades (avoiding flat wall plains on each street frontage), low profile roof, and cut-in siting of the building levels (to the rear) response to the site topography and the position of neighbouring dwellings to the rear. The presentation of the design is enhanced by a limited pallet of high-quality, durable materials that are suited to this coastal location. The property's streetscape interface is also complemented by an improved landscape quality, with endemic coastal plants and ground covers proposed to soften each of the property's street frontages.

The property can accommodate the proposal without any significant or unreasonable impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal has been designed in response to the development context and to have minimum impact on the surrounding amenity.

This DA submission demonstrates that the proposal is a contextually appropriate design that is appropriately located and configured to complement the property's established and intended neighbourhood character.

2. BACKGROUND

2.1 Pre-Lodgement Meeting

A Pre-Lodgement Meeting (PLM 2018/0076) was held with Council on 15 May 2018. A number of points were discussed at the meeting and detailed in the PLM notes which are summarised below. Following the PLM a further setback of plans (dated 13 June 2018) were supplied to Council to address a number of areas of non-compliance.

Views

The proposal has carefully considered the view sharing principles established in *Tenacity Consulting v Warringah Council* with regard to the surrounding properties. A view analysis is included in the architectural plans with respect to the immediately adjoining western property (No. 2 Gardere Street) and the adjoining southern property (No. 70 Carrington Parade).

It is noted that the subject site currently comprises a very modest single level dwelling and any development of the site will result in some view loss. However it is considered that the proposal provides for appropriate view sharing. The amendments which including lowering the building height (which complies with the LEP), providing complying western and southern boundary setbacks and providing a significant increase to the setback to Gardere Avenue frontage ensure appropriate view sharing. The proposal enable a view corridor along Gardere Avenue for the property immediately to the west which ensures that the majority of the existing view of the land/water interface of Curl Curl beach is maintained. It is noted that the minor non-compliance with the side boundary envelope does not obstruct water views.

In relation to No. 70 Carrington Parade (property to the south) the view loss is negligible.

It is considered that the proposal has been designed to ensure appropriate view sharing.

Primary and Secondary Setbacks

The subject site is a corner allotment, with the DCP requiring the primary setback (Carrington Pde) to be 6.5m and the secondary setback (Gardere Ave) to be 3.5m.

The pre-DA plans provided for a setback to Carrington Parade of 1.5m to the deck and 3.8m to the wall of the dwelling. The PLM notes that the setbacks proposed '*can be supported on merit given the consistency achieved with the general pattern of buildings in the streetscape*'. It was suggested that a detailed landscape plan be submitted with the application.

The plans submitted with this application further improve the presentation to Carrington Parade by providing for a setback to this frontage ranging from 2.33m to 3.88m. This enables a more useable area of landscaping within the front setback. A detailed Landscape Plan has been submitted which provides for two tea trees and shrubs adjacent to the front boundary.

In relation to Gardere Avenue, the PLM notes provided:

...the proposed nil setback to the northern boundary requires further consideration. While it is noted that the existing dwelling has a nil setback to the northern boundary...

and

Council acknowledges that strict compliance with the 3.5m setback is unrealistic..

The proposal has been amended to address the concerns of Council and incorporate a setback to Gardere Avenue that can support landscaping and provides for a good transition to the adjoining development to the west. The plans submitted with this application provide for setbacks to Gardere Avenue that range from 3.5m at the rear northwest corner of the dwelling and tapering to a nil setback at the front northeast corner. This serves to enable more appropriate landscaping and also to maximise the view corridors for those properties to the west on Gardere Avenue. This elevation has been further articulated through the use of varied setbacks, external finishes and wall modulation.

The current proposal more appropriately addresses both street frontages, enables more appropriate landscaping whilst also ensuring the principles of view sharing. The modification of the original plans to provide for a 3.5m setback at the western end of the Gardere Avenue frontage also ensures that the development is compatible with the existing development along the southern side of Gardere Avenue.

It is considered that the plans submitted with this application address the street frontage setback issues raised at the PLM.

Side Setbacks

The DCP requires a setback of 0.9m to the southern and western boundaries of the site. The architectural plans has been amended to address this issue and the plans submitted with this application provide for setbacks of 900mm to both the western and southern boundaries.

In relation to the western boundary the plans have been amended to relocate the garage with terrace above, previously located adjacent to the western boundary. The garage is now located centrally within the building and with main terrace areas either internally or on roof top. There is one small terrace at the first floor northwest corner.

However, this is a drying terrace adjacent to the laundry and is appropriately screened to prevent overlooking.

The proposal now complies with the side boundary setback provisions of the DCP and address the issues raised by Council at the PLM in this regard.

Side Boundary Envelope

The PLM notes discussed the non-compliance with the Side Boundary Envelope. The PLM notes provided:

Where possible you are strongly encouraged to manipulate the building form to achieve compliance with the side boundary envelope control, particularly in areas adjacent to windows or openings on the adjoining building (No. 70).

The plans have been significantly altered in this regard to provide for a 900mm setback to the southern side boundary and altering the roof form. In this regard the non-compliance with the side boundary envelope has been substantially reduced with the small portion of the front of the dwelling and a small portion of the lift shaft encroaching the envelope. The breach has been significantly reduced from 2.2m for the length of the southern wall to approximately 0.7m for a small portion of the eastern end of the southern wall and lift shaft.

It is noted that the current proposal now complies with the side boundary envelope with respect to the western boundary.

The PLM notes also provide:

...it is recommended that screen planting be utilised along the western side of the first floor terrace to ensure visual privacy is maintained and consideration be given to the alignment, height and materiality of the terrace balustrade to ensure that it does not appear bulky when viewed from the adjoining property.

The plans submitted with this application have addressed this comment. The western elevation is provided with a setback of 900mm to the western boundary and provides for a height of only 4.6m.

The amendments to the plan ensure appropriate visual separation and with the western end of the building achieving compliance it is not considered that the minor non-compliance has any detrimental impact on the adjoining properties.

it is considered that the proposal addresses this issue raised.

Landscaped Area

The PLM notes indicated:

Although requiring compliance with the minimum 40% is not considered appropriate due to the small lot size, it is strongly advised that meaningful and appropriate landscaping with suitable soil depth be provided (minimum 1m).

The current plans submitted with this application provide for a landscaped area of 20% as defined (34% if including areas 2m and/or above ground level). However, it is considered that the proposal addresses this issue and the objectives of D1 of the DCP by providing for more useable and meaningful areas of landscaped area. In this regard the current proposal provides for a landscaped strip along the majority of Carrington Parade and Gardere Avenue frontages. A detailed landscape plan has been prepared which indicates that these areas can provide for landscaping that is commensurate to the dwelling size and is compatible with the desired future character of the locality.

The proposal also incorporates additional landscaped areas, whilst located above ground level, will assist in providing privacy, improving amenity and ensuring a suitably landscaped site.

The Landscaped Plan also provides for roadside (verge) planting if considered appropriate by Council to further improve the landscaped character of the local area.

It is considered that the landscaping as now proposed addresses the concerns raised in Council's PLM notes.

Building Height

The LEP specifies a maximum building height of 8.5m. The plans submitted with the application comply with this requirement.

Wall Height

The DCP specifies a maximum wall height of 7.2m. The PLM notes provided:

The wall height of a building is measured from existing ground level to the underside of the ceiling on the uppermost floor of the building. The architectural plans indicate that the development breaches the wall height control in the apex of the clerestory window element of the roof due to the raked ceiling.

Subject to the height of the building not giving rise to any adverse amenity impacts (including views) the variation could be supported.

It is noted that the proposal submitted with this application ensures the external walls of the dwelling comply with the 7.2m height limit (south elevation - 6.4m; north elevation - 6.15m). It is noted that the lift wall height exceeds the 7.2m wall height control, however this is located centrally and complies with the 8.5m building height control. This is discussed in further detail in this report.

The plans submitted with this application address the issues discussed at the PLM.

Building Bulk

Concerns were raised at the PLM with regard to the nil setback to the northern boundary and the length of the northern façade. The plans have been amended to address this concern as detailed previously.

Summary

Following the Pre-Lodgement Meeting the architect/client provided for substantial amendments to address the concerns raised and provide for a development that resolved those issues previously raised. As detailed in this report, the proposal complies with the development standards of the LEP and is considered to meet the objectives of the controls of the DCP.

2.2 Undersized Allotment

The property has a restricted site area and dimensions, and the site is an undersized allotment when compared to the minimum allotment size under the LEP.

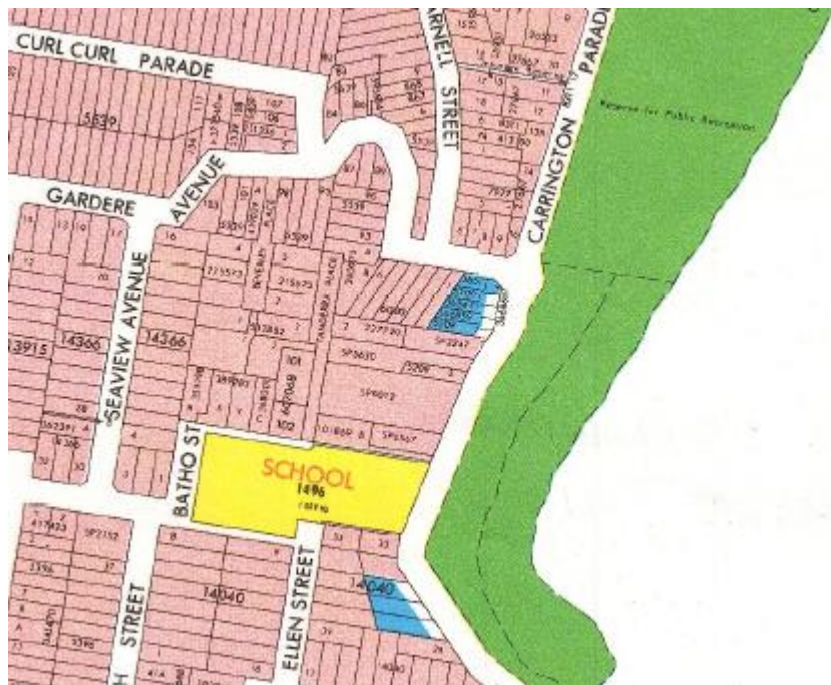
The minimum lot size applicable under Clause 4.1 of LEP 2011 is 450m² whereas the subject site area is 280.9m² and is therefore 37.6% under the minimum lot size. The DCP controls applicable to the assessment of the proposal were not predicated on properties of this undersized nature. Subject to addressing the objectives of the planning controls it is assessed that these site characteristics provide appropriate grounds for various exceptions to the applicable built form planning controls, notably in relation to side boundary envelope, landscaped area, number of storeys, private open space, primary and secondary front setbacks.

Furthermore, unique to this site (and the 4 properties adjacent to the south) it has a long history of being zoned for neighbourhood business. As indicated by the map excerpts below, the long-held zoning intention of the site was for neighbourhood business, which would have permitted a more intense development of the site including zero boundary line development and shop-top housing. Whilst such development potential is now an historic reference, what is relevant to note is that the allotment size, location, and configuration was created with this outcome in mind rather than a detached dwelling house (which is the only housing form permitted by the current zoning). The DCP controls applicable to the R2 zone generally, are predicated on properties of a larger area and proportion, for example 450-650 m² in area, 13m to 15m wide and 40-50m deep. The subject site is undersized in comparison to each of these typical size references.

- The previous intention to zone the property Neighbourhood Business appears to date back to 1947 and continued until 9 December 2011, as per the dates of the various applicable Warringah environmental planning instruments during this time.



**Warringah Planning Scheme Ordinance 1963 – Zoning Map –
the property is coloured blue indicating a Business zoning
(the precise Business zoning has not been confirmed)**



**Warringah Local Environmental Plan 1985 – zoning map
– the property is zoned Neighbourhood Business C**



**Warringah Local Environmental Plan 2000 –
the property has a Local Retail designation**

2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 1 in DP 366860 which is known as 72 Carrington Parade, Curl Curl. The site is located at the western side of Carrington Parade at its southwest intersection with Gardere Avenue. The site has an area of 280.9m² with the eastern boundary having a frontage of 5.398m to Carrington Parade and a secondary frontage of 25.918m to Gardere Avenue. The locality is depicted in the following map:



Site Location Map

The site is currently occupied by a single storey clad dwelling with tiled roof and detached clad garage with sheet roofing. The existing dwelling is predominantly orientated towards Carrington Parade and provided with a setback of approximately 1.4m to this frontage. The dwelling is provided with a nil setback to the Gardere Avenue frontage. The detached garage is located to the rear (western) portion of the site and is orientated towards Gardere Avenue. This structure is setback approximately 0.6m to the Gardere Avenue frontage.

The site has a gradual slope from the west towards Carrington Parade with a total fall of approximately 1.6m.

The site is depicted in the following photographs:



View of Subject Site from Carrington Parade



View of Site from Gardere Avenue

The existing surrounding development comprises a mix of one, two and three storey detached residential dwellings on varied allotment sizes. There are also a number of multi-storey residential flat buildings. The site is located opposite public open space and benefits from views towards the east of Curl Curl Beach.

The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality



Existing Development to the South of the Subject Site



Existing Development to the West of the Subject Site

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the demolition of the existing structures and construction of a new two storey dwelling with basement storage and plant room. The dwelling is to be constructed of a mixture of masonry and concrete with a zinc sheeted roof. The proposal also provides stormwater management works in accordance with council controls.

The proposed development is provided with a setback that ranges from 2.33m to 3.88m to the Carrington Parade frontage. The setback provided to the Gardere Avenue frontage varies from nil to 3.5m. All elevations are well articulated. Setbacks of 900mm are provided to both the southern and western boundaries.

The proposal also provides for stormwater disposal in accordance with the Stormwater Concept Plan which provides for all collected stormwater to discharge to the street gutter in Carrington Parade via a rainwater reuse tank.

The main pedestrian entry is provided from Gardere Avenue with a separate pedestrian path proposed adjacent to the proposed driveway. The dwelling is designed to be orientated towards both Gardere Avenue and Carrington Parade.

The proposal provides for a double garage on the ground floor which is accessed from Gardere Avenue. A new driveway centrally on the Gardere Avenue street frontage is proposed to enable vehicular access to the site. The proposal does not require the removal of any large trees or shrubs.

The proposed dwelling will comprise the following:

Lower Level: Mechanical plant/services, store and cellar (non-habitable area).
Ground Floor: Entry, three bedrooms (main with ensuite), bathroom, store and double garage.
First Floor: TV room, laundry, WC, kitchen, dining/living, internal courtyard.

The proposal provides for a roof terrace located on the eastern portion of the dwelling.

The proposal will result in the following numerical indices:

Site Area:	280.9m ²
Existing Landscaped Area:	80m ² or 28.5%
Proposed Landscaped Area: (as defined)	55m ² or 20%
Proposed Landscape including areas <2m:	97m ² or 34.0%

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Warringah Council.

4.1 State Environmental Planning Policy (Coastal Management) 2018

This SEPP aims to manage development in the coastal zone and protect the environmental assets. The subject site is identified as 'coastal environment area' and 'coastal use area' on the Coastal Management Map and therefore the provisions of this SEPP apply. The following Clauses are relevant to the proposed development:

Clause 13 Coastal Environment Area

This clause provides:

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered 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,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (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,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (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,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

Comment: The proposal will not have any detrimental impact on the integrity or resilience of the environment. A Geotechnical Report has been prepared and submitted with this application.

The proposed dwelling is separated from the coast by a public road. The proposal will not impact on existing water quality or any significant vegetation.

Further the works do not obstruct any public access to the foreshore. There are no known aboriginal or cultural heritage items, places or relics within the vicinity.

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposed dwelling is provided with ample separation to the coastal area ('Curl Curl Beach and foreshore'). Soil erosion and sedimentation controls will be implemented prior to the commencement of any work on site.

Clause 14 Coastal Use Area

This clause provides:

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) *has considered 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,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal does not affect any existing public access to the foreshore or beach. The proposal is for a new dwelling on an existing residential allotment and will not result in any overshadowing or wind funnelling to the foreshores.

The proposed bulk or scale is compatible with the existing surrounding development and will not dominate the skyline when viewed from the foreshore. There are no known aboriginal or cultural heritage items, places or relics within the vicinity.

Clause 15 Development in Coastal Zone Generally – Development not to increase risk of coastal hazards

A geotechnical report has been submitted and it is considered that the proposal complies with this clause.

There are no other provisions of the SEPP that apply to the proposed development.

4.2 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

4.3 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.

The site is zoned R2 Low Density Residential. Development for the purposes of a dwelling house is permissible in this zone with the consent of Council. The following provisions of the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	8.5m	8.5m

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.3 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	<p>The external walls of the dwelling comply with this clause.</p> <p>The lift/access well slightly exceeds the wall height control with a height of 7.15m. The non-compliance is considered justified in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The non-compliance is minor being only 15mm. Amendments to ensure strict compliance would not serve any benefit nor be discernible. • The lift/access well is appropriately setback from all boundaries of the site and as such does not dominate the streetscape. This structure is located centrally and is well articulated from the main dwelling structure. • The main dwelling structure complies with the maximum wall height controls. • The proposal complies with the overall building height control of the LEP. • The minor non-compliance does not result in any unreasonable overshadowing or loss of amenity to the adjoining properties.

Clause	Requirement	Compliance
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	<p>The proposal provides for a minor non-compliance along the southern elevation. However, the proposal is considered appropriate in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The non-compliance is very minor as depicted in the sections on the architectural plans. • Altering the plan to comply with the building envelope would not serve to improve solar access. The shadow cast is not a result of the non-compliance of the envelope. • The non-compliance does not result in unreasonable bulk, with the elevations well-articulated and the non-complying component provided with increased setbacks. • The non-compliance does not result in an unreasonable loss of views as discussed later in the View Analysis. • The site is significantly undersized (37.6% under the minimum allotment size for this area) and strict compliance with the numerical controls of the DCP are unreasonable.

Clause	Requirement	Compliance
		<ul style="list-style-type: none"> The proposal complies with the maximum building height and side boundary setbacks.
B4 – Site Coverage	Not Applicable	Not Applicable
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Setbacks of 0.90m to the western boundary and southern boundaries.
B6 – Merit assessment of Side Boundary Setbacks	Not Applicable	Not Applicable
B7 – Front Boundary Setbacks	Primary Frontage - Minimum 6.5m Secondary Frontage – Minimum 3.5m.	See discussion at end of table.
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	Not applicable to corner allotments.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes New driveway crossing to be provided in accordance with Council controls.

Clause	Requirement	Compliance
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The proposal provides for a double garage integrated into the dwelling design. The setback of this structure is discussed at the end of this table in response to Clause B7 of the DCP.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification	Yes The proposal provides for all collected stormwater to discharge to the street gutter in Carrington Parade as per the Stormwater Management Plan.
C5 – Erosion and Sedimentation	Soil and Water Management required	Yes A Soil Erosion Management Plan has been prepared and forms part of the submission to Council.
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	The proposal provides for some additional excavation to provide for the lower level storage area. The site has an area of only 280.9m ² and providing for a new dwelling is constrained. The best alternative to ensure sufficient storage and provisions of services (rainwater tanks, mechanical plant etc) is to provide a basement level.

Clause	Requirement	Compliance
		The excavation is contained within the boundaries of the site and generally beneath the proposed footprint and will not have a detrimental impact on the adjoining properties or any significant vegetation.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area on site for waste and recycling bins within the garage and basement level.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Proposal provides for a landscaped area of 20% of the site. See discussion at end of table.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes Proposed dwelling provides for sufficient area of private open space around the dwelling and within the terraces.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements.	Not Applicable
D4 – Electromagnetic Radiation	Not Applicable	Not Applicable

Clause	Requirement	Compliance
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Yes The proposed dwelling will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Given the orientation all dwellings result in overshadowing to the adjoining southern property. The proposal however results in only negligible additional overshadowing. It is considered that reasonable solar access is provided.
D7 - Views	View sharing to be maintained	Yes The subject and adjoining properties enjoy views to the east, northeast and southeast towards Curl Curl Beach. The proposed dwelling has been designed to ensure appropriate view sharing. This has been achieved by providing a setback to the street frontage that does not encroach the established building line. The proposal has also been designed to comply with the maximum building height controls of the LEP.

Clause	Requirement	Compliance
		<p>The upper level is provided with an increased setback to maximise views between the adjoining development.</p> <p>A View Analysis in accordance with D7 has been provided at the end of this table.</p>
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	<p>Yes</p> <p>The proposal provides for a two storey dwelling. Whilst the majority of high use living areas are located on the upper level it is considered that privacy to the adjoining properties will be maintained. This has been achieved by orientating the living areas towards the east and northeast to provide views of the beach and public road. It is noted that the proposal does not provide for any windows on the first floor side (south) or rear (west) elevations. This ensures that there is no opportunity for overlooking into adjoining properties.</p> <p>The proposal provides for a roof terrace to maximise views of Curl Curl Beach. The design of this roof terrace is such that it will not allow views back into No. 2 Gardere Avenue or No. 70 Carrington Parade.</p>

Clause	Requirement	Compliance
		This has been achieved by ensuring ample separation to the boundaries of the site.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	<p>Yes</p> <p>The proposal provides for a two storey with basement level that is compatible with the existing surrounding development. The dwelling is well articulated through the use of varied setbacks and architectural elements.</p> <p>The proposal provides for appropriate setbacks to the boundaries to ensure appropriate visual separation, including providing an increased setback to the upper level on the western side.</p> <p>The dwelling provides for a low profile which is embedded into the hillside. The height of dwelling has been minimised at its rear (western) end with the parapet being only 400mm above balustrade height of the adjoining western property. This design aims to ensure appropriate view sharing and maintain an appropriate relationship with the existing built form.</p>

Clause	Requirement	Compliance
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to be compatible with the existing surrounding development and the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposal provides for a flat roof form which is compatible with the variety of roof forms in the locality and reduces overall height and bulk.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
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.	Not Applicable.
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Yes Site facilities will be integrated into the dwelling structure.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Not Applicable

Clause	Requirement	Compliance
D17 – Tennis Courts	N/A	Not Applicable
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The dwelling will provide a good outlook of dwelling approach and both streets.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes
D23 - Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views or potentially hazardous road features or traffic control devices.	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not applicable – proposal does not require the removal of any significant vegetation
E2 – Prescribed Vegetation	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Yes There are no distinctive environmental features on site.
E7 – Development on land adjoining public open space	Not Applicable	Not Applicable
E8 – Waterways and Riparian Lands	Not applicable	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as A	Not Applicable
E11 – Flood Prone Land	Site is not affected by Flooding	Not Applicable

B7 Front Boundary Setbacks

This clause specifies the following setbacks:

Primary front setback: 6.5m

Secondary setback: 3.25m

The proposal provides for a setback of between 2.33m and 3.88m to Carrington Parade and a setback of between 0.0m and 3.5m to Gardere Avenue. It is considered that the proposal has been appropriately located and meets the objectives of this clause for the following reasons:

- *To create a sense of openness.*

The proposal has been designed to allow for landscaped areas adjacent to the street frontages and incorporates articulation along all facades. The proposal provides for a setback to Carrington Parade that is consistent with the adjoining property to the south. The current presentation to Carrington Parade will be enhanced through the introduction of appropriate landscaping and a more articulated modern design.

In regard to Gardere Avenue, the existing development on site provides for a nil setback for a substantial length of the street frontage. The proposed dwelling provides for an articulated façade with improved landscaping to enhance the streetscape.

The proposal achieves this objective.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

The proposal has been designed having regard to the existing surrounding development. In relation to Carrington Parade the proposed setback is consistent with the existing dwelling on site and on the immediately adjoining southern property.

In relation to Gardere Avenue, the proposal improves the current situation with the existing dwelling providing for a nil setback to Gardere Avenue for its entire length. The proposal provides for an articulated façade with setbacks of up to 3.5m to Gardere Avenue. The site is significantly constrained by its size (280.9m²) and its width (approx 8m). It is not possible to provide a setback of 3.25m for the length of the dwelling as the floor plan would not be useable.

The proposal has been designed to allow for landscaping within both front setbacks which will enhance the character of the locality and be compatible with the existing surrounding development.

The proposal satisfies this objective.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

The proposal will enhance the streetscape and views from public spaces. Currently the site provides for an old dwelling that is not compatible with the surrounding development and is devoid of any substantial landscaping. The proposal will improve the streetscapes by providing for a modern articulated dwelling that is compatible with the bulk and scale of surrounding buildings and incorporating more appropriate landscaping include canopy trees and large shrubs.

The proposal satisfies this objective.

- *To achieve reasonable view sharing.*

The proposal will ensure reasonable view sharing. The setback to Carrington Parade is consistent with the adjoining southern dwelling and thereby maintaining existing views from No. 70 Carrington Parade. The proposal has been appropriately designed to provide for a view corridor to maximise retention of views from the properties to the west along Gardere Avenue. This has been achieved by providing a greater setback to the street frontage at the rear of site and reducing height in this portion of the development.





It is considered that this objective has been achieved.

Conclusion

In summary, the proposal provides for a new dwelling with setbacks to the street frontages that have been designed having regard to the adjoining development and the constraints of the site. The proposal will improve the streetscapes and views from surrounding public spaces by providing for well-articulated facades and landscaping including canopy trees and large shrubs on a site currently devoid of any substantial landscaping.

D1 Landscaped Open Space

The proposal provides for a landscaped area of 20% of the site. Sheet 900 of the Architectural Plans provides for a landscape calculation which is provided below:

D1 LANDSCAPED OPEN SPACE AND BUSHLAND SETTINGS		
SITE AREA [BY CALC]	280.9 SQM	% OF SITE
 A. LANDSCAPED OPEN SPACE	55.0 SQM	20.0%
 B. LANDSCAPED OPEN SPACE [LESS THAN 2M]	30.0 SQM	10.0%
 C. LANDSCAPED OPEN SPACE [ABOVE GROUND LEVEL]	12.0 SQM	4.0%
SUBTOTAL [A+B+C]	97.0 SQM	34.0%
 D. LANDSCAPED OPEN SPACE [BEYOND BOUNDARY]	160.0 SQM	
TOTAL [A+B+C+D]	257.0 SQM	91.5%

Whilst this does not comply with Council's numerical controls it is considered that the proposed variation is justified in this instance and meets the objectives of this clause for the following reasons:

- *To enable planting to maintain and enhance the streetscape.*

The proposal did not require the removal of any protected vegetation. The current site does not provide for any large trees. There is an existing palm which is exempt due to its proximity to the existing dwelling. The proposal incorporates a detailed landscaping plan which incorporates two separate areas of deep soil planting. This planting includes 4 *Banksia integrifolia* (fronting Gardere Avenue) which achieves 8-12m in height and 2 *Leptospermum laevigatum* (fronting Carrington Pde) which achieves 2-3m in height.

This will provide for a substantial improvement of landscape character enhancing the streetscapes of both Gardere Avenue and Carrington Parade. Further to this proposal seeks to provide for low verge planting of coastal/dune plants to further enhance the streetscapes.

The proposal achieves this objective.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

There is currently no indigenous vegetation on site. The proposal will improve landscaping and provide for indigenous species.

The proposal achieves this objective.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

The landscape plan submitted with the application provides for a variety of vegetation including ground covers, low lying shrubs, medium shrubs and 4 canopy trees that are commensurate to the building height and scale. The proposal incorporates two separate landscaped areas, one adjacent to Gardere Avenue and one adjacent to Carrington Parade. The proposal will improve the landscaped character of the locality.

It is further noted, that there are further landscaped area with dimensions less than 2m or elevated which would result in a landscaped area of 34%.

The proposal achieves this objective.

- *To enhance privacy between buildings.*

The dwelling has been designed to be orientated towards the north to maximise views of Curl Curl Beach. The proposal does not provide for any first floor window openings on the south or west elevations and as such landscaping is not required to enhance privacy in lease locations.

The proposal provides for some landscaping of larger trees adjacent to the Gardere Avenue frontage to enhance privacy of the intended residents. These trees will provide some screening to the upper level TV room window and lower level bedrooms.

Similarly, the planting along the Carrington Parade frontage will provide privacy to the residents of the dwelling from passing pedestrians.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

The site is significantly constrained due to its very small size 280.9m². Therefore, the proposal has been designed to provide alternatives for outdoor recreation. This is achieved through provision of a roof terrace, decking at the rear of the dwelling (screened from the street and with landscaping incorporated) and an internal courtyard directly accessed from the living areas and provided with landscaping. The site is well located in proximity to public open space (immediately opposite the site) and this in conjunction with the well placed courtyard areas is considered to satisfy this objective.

The site's location is exposed to coastal breezes throughout the year and relatively active street frontages on its eastern and northern sides. In response, the design deliberately excludes balconies to its northern and eastern side frontages, where these may be expected to gain the amenity of the coastal views. Instead an upper level terrace is proposed which is assessed as entirely appropriate in this instance, noting the following key considerations.

The upper level terrace responds to the exposed micro-climatic conditions and the relatively active street frontages on its eastern and western sides. The proposed upper level terrace provides for a valuable private recreational space on an undersized and highly exposed, corner site where opportunities for private recreational outdoor space is limited.

The proposed upper level terrace is limited in area to 21m² (11% of the roof/building footprint area (194m²)) and therefore occupies a relatively small portion of the roof.

The proposed upper level terrace is significantly setback from adjoining residential dwellings noting its western setback is approximately 16m; its separation from the front boundary of properties on the northern side of Gardere Avenue is approximately 23m; the southern setback is screened by solid / obscure side balustrade.

The vertical circulation (lift and stair) providing access to the roof terrace occupies a relatively small footprint of the proposed development. Noting the flat roof profile of the design, this element presents less bulk and scale and amenity impacts than a more traditional (e.g. pitched) roof form. Furthermore, the bulk and scale of the proposal is contextually appropriate, partly assisted by the low-profile roof of the design, and this element does not significantly or inappropriately exacerbate the design's bulk, scale visual impacts and of view sharing impacts.

- *To provide space for service functions, including clothes drying.*

A deck adjacent to the laundry is of sufficient size to accommodate clothes drying facilities.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Due to the limited size of the site, the proposal is exempt from on-site detention. The property has good fall towards Carrington Parade and all collected stormwater will be directed to the street gutter. The topography of the site is such that there is no downstream residential property and therefore the proposal will not result in any runoff to adjoining properties.

The proposal satisfies this objective.

Conclusion

In summary the site is significantly constrained by its small size, however the proposal has been designed to maximise and make best use of the landscaped area provided. The proposal will improve the landscaped character of the site and its surrounds by providing for a new trees and shrubs on a site that is currently devoid of any meaningful landscaping. The proposal also provides for appropriate areas of open space for residents. It is considered that the proposal provides for an appropriate outcome and the landscaped area non-compliance should be supported in this instance.

D7 Views

In this instance an existing single storey cottage and rear garage with pitched roofs are proposed to be replaced by a 2-storey dwelling with flat roof and a roof terrace.

Properties to the west face Gardere Avenue and enjoy views generally in a north easterly direction, mostly across their front and side boundaries. Some of these views are obtained by looking across the subject site; most of the views are however obtained by looking down the Gardere Ave road reserve corridor which is to the north.

Photographs have not been taken from the property (these may be undertaken during the DA's assessment), however the view impacts have been modelled based on survey information and the outcome illustrated on sheets DA 601 to 602 of the architectural plan set. Consideration has been given to the 'before-and-after' images against the view assessment planning principle from Land and Environment Court Case *Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140*.

2 Gardere Ave

The following considerations are made in relation to 2 Gardere Ave. The property is directly to the rear / west of the subject site. The property enjoys views generally in an north easterly direction from the front of the property. Some of these views are obtained by looking across the subject site; most of the views are however obtained by looking down the Gardere Ave road reserve corridor. We understand that a front balcony is a key location within the property from which views are enjoyed.

Based on these characteristics and in response to the 4 key steps within the 'Tenacity' principle, the following assessment is made:

Step	Tenacity Principles	Response
Step 1	<i>The of views to be affected include:</i>	<p>The views include:</p> <p>Foreground views of the garage, dwelling (and roofs to these structures), and landscape elements;</p> <p>Some middle ground views of Carrington Pde, public open space reserve that is behind the beach and the ocean waters including waves;</p> <p>More distant views of the ocean horizon and the sky.</p>
Step 2	<i>From what part of the property the views are obtained?</i>	Front balcony which is above a garage at RL
Step 3	<i>The extent of the impact</i>	<p>A significant extent of the current views (estimated to be in the majority), that exist beyond the northern boundary of the subject site, will be retained. These include foreground, middle ground and more distant views.</p> <p>The foreground views of the garage, dwelling (and roofs to these structures) will be replaced by the proposal This is anticipated to enhance the amenity of the foreground view through an increase in the quality of building form and materials.</p> <p>The extent of the detrimental view impact is assessed as minor to moderate.</p>
Step 4	<i>The reasonableness of the proposal that is causing the impact</i>	<p>In consideration of the circumstances, the proposal is assessed as quite reasonable. The following aspects of the design are noted:</p> <p>The secondary street frontage setback of the proposed dwelling and the design's northern façade has been aligned to minimise the proposal's impact and maintain a north easterly view corridor to the beach and the ocean.</p> <p>As demonstrated by sheet DA 603 & 604, the local planning controls permit a much larger building envelope that a less skilful design could attempt to take advantage of, which would have increased adverse view impacts. Sheets DA 603 & 604 show a possible maximum building envelope applying the suite of numerical controls* and the increased building size and view impact that it would have.</p> <p>The design provides a flat roof over the rear section of the proposed dwelling, where, for example, a skillion roof with clerestory glazing would be well under the height limit and provide increased amenity to the proposed TV room and rear terrace within the first-floor level. Instead, the proposed flat roof over the rear section maintains an increased amount of view of the ocean horizon.</p>

Step	Tenacity Principles	Response
		<p>The more distant views of the ocean horizon and the sky that will be impacted by the upper levels are assessed as reasonable given that the first-floor level is the principal view obstructing building element, not the proposed roof top terrace. Furthermore, the view is gained across the property's side boundary and is therefore more difficult to retain.</p> <p>Rather than utilising the full extent of the possible building envelope on the site (as provided by the planning controls), the design distributes the floor space more evenly, utilising the secondary frontage of the site, towards the eastern end. The result being a building with less view impacts for the adjoining land at 2 Gardere Ave.</p> <p>In considering the question of whether <i>'a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours'</i>, in the ways outlined above, and as illustrated within the architectural plans, it is assessed that the proposed design provides a better result for the views available from the property at 2 Gardere Ave. For the reasons noted, the proposal is assessed as a skilful design that has considered its impact on the neighbour's views.</p>
	Conclusion	<p>It is assessed that the level of impact is minor involving an outcome that provides moderate losses to the existing view amenity.</p> <p>The proposed design assessed as a skilful design that provides a building of less bulk, scale and extent that the planning controls relating to the maximum building envelope allow for. Noting the undersized character of the site, the proposal appropriately addresses the objectives of the applicable planning controls.</p> <p>The proposal is anticipated to enhance the amenity of the foreground view from the property through an increase in the quality of building form and materials.</p> <p>The proposal is assessed as a skilful design that has appropriately addressed the Tenacity principle in relation to the property at 2 Gardere Ave.</p>
	Footnote	<p>* numerical building envelope controls: WLEP 8.5m building height from ground level [existing]; WDCP: B1. Wall height maximum of 7.2m from ground level [existing]; B3. Side Boundary Envelope [South and West] - 5m at 45 degrees; B5. Side Boundary Setback [South and West] - 0.9m; B7. Secondary Front Setback [North] - 3.5m; B7. Front Setback Streetscape</p>

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of a new dwelling house is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

The Likely Impacts of the Development

It is considered that the development will provide for a new dwelling without any unreasonable detrimental impact on the environment, social and economic status of the locality.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a new dwelling house in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide a new single dwelling that is consistent with other development in this locality without detrimentally impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

Breakspear Architects have responded to the client's brief with an exceptional design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves a contemporary, low profile, site specific building design that is responsive to the micro-climatic conditions, undersized character of the allotment, and the beachside development context.

The result is a proposed development, that is appropriately configured and setback from the site edges maximise light and ventilation, to achieve privacy, and provide an appropriate view sharing outcome to the adjoining properties. Noting the undersized character of this allotment the site-specific building design is responsive to the objectives of the key built form controls being height, setbacks, side boundary envelope, landscape area and site coverage.

The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's land use and built form context.

The property can accommodate the proposal without any significant or unreasonable impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal has been designed in response to the development context and to have minimum impact on the surrounding amenity.

This DA submission demonstrates that the proposal is a contextually appropriate design that is appropriately located and configured to complement the property's established and intended neighbourhood character.

It is therefore considered that the demolition and proposed construction of a new dwelling at **No. 72 Carrington Parade, Curl Curl** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
April 2019