

Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Alterations and Upper level
Addition to an Existing Dwelling**

at

No 47 Robert Street Freshwater

**Prepared by: Nigel White - Bachelor of Applied Science (Environmental
Planning)**
February 2025

A.B.N 60 074 291 615
Office Address: Suite 10, 241 – 245 Pennant Hills Road, Carlingford NSW
2118 - Telephone: 9871 4988
Email: nigel@planningdirection.com.au

TABLE OF CONTENTS

	PAGE NO
1.0 INTRODUCTION	1
2.0 THE SITE AND ITS CONTEXT	2
2.1 The Subject Site	2
2.2 Site Context	4
3.0 PROPOSED DEVELOPMENT	7
3.1 Design Approach	7
4.0 WARRINGAH LEP 2011	9
5.0 WARRINGAH DCP 2011	13
6.0 SECTION 4.15 CHECKLIST	33
7.0 CONCLUSION	38

1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council. The applicant is seeking development consent to undertake the following works at No 47 Robert Street Freshwater:

Construct an upper-level addition comprising of:

- A master bedroom with a walk-in robe;
- Three additional bedrooms;
- A bathroom; and
- A staircase leading to the lower level.

Alterations and additions to the ground floor of the existing dwelling include:

- Demolish some internal walls and install a new kitchen area;
- Remove of a tree at the rear of the existing dwelling which is exempt and demolish a set of rear stairs. Install a covered deck of the kitchen area;
- Remove and back fill the existing driveway and construct a detached carport and new entry path; and
- The installation of an internal staircase accessing the upper level.

The proposal has been prepared in accordance with the provisions of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

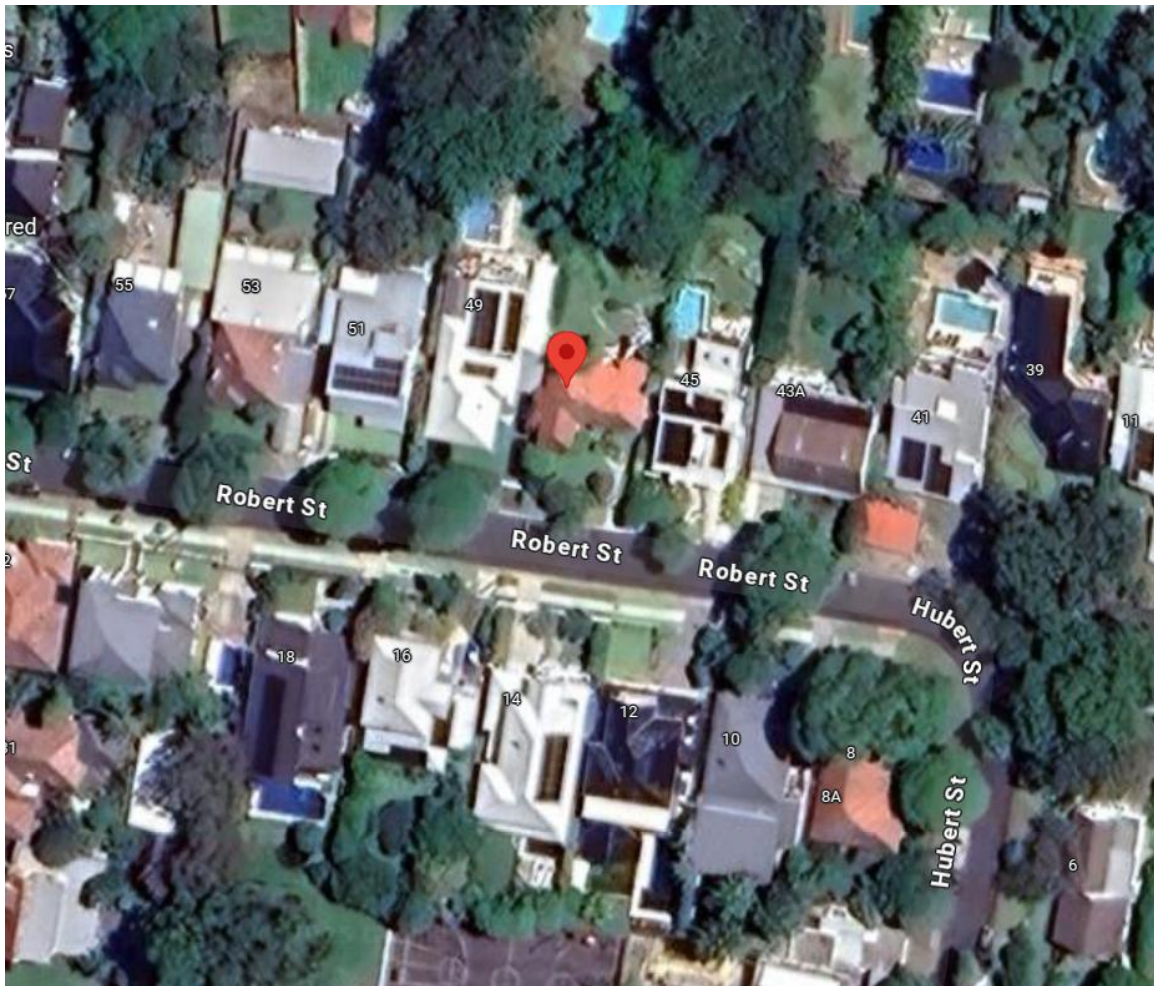
A description of the site and the locality and a description of the proposed development. A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979 and conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Add Style Home Additions*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site comprises of a regular shaped allotment situated on the northern side of Robert Street. The property is known as No 47 Robert Street Freshwater and is legally identified as being Lot 37 in DP 12072.



Locality Plan

The subject site has a fall from the front of the site towards the rear of the allotment and a cross fall from west to east. As a result of the slope in the land the dwelling sits over an existing sub-floor area that comprises of a storage area, laundry and a single garage. The subject site has a uniform width of 15.24m and a depth of 45.135m. The subject site has a total area of approximately **687.9m²**. A signed survey plan is included with the development plans.

The existing dwelling consists of a single storey rendered brick house constructed over an under dwelling area and single garage. The existing dwelling is well presented although older in style and appears particularly small when compared with the surrounding large dwellings in the immediate locality of the site.



View of the existing dwelling

The building is not listed under the Warringah Local Environmental Plan 2011 as having any heritage significance nor is it in the immediate vicinity of any items of heritage significance. The applicant does not propose to alter the existing drainage arrangements as the proposed works are effectively contained over the footprint of the existing dwelling.

Some district views to the east of the property may be made available because of the proposed upper-level addition. One exempt tree requires removal to facilitate the proposed rear deck. Ample green space will remain around the dwelling to assist with natural absorption of stormwater.



2.2 Site Context

The subject site is situated within an established low density residential precinct characterised by a mix of large two storey dwellings interspersed with older single level properties. The buildings in the precinct are generally well presented with a mix of renovated and new large dwellings.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the east is a two storey dwelling of rendered brick construction with a metal roof known as No 45 Robert Street, Freshwater. This adjoining dwelling has a generous setback from the subject site and is sited on a lower building platform.

The proposed upper level on the subject site is contained within the footprint of the existing dwelling and the outlook is directed towards the front and rear to take advantage of the distant views and not towards this adjoining dwelling. The proposed design initiatives and the differing levels will ensure that adequate levels of privacy will be maintained. There will be some minor overshadowing of this adjoining dwelling which is reasonable for dwellings within the same building zone of the street.



View of the adjoining eastern dwelling

- Adjoining the subject site to the west is a well-maintained single storey dwelling with a metal roof known as No 49 Robert Street, Freshwater. This adjoining dwelling is substantially setback from the subject site. The existing setbacks coupled with the design initiatives will ensure that privacy issues between the dwellings will be reasonably maintained. The orientation of the subject property, the differing levels between the dwellings and the existing separation will ensure that there will be no overshadowing impacts on the adjoining western dwelling because of the proposed addition.



View of the adjoining western dwelling

Shadows cast by the proposed addition will fall in a sweeping motion towards the south – Robert Street. The differing levels between the dwellings and the generous separation between dwellings ensures that additional overshadowing impacts are minimal.

The proposed addition to the subject site is modest in scale and will not result in an overly large or bulky dwelling particularly when compared to other buildings situated within Robert Street. The proposed double carport vastly

improves parking arrangements on-site and access to the car given the current steepness of the driveway. The proposed carport will provide a level surface and ease of access to the dwelling. It is noted that other similar structures exist across the frontage of properties in Robert Street because of the terrain.

It is noted that there are examples of recent upper-level additions and new two storey dwellings in the vicinity of the site. The proposed works to the subject dwelling should not obstruct any existing views gained from neighbouring dwellings.

The subject site should benefit from some additional district views to the east of the premises because of the proposed addition.

The precinct is well serviced by public transport and recreational facilities. The enhancement of the floor space on-site is therefore consistent with urban renewal initiatives.

3.0 PROPOSED DEVELOPMENT

The applicant seeks development consent to undertake the following at No 47 Robert Street Freshwater:

Construct an upper-level addition comprising of:

- A master bedroom with a walk-in robe;
- Three additional bedrooms;
- A bathroom; and
- A staircase leading to the lower level.

Alterations and additions to the ground floor of the existing dwelling include:

- Demolish some internal walls and install a new kitchen area;
- Remove a tree at the rear of the existing dwelling which is exempt and demolish a set of rear stairs. Install a covered deck of the kitchen area;
- Remove and back fill the existing driveway and construct a detached carport and new entry path; and
- The installation of an internal staircase accessing the upper level.

3.1 Design Approach

The proposed upper floor addition is sought to provide most needed quality internal living space to meet the needs of the growing family. The proposed upper-level addition is contained over the existing lower level of the dwelling. The proposed upper-level addition is to be suitably articulated to present well across the frontage. The proposed upper level will complement the overall appearance of the dwelling. The proposal includes a conventional pitched roof and the design is consistent with the proposed lower level roof profile.

In addition, the proposed upper level is well separated from adjoining dwellings and will not give rise to adverse impacts. In the context of the precinct the subject dwelling will suitably integrate with the scale of dwellings nearby.

The design solution ensures that privacy issues are well resolved through design. The outlook from the proposed addition is oriented towards the street front and across the roofline of the dwellings to the rear.

Shadows cast by the proposed addition will generally fall to the south in a sweeping motion within the site and partly over the eastern adjoining property.

The extent of overshadowing is acceptable given the site circumstances and significant separation between dwellings.

The design solutions will ensure that privacy and overshadowing issues are reasonably resolved.

The proposed carport better rationalises parking and access arrangements opportunity on-site by deleting the garage and steep driveway.

The rear deck provides level recreational opportunities directly off the living space of the dwelling and takes advantage of the northern exposure. A privacy screen can be added to the western face should it be necessary.



Artists Impression of the Proposed upper-level Addition and carport

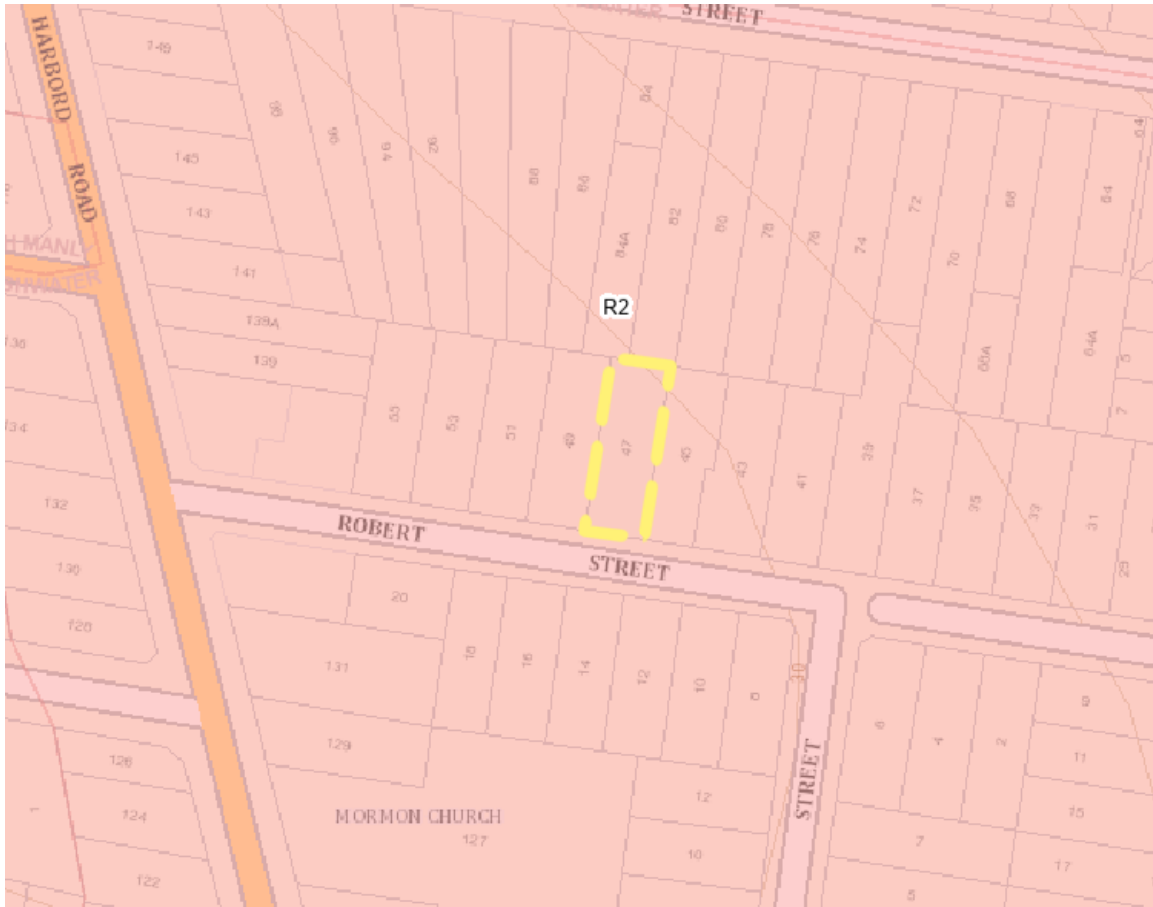
The proposed tree to be removed is hard up against the rear of the dwelling and has no significance. The tree needs to be removed to avoid damage to the dwelling.



4.0 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

4.1 Zoning and Zone Objectives

The subject land is zoned **R2 Low Density Residential** pursuant to Warringah LEP 2011.



Land Zoning Extract – R2 Low Density Residential

A dwelling is defined to mean *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposed works are ancillary to a dwelling and complies with the above definitions. The proposal is permissible in the zone with development consent.

The specified zone objectives for the R2 zone are as follows:

- *To provide for the housing needs of the community within a medium 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.*

Comment:

An assessment of the proposal against the zone objectives indicates that the zone objectives can be met.

The salient elements of this assessment follow:

- The proposed development provides an enhanced level of amenity to the residents on-site. No change in intensification of the use of the dwelling is proposed thus maintaining the existing residential environment. The subject site will continue to benefit from quality green space on-site.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this statement of environmental effects. The proposal is appropriate in this regard.
- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the immediate area. The proposal will be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment.
- There is no proposal to carry out other land use activities.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

4.3 Relevant Clauses of the LEP

Clause 4.3 of the LEP sets a maximum **height** for development in accordance with the Building Height Map. The building height map specifies a maximum height limit within the R2 zone of 8.5m.

Comment:

The proposed development gives rise to a breach of the maximum building height standard of 8.5m. The variation up to a maximum of 540mm occurs primarily due to the cross fall in the land and the existing building undercroft and garage area. A justification for the variation to the building height standard is to be submitted under separate cover pursuant to Clause 4.6 of the LEP.

Clause 4.4 of the LEP relates to **Floor Space Ratio**.

Comment:

There is no floor space ratio control applicable to the site.

Clause 4.6 relates to **Exceptions to development standards**.

Comment:

The applicant proposes to rely on Clause 4.6 to vary the building height standard as part of this application. A Clause 4.6 justification is to be submitted under separate cover.

Clause 6.1 of the LEP relates to **Acid Sulphate Soils**.

Comment:

The subject site is not subject to acid sulphate soil consideration. Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

Clause 6.2 of the LEP relates to **Earthworks**.

Comment:

Minimal earthworks are required associated with footings and utility service connections to facilitate the proposal.

Clause 6.3 of the LEP relates to **Flood planning**.

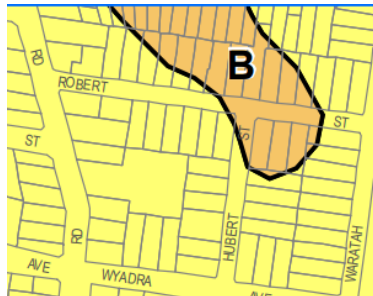
The subject site is not flood affected.

Clause 6.4 of the LEP relates to Development on sloping land and states the following:

1. *The objectives of this clause are as follows:*
 - a. *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
 - b. *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
 - c. *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*
2. *This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*
3. *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - a. *the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
 - b. *the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
 - c. *the development will not impact on or affect the existing subsurface flow conditions.*

Comment:

The subject site is situated just within a Landslip Area A and B with slopes from 5 to 25 degrees. Accordingly, a geotechnical report accompanies the development plans. The existing dwelling has resisted movement over the years and the building platform is relatively level.



Landslip Area B

The works are essentially minor and will not disturb the existing terrain. The proposed works will have no influence on existing water flows.

5.0 DEVELOPMENT CONTROL PLAN 2011

Warringah Development Control Plan (DCP) 2011 was adopted by Council on 12th May 2010 and came into effect on 9th November 2010.

The DCP applies to all land within the Warringah Local Government Area (LGA) and provides complimentary controls and considerations to the Warringah Local Environmental Plan (LEP) 2011.

The DCP is to be read in conjunction with LEP 2011.

The DCP contains 4 relevant parts relating to built form controls, siting factors, design and the natural environment.

5.1 Context and Site Analysis

A site analysis plan accompanies the architectural plans. A written analysis of the site and context supplements the site analysis plan under section 2 of this statement of environmental effects.

Part B - Built Form Control Objectives

B1 Wall Height

Objectives

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Requirements

1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

Exceptions

This control may be varied for land shown on DCP Wall Height Map on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:

- does not exceed the 8.5 metre height development standard;
- is designed and located to minimise bulk and scale; and
- has a minimal visual impact when viewed from the downslope sides of the land.

Comment:

The proposal has a wall height of approximately 8m along the eastern elevation being non-compliant with the control albeit the upper-level elevation is offset from the lower wall of the dwelling. In addition a technical breach with the overall building height occurs. The building height variation occurs primarily due to the slope and cross fall in the land and the existing building undercroft area.

The proposed wall height relates to only one bedroom and the floor space is then recessed. An articulated frontage is proposed which is proportionate and balanced. As no privacy issues arise and there will only be minor overshadowing arising, the proposal is reasonable given the circumstances of the site.

B2 Number of Storeys*Objectives*

- To ensure development does not visually dominate its surrounds.
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.
- To provide equitable sharing of views to and from public and private properties.
- To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*
- *To complement the height of buildings control in the LEP with a number of storeys control.*

Comment:

The Number of Storeys DCP map does not indicate a maximum number of storeys applying to the subject site.

B3 Side Boundary Envelope

Objectives

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

Requirements

1. *Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:*
 - *4 metres, or*
 - *5 metres**as identified on the map.*

Comment:

The proposed upper-level addition does result in encroachments into the side boundary envelope due mainly to the cross fall and slope in the land. The proposed design is a reasonable response to the building envelope considerations as a proportionate dwelling design eventuates and the encroachment along the eastern side only relates to one bedroom. Impacts are minimal in this instance.

B4 Site Coverage

Objectives

- *To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.*
- *To minimise the bulk and scale of development.*
- *To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.*
- *To limit impervious areas and encourage natural drainage into the sub-surface.*

Comment:

The proposed development is domestic in nature. The proposed upper floor addition is effectively contained within the footprint of the dwelling. Ample green space exists on-site and the proposed development will have no adverse impacts on the streetscape. The proposed double carport and improvements to the access path will be a feature of the streetscape.

No change is proposed to the existing drainage arrangements on-site.

B5 Side Boundary Setbacks

Objectives

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The proposed upper floor addition is contained within the footprint of the existing dwelling. The existing side boundary setbacks are therefore maintained and compliant.

B7 Front Boundary Setbacks

Objectives

- *To create a sense of openness.*

- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

Comment:

An encroachment into the front setback is proposed with the double carport. No change is proposed within the front building alignment.

The proposed double carport is an open structure and has an attractive design matching that of the proposed dwelling additions. Other examples of carports within the front building alignment are evident in the street responding to site fall/slope.

The proposed carport is well sited and represents a vast improvement to existing parking and access arrangements on-site.

B9 Rear Boundary Setbacks

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Comment:

A generous and compliant rear boundary setback will be maintained with the proposal.

Part C - Siting Factors

C1 Subdivision

Comment: Not applicable.

C2 Traffic Access and Safety

Objectives

To minimise:

- *traffic hazards;*
- *vehicles queuing on public roads*
- *the number of vehicle crossings in a street;*
- *traffic, pedestrian and cyclist conflict;*
- *interference with public transport facilities; and*
- *the loss of “on street” kerbside parking.*

Comment:

The subject site presently accommodates 2 on-site car spaces on-site via a single garage and within the driveway. A double carport is proposed forward of the dwelling to improve access and parking opportunity owing to the slope in the land.

C3 Parking Facilities

Objectives

- *To provide adequate off street car parking.*
- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

The subject site presently accommodates 2 on-site car spaces on-site via a single garage and within the driveway. A double carport is proposed forward of the dwelling to improve access and parking opportunity owing to the slope in the land. An improvement to the parking arrangements eventuates.

C4 Stormwater

Objectives

- *To ensure the appropriate management of stormwater.*
- *To minimise the quantity of stormwater run-off.*

- *To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.*
- *To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).*

Comment:

No change is proposed to the existing drainage arrangements on-site.

C5 Erosion and Sediment Control

Objectives

- *To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.*
- *To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*
- *To prevent any reduction in water quality downstream of the development site.*

Comment:

Appropriate measures will be undertaken during construction so as to minimise disruption to surrounding residents and the natural environment. The applicant will abide by appropriate conditions of consent in this regard.

C6 Building Over or Adjacent to Constructed Council's Drainage Easements

Objectives

- *To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property.*

Comment: Not applicable.

C7 Excavation and Landfill

Objectives

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Comment:

Minimal excavation is required associated with footings and utility service connections. No issues arise in this regard.

C8 Demolition and Construction

Objectives

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- *To discourage illegal dumping.*

Comment: Noted.

C9 Waste Management

Objectives

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*

- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

Comment:

Appropriate waste management procedures will be implemented during the construction phase. A waste management plan accompanies the development plans.

Part D – Design

D1 Landscape Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *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.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The applicant does not seek to alter the landscape content on-site.

There will be no adverse effect on native vegetation. One tree requires removal to facilitate the proposed rear deck addition. The tree has no value and is close to the existing dwelling.

It is noted that there is a requirement to provide 40% landscape content on site. The proposed upper-level addition will not compromise the existing landscape content on site which currently equates to 398m² or 58% landscape content.

Ample open space and private recreation space exists on-site to the benefit of the residents.

D2 Private Open Space

Objectives

- *To ensure that all residential development is provided with functional, well located areas of private open space.*
- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*
- *To ensure that private open space receives sufficient solar access and privacy.*

Comment:

The open space areas on site benefit from ample solar access, particularly across the rear yard of the site and proposed rear deck. The private open space will be embellished through the provision of the development works.

D3 Noise

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

The proposed upper-level addition maintains compliant setbacks. No adverse noise is anticipated from a typically domestic use.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Comment: Not applicable.

D6 Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To promote passive solar design and the use of solar energy.*

Note: Overshadowing by vegetation will not form part of Council's assessment of access to sunlight.

The planning principle established in the Benevolent Society v Waverly Council (2010) NSWLEC 1082 will be used in the assessment of sunlight.

Exceptions

Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:

i) the slope or topography of the site or adjoining property makes compliance impractical; and

ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.

Comment:

Shadow diagrams are provided in the plan set.

Shadows cast by the proposed upper level will effectively fall towards the south – Robert Street. Some shadows will be cast towards the eastern adjoining property. The shadow impacts are reasonable in the context of the site, including separation between dwellings and given the site orientation.

Accordingly, no issues arise in respect of overshadowing in the context of site circumstances, site orientation and design initiatives.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

Requirements

1. Development shall provide for the reasonable sharing of views.

Note: *Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting v Warringah Council (2004) NSWLEC 140.*

Comment:

The subject dwelling is situated on an elevated portion of the street with district views available to the north and east. The proposed upper-level addition is likely to gain additional views however these will not be at the loss of any adjoining property. The proposed upper-level addition will not cause any undue impact on any existing views enjoyed by any nearby dwellings.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

- 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
- 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
- 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*
- 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

Comment:

The proposed addition to the dwelling is suitably designed to direct outlook towards the front and rear of the allotment only.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents particularly given the substantive setbacks between the subject site and adjoining and nearby properties.

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposed upper-level addition is architecturally treated along all elevations to present well when viewed from adjoining properties and the street. The proposed upper level is well setback from the street and adjoining dwellings ensuring there will be no adverse impacts due to building bulk. The proposed upper-level addition is proportionate and should effectively integrate into the streetscape.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Comment:

The proposed addition will be sympathetic to the built environment in terms of colour and materials. The colour tones selected for the site reflect the existing established vegetated environment and be consistent with the lower level of the dwelling.

D11 Roofs

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Comment:

A conventional pitched roof is proposed with the addition and carport.

D12 Glare and Reflection

Objectives

- *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposed development being domestic in nature and situated on a local road will not result in any undue impact with regards to overspill glare and reflection.

D13 Front Fences and Walls

Objectives

- *To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid a 'walled in' streetscape.*

Comment:

No change is proposed to fencing.

D14 Site Facilities

Objectives

- *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To make servicing the site as efficient and easy as possible.*
- *To allow for discreet and easily serviceable placement of site facilities in new development.*

Comment:

All site facilities are currently available to the site in accordance with Clause D14. It is not proposed to alter the current arrangement in terms of site facilities.

D15 Side and Rear Fences

Objectives

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

No change is proposed.

D16 Swimming Pools and Spa Pools

Objectives

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

A swimming pool is not proposed as part of the application.

D17 Tennis Courts

Comment: Not applicable.

D18 Accessibility

Objectives

- *To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*
- *To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.*

Comment: Not applicable.

D20 Safety and Security

Objectives

- *To ensure that development maintains and enhances the security and safety of the community.*

Comment:

The entrance to the building is easily identified and well lit. A new entry path is proposed from the street.

D21 Provision and Location of Utility Services

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

Comment: Not applicable.

D22 Conservation of Energy and Water

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure energy and water use is minimised.*

Comment:

The proposed development is to incorporate the following ESD design features in the completed development:

- Appropriate insulation which achieves an “R” value is to be included in wall cavities, roof and ceiling.
- The addition has been designed to facilitate cross ventilation by virtue of external openings on opposing walls.
- Water efficient fixtures are to be installed in the addition to lessen the demand for mains water and wastewater discharge.
- Energy efficient globes are to be installed in the dwelling.

Part E – The Natural Environment

E1 Private Property Tree Management

Objectives

- *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect human life and property through professional management of trees in an urban environment.*
- *To provide habitat for local wildlife.*
- *Promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community. See Warringah Natural Area Survey, August 2005.*
- *To preserve and enhance the area's amenity.*

Comment: Not applicable.

E2 Prescribed Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Comment:
Not applicable.

E4 Wildlife Corridors

Comment: Not applicable.

E5 Native Vegetation

This control applies to land identified on DCP Map Native Vegetation.

Comment:

The subject site is not identified on the DCP map as having native vegetation.

E6 Retaining unique environmental features

Objectives

- *To conserve those parts of land which distinguish it from its surroundings.*

Requirements

- 1. Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
- 2. Development should respond to these features through location of structures, outlook, design and materials.*

Comment: Not applicable.

E7 Development on land adjoining public open space

Comment: Not applicable.

E8 Waterways and Riparian Lands

Comment: Not applicable.

E9 Coastline Hazard

Comment: Not applicable.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

Comment:

The subject site is identified as being situated just within Landslip Risk Area B with slopes of between 5 and 25 degrees. Accordingly, a geotechnical report accompanies the development plans. The existing dwelling has resisted movement over the years and it is considered that landslip does not constrain the propose development of the site.

E11 Flood Prone Land

Comment:

The subject site is not identified as being flood prone land.

6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) 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, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

The proposal is permissible and satisfies the principal objectives and numerical standards of Warringah Local Environmental Plan 2011 and prescriptive and performance controls of the DCP pursuant to clause 4.6 of the WLEP.

The proposed development is reasonable in consideration of the streetscape objectives, overshadowing and privacy.

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

Comment:

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposal provides for a high degree of amenity for future occupants and is respectful of the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

c. the suitability of the site for the development.

Comment:

The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

d. any submissions made in accordance with the Act or the regulations.

Comment: Nil

e. the public interest

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space on-site contained within the footprint of the existing dwelling therefore satisfying urban consolidation initiatives and furthering the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note.

The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context. A variation to the building height standard is proposed pursuant to Clause 4.6 of the LEP. A justification for the proposed variation

to the height standard accompanies the development plans under separate cover.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and

(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Comment: Not applicable.

7.0 CONCLUSION

The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to improving the quality of living space on-site.

The proposed development accords with the design principles of the Warringah LEP and DCP 2011. A minor variation is sought to the building height standard. The variation occurs primarily due to the cross fall in the land and the existence of an excavated lower level.

The applicant has specifically sought to provide a development with a high-quality design, which reflects contemporary planning and design initiatives. A site-specific design has been developed in this instance.

The proposed development is respectful of the amenity of neighbouring properties and will not give rise to adverse overshadowing or privacy impacts in the context of site circumstances. The proposal is reasonable pursuant to the provisions of the LEP/DCP.

In view of the above, the proposed development is appropriate and Council approval is recommended.