

Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Ground Level Carport, Rear
Addition and Internal Alterations**

at

No 48 Clarke Street, Narrabeen

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Planning)**

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1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application, which is being submitted to Northern Beaches Council.

The applicant seeks development consent to undertake the following development on land known as No 48 Clarke Street, Narrabeen: -

- Internal Alterations including:
 - New ensuite bathroom on upper level
 - Changes to window size on western side in new ensuite
 - Remodel laundry room
 - Changes to stair location
 - New skylights
- Basement level alterations addition to the existing dwelling including:
 - Removal of single car garage on ground floor and conversion to a bedroom including removal of garage door and two windows.
 - Construction of double carport at the front of the dwelling.
 - New entry at ground level including doorway and carport roof terrace.
- Ground floor rear alterations to existing dwelling including:
 - Demolish existing covered deck and stairs.
 - Rebuild and reduce the height of an internal retaining wall.
 - New lounge room and extended deck to rear.

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 *bettswhite home design*.

2.0 SITE AND CONTEXT

2.1 Subject Site

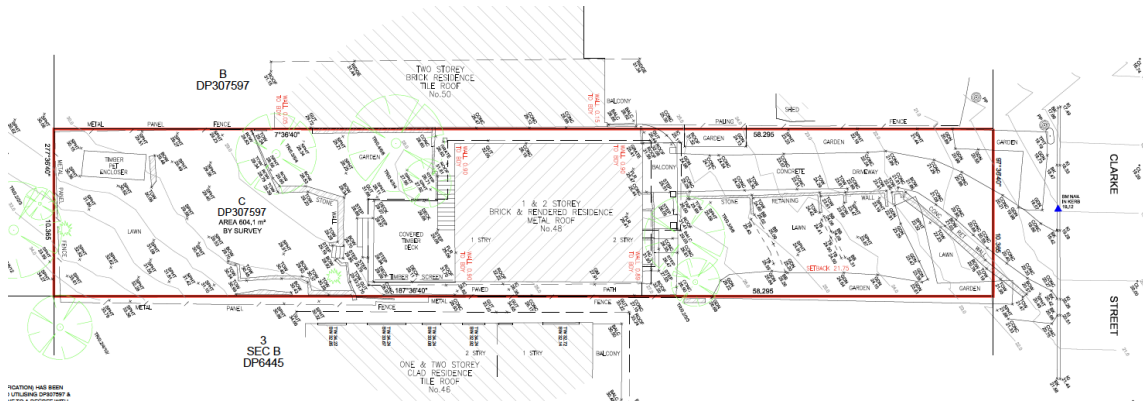
The subject site comprises of a regular shaped allotment situated on the southern side of Clarke Street known as No 48 Clarke Street, Narrabeen. The rear of the site faces Wetherill Street Reserve.



Locality Plan

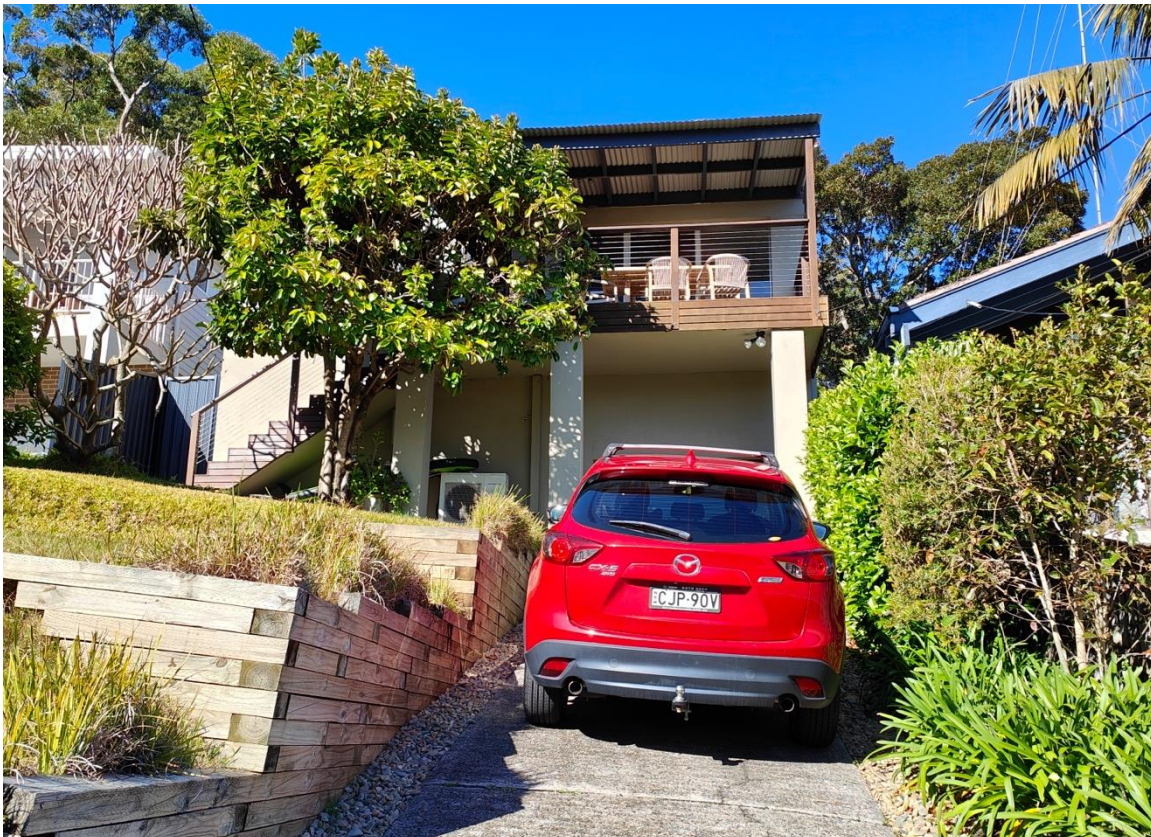
With regards to topography the subject site falls to the north from the southern rear boundary to the site frontage in Clarke Street. The subject dwelling inclusive of the proposed addition and ground level works can continue to drain stormwater via gravity flow to existing infrastructure situated on Clarke Street.

The subject site is a regular shaped small allotment typical of the prevailing subdivision pattern in the locality. The allotment has a frontage to Clarke Street of 10.365m with depth of 58.295m. The subject site has a total area of approximately **604.1m²**. A survey plan is included with the development plans.



Site Survey

The existing dwelling is a reasonably well-presented older style brick and rendered residence. The existing dwelling offers limited living space with limited defined private open space and carparking. The existing driveway crossing is accessed from the Clarke Street frontage.



View of the existing dwelling from Clarke Street

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.

No trees require removal to facilitate the proposed development. Ample green space exists around the dwelling to assist with natural absorption.

2.2 Site Context

The subject site is situated within an established low density residential precinct characterised by a mix of single and two storey dwellings and two and three storey apartment buildings. The buildings in the precinct are generally well presented and situated on similar sized allotments. Existing development on the immediately adjoining properties comprises of the following:

Adjoining the subject site to the east is a one to two storey clad and brick residence known as No. 46 Clarke Street. This adjoining dwelling addresses Clarke Street and effectively shares a side boundary with the subject site.



View of No 46 Clarke Street, Narrabeen

This adjoining dwelling is reasonably well setback from the subject site and sits perpendicular with the subject site. The outlook therefore is towards Clarke Street and not the subject property. The adjoining dwelling is well setback from the subject site, providing additional separation between the two dwellings, with minimal impacts in terms of privacy and overshadowing.

The bulk of the proposed upper-level addition is positioned to the rear of the property over the existing deck effectively minimising overshadowing impacts. The design considerations, including a privacy screen ensure there will be minimal impacts on this adjoining property because of the proposed development.

Adjoining the subject site to the west is a two storey brick residence known as No. 50 Clarke Street. This dwelling is built to the boundary, with existing vegetation on the subject site helping screen the proposed rear development. The outlook from the proposed upper level is towards the rear of the site and not across this adjoining dwelling. Privacy between the two properties is well resolved through design initiatives.

Shadows cast by the proposed addition will fall in a sweeping motion towards the southern side boundary of the subject property and slightly across the rear yard of the adjacent adjoining properties. There will be some additional shadow affectation of this adjoining dwelling. Shadows cast will be reasonable given the residential context of the site, the established vegetation along the common boundary and the setbacks between the two properties.



View of the southern adjoining property No. 48 Clarke Street

It is noted that there are examples of recent upper-level additions in the vicinity of the site.

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 48 Clarke Street, Narrabeen: -

- Internal Alterations including:
 - New ensuite bathroom on upper level.
 - Changes to window size on western side in new ensuite.
 - Remodel laundry room.
 - Changes to stair location.
 - New skylights.
- Basement level alterations addition to the existing dwelling including:
 - Removal of single car garage on ground floor and conversion to the bedroom including removal of garage door and two windows.
 - Construction of double carport at front of the dwelling.
 - New entry at ground level including doorway and carport roof terrace.
- Ground floor rear alterations to existing dwelling including:
 - Demolish existing covered deck and stairs.
 - Rebuild and reduce the height of a retaining wall.
 - New lounge room and extended deck to rear.



Artist's impression of the proposed addition viewed from Clarke Street

3.1 Design Approach

The proposed additions and alterations are sought to provide most needed quality internal living space to meet the needs of the residents. The addition has been designed to provide quality external open space and address the street frontage.

The addition of the carport will ensure that the property appears more in context with other dwellings in the immediate vicinity. The new bedroom and access at the lower level will provide increased amenity for residents. The carport is well setback from the frontage which minimises bulk and scale when viewed from the road.

The design takes advantage of the existing ground level terraced carparking area to create opportunities for a new ground level outdoor area at the front above the carport.

The upper level addition will provide increased amenity for users, providing a dedicated lounge room to the rear connected to the designated private open space. The addition is pitched away from the building towards the southern elevation. The addition has been sited in this way to concentrate the bulk of the addition towards the rear and to minimise impacts on the adjoining southern and eastern dwellings.

In addition, the proposed upper level is well setback from all common boundaries and the street.

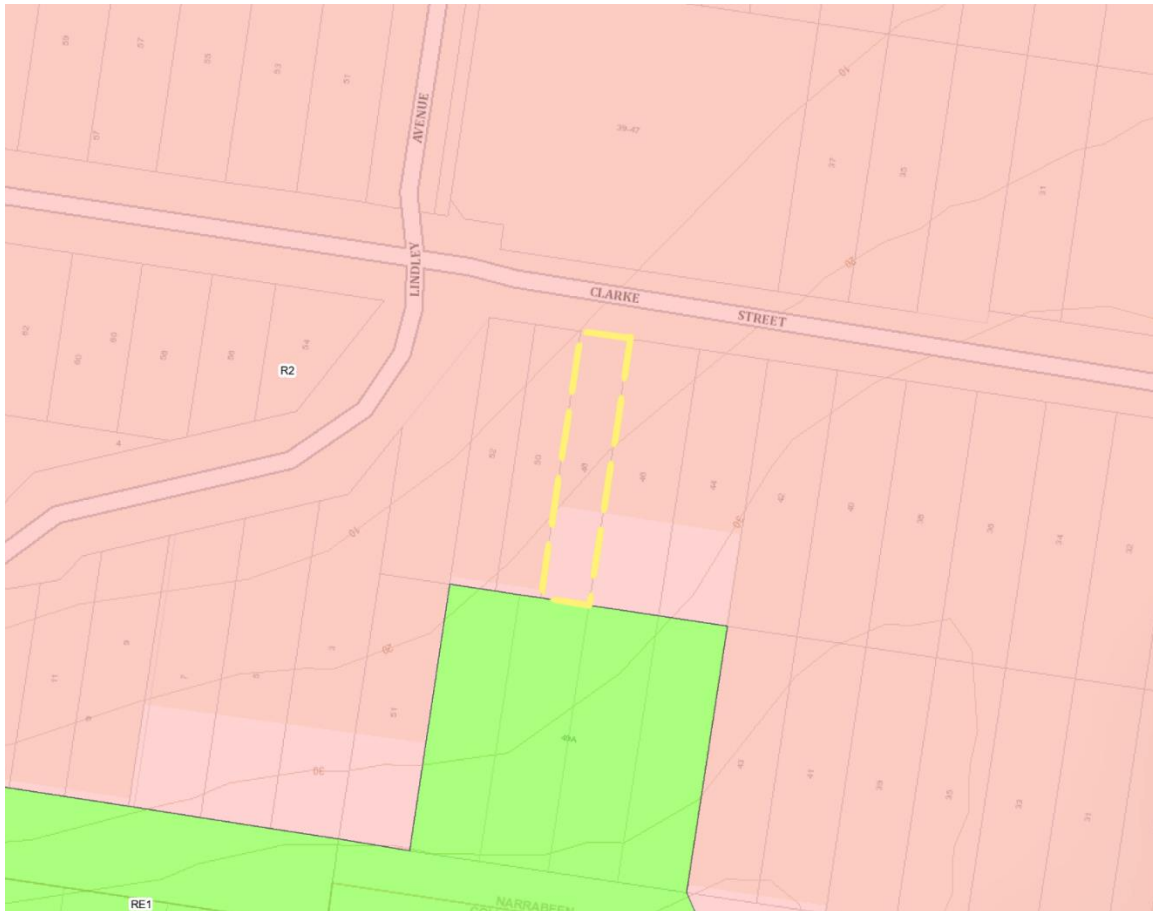
The design solution ensures that privacy issues are well resolved through design. The outlook from the proposed addition is oriented towards the street frontage and the rear yard.

The reasonable separation between dwellings coupled with the existing established vegetation along the common boundaries will ensure that privacy and overshadowing issues are reasonably resolved.

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

*A **dwelling house** means a building containing only one dwelling.*

*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 house 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 low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

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. The subject site will continue to benefit from quality green space and private open 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 sits within the maximum permissible height of 8.5m.

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

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

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

The applicant does not seek to vary any development standards because of this application.

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

Some earthworks are required associated with the excavation for the carport and deck. The earthworks proposed will be adequately carried out with silt and sediment controls put in place throughout the excavation and construction phase. The proposed earthworks will be contained on-site and not impact on adjoining properties.

The applicant will abide by any conditions of development consent in relation to silt and sediment control during the excavation phase as required by Council.

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 within Landslip Area E with slopes of less than 15 degrees. The proposed carport is unlikely to create significant risk without mitigation measures.

Please refer to the Geotech Report to identify mitigation measures for landslides. No major impacts due to stormwater discharge or subsurface flow are identified because of this proposal.

5.0 PLANNING FOR BUSH FIRE PROTECTION 2019

The site is identified as being bushfire prone as outlined in the below map.



Extract Northern Beaches Council LGA Bushfire Prone Land Map

A Bushfire Assessment Report is provided with this application outlining an assessment for the statutory compliance of the proposed residential building development to occur.

The report outlines that, based on the assessment to protect persons and property from danger that may arise from a bushfire, the Consent Authority should determine that this development proposal can comply with Planning for Bush Fire Protection 2019 as required under Section 4.14 of the Environmental Planning and Assessment Act 1979.

As a considered opinion, the recommended mitigation measures and construction requirements as stated in this Bushfire Assessment Report would reasonably address the aims and objectives of PBP 2019, consistent within the relative and current bushfire risk to the subject development site.

As infill development, the residence will be able to fully comply with the Acceptable Solutions provided within PBP 2019.

6.0 WARRINGAH 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.

PART A - INTRODUCTION

A5.1 Context and Site Analysis

Comment:

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 complies with the wall height and building height control. 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 identifies a maximum of two stories for the locality. No maximum number of storeys are prescribed for the site.

B3 Side Boundary Envelope

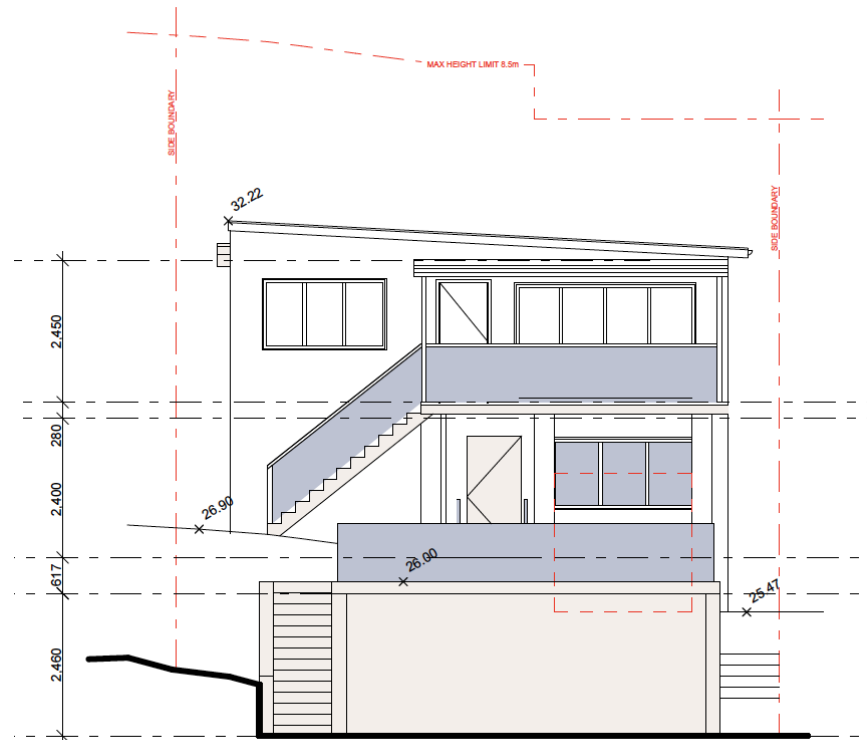
Objectives

- 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:



Proposed Elevation from Clarke Street

The proposed additions are located within the existing approved side boundary envelopes. The single storey of the rear addition ensures that it is not visible from the street.

The proposal is acceptable having regard to the site circumstances and the tiering of the proposed additions following the contours of the site.

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.*

Controls:

1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as:

- *33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and*
- *20% = 3,500m² or 30% < 3,500m² - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m² where the total building footprint/s must not cover more than 30% of the site area.*

Comment:

The site is not within any land designated as having a maximum site coverage. Notwithstanding, the site will retain a significant portion as landscaping. Stormwater drainage is unlikely to be changed because of the application.

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 existing side boundary setbacks are maintained and are 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:

The minimum front setback of 6.5m as identified on the Front Setback Map is not encroached. The proposed carport is well distant from Clarke Street.

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:

The minimum rear setback of 6m as identified on the Rear Setback Map is not encroached. The proposed lounge room is well distant from the rear setback. The rear setback is well landscaped with large areas of deep soil that connects into the highly vegetated Wetherill Street Reserve.

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 1 on-site car space within the existing driveway, with garage currently underutilised. It is proposed to provide a new double carport to provide undercover parking within the site. Vehicle access is unchanged within the site, with clear separated vehicle and pedestrian entries.

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.*

Control:

- *Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.*

Comment:

There is no opportunity to park two cars on-site within the current site conditions. The addition of the carport provides for increased off-street car parking while minimising the need to park in tandem. The carport is well integrated into the house design to minimise bulk and scale and its visual

presence. The narrowness of the lot and steep terrain effectively dictates the location of the carport in front of the dwelling.

The control as identified within the DCP limits carport widths to 50% of the site width or 6m. The site width is 10.35m resulting to a maximum carport width of 5.17m. The proposed carport width is 6.52m, which is larger than the prescribed maximum. The larger carport width provides for greater private open space on the roof terrace and is of similar width to the building on a narrow lot. The carport is also located distant from the street, resulting in minimal visual impact.

Adjacent lots provide for similar carports or garages on narrow lots.

C4 Stormwater

Objectives

- *To ensure the appropriate management of stormwater.*
- *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 significant change is proposed to the existing drainage arrangements on-site. Stormwater can be adequately drained to Council's drainage system.

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:

Some earthworks are required associated with the excavation for the carport and deck. The earthworks proposed will be adequately carried out with silt and sediment controls put in place throughout the excavation and construction phase. The proposed earthworks will be contained on-site and not impact on adjoining properties.

The applicant will abide by any conditions of development consent in relation to silt and sediment control during the excavation phase as required by Council.

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 is attached with this application.

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 existing landscape area on-site will be slightly altered because of the proposal. The proposed landscaped area will equal a total of 281.2m² or 46.5% of site area. This proposal complies with the DCP, which requires a total landscaped area equal to 40% of site area.

There will be no adverse effect on native vegetation. There are no trees requiring removal to facilitate the proposed addition. Appropriate design measures have been undertaken to provide an attractive addition and minimise privacy loss. 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 northern frontage of the site above the carport. The private open space will be embellished through the provision of the development works. The location of the lounge room will provide direct access between the private open space and living area.

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:

The proposed development is unlikely to create significant issues in terms of solar access.

Shadows cast by the proposed upper level will effectively fall towards the rear and partly over the adjoining properties during the morning and afternoon periods of the winter solstice. The shadow impacts are reasonable in the context of the site, including separation between dwellings, the existence of established vegetation between properties, the topography of the land and the modest scale of the proposed addition.

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 slope of the land and containment within the site boundaries within the typical street building zone ensures that views currently enjoyed by the adjoining properties will not be unreasonably obscured.

Properties to the east and west of the subject site are suitably distant and benefit from views directed away from the dwelling. There are no issues in terms of view loss.

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 development does not result in any significant loss of privacy to adjoining dwellings.

The proposed addition to the rear of the dwelling is suitably designed to direct outlook towards the rear yard. Privacy is well maintained between sites. Privacy screens are located on the deck towards the west.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

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 addition is well conceived and is architecturally treated along all elevations to present well when viewed from the street frontage. The garage is located within the existing building bulk when viewed from Clarke Street.

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 built form and complement the existing façade.

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 flat roof is proposed with the rear addition consistent with the existing roof pitch of the dwelling. The pitch of the roof has been minimised while retaining architectural integrity.

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: Not applicable.

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.

D20 Safety and Security*Objectives*

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

Comment:

The new entrance to the building will be easily identified and well lit. The provision of a new covered carport will improve the safety and security on-site.

D21 Provision and Location of Utility Services

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.
- 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

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:

Built form is located suitably distant from public space to the rear of the subject site, providing a protective buffer. Visual links are protected through vegetation buffers.

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 situated within Landslip Area E with slopes of less than 15 degrees. The proposed carport is likely to create significant risk without mitigation measures.

Please refer to the Geotech Report to identify mitigation measures for landslides. No major impacts due to stormwater discharge or subsurface flow are identified because of this proposal.

E11 Flood Prone Land*Comment:*

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

7.0 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 objectives of Warringah Local Environmental Plan 2011 and prescriptive and performance controls of the DCP subject to a minor encroachment into the building envelope.

The proposed development is appropriate 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. No major impacts to the environment are identified.

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 mainly 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.

(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.

8.0 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 and provision of carparking.

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 provides for an improved level of amenity for the residents. The proposal has been designed to enhance the appearance of the dwelling without compromising the amenity of adjoining residents.

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.