Statement of Environmental Effects

Development Application at
48 Park Street
Narrabeen, NSW 2101
Lot 1 in DP 950606

Proposed Development
New two storey dwelling with garage and pool.

Submitted to
Northern Beaches Council

Submitted by
Arkh Design

arkh design

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1. Introduction

1.1 Overview

This report has been prepared by **Arkh design** as part of a development application for a new two storey dwelling in Lot 1 / DP 950606 also known as 48 PARK STREET, NARRABEEN NSW 2101

The site falls under The Northern Beaches Council. The former Warringah Local Environmental Plan 2011 and Development Control Plan 2011 are applicable to site.

The DA seeks to approve a new two storey dwelling with undercover garage at the front of the property including a pool and landscaping works. The proposal intends to remain compatible with the established building forms in the immediate locality. It endeavours to comply with all the requirements of the City of the Northern Beaches Council's LEP 2011 & DCP 2011, in particular Part B, C and D and all other relevant parts of the Development Control Plan.

This report describes the site, surrounding properties, proposed development, and justifies the proposed development on the subject site.

2. Site Analysis

2.1. Site Location and Context

The subject site is located on the east side of Park Street and identifies as Lot 1 DP 950606 – 48 Park Street, Narrabeen NSW 2101 (See figure 1 & 2). The locality is a residential area with a mix of single, two storey and multiresidential dwellings.

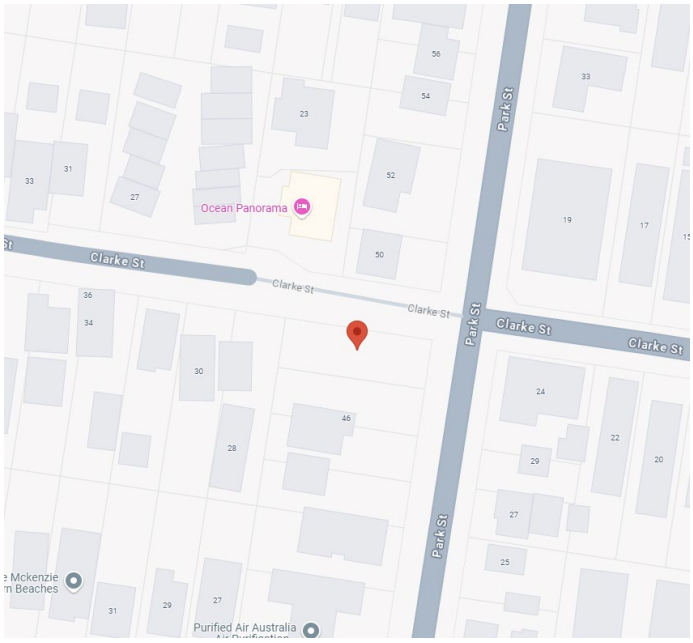

Figure 1. Location Map – 48 Park Street, Narrabeen NSW 2101

Figure 2. Satellite Photo – 48 Park Street, Narrabeen NSW 2101

2.2. Site Description

Lot 1 is a rectangular lot and has a frontage of 15.3m and a maximum depth of 45.7m. The total area of the lot is 699m2

The site falls from the rear heavily to the front approximately 11m to 12m. The site is currently vacant with miscellaneous shrubbery

Figure 3. View from Park Street

Figure 4. Rear elevation of existing dwelling

Figure 5. Satellite view of the site in question

2.3. Surrounding Development

Surrounding development includes single storey, two storey and multi residential dwellings in all shapes, colours and sizes combined with mature landscaping.

Figure 6. Neighbour Front Elevation (50 Park Street)

Figure 7. Neighbour Front Elevation (46 Park Street)

Figure 8. Neighbour Front Elevation (24 Clark Street)

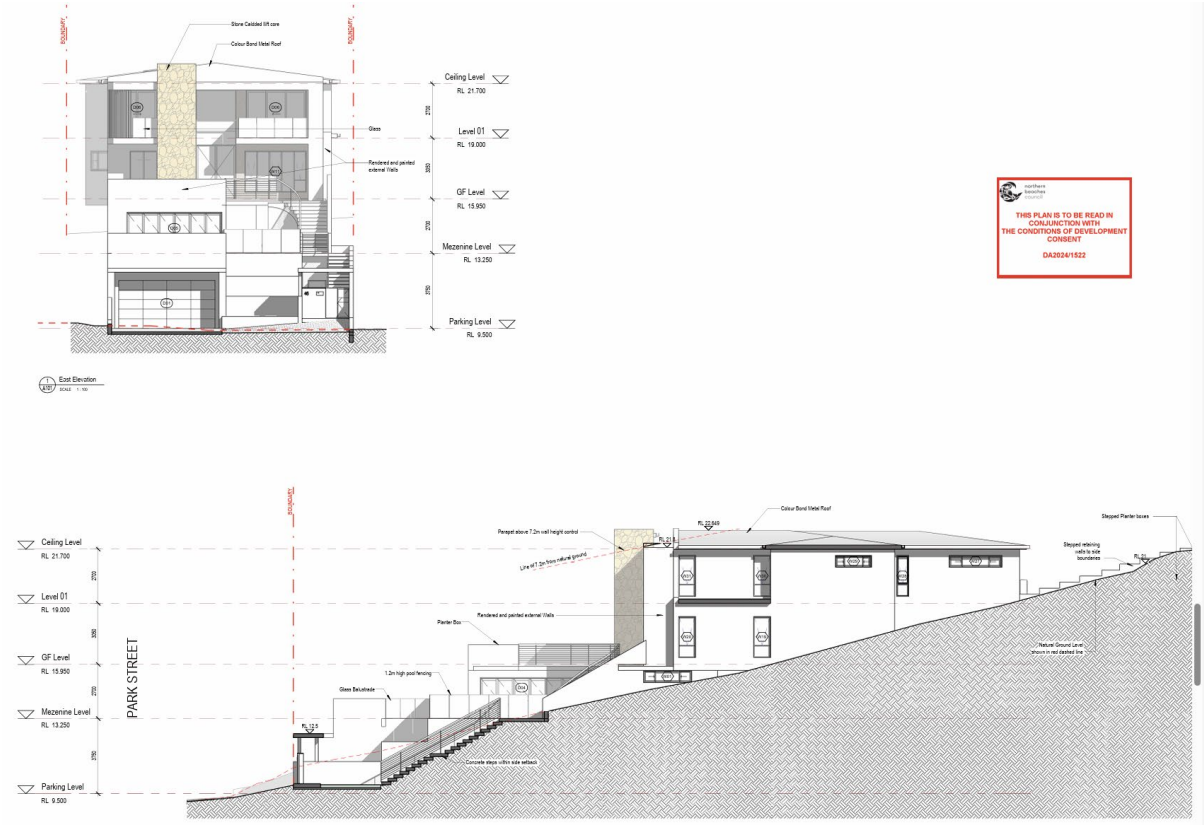

Figure 9. Recently approved DA in 46 Park Street

2.4. Development Proposal

The scheme proposes:

- New two storey dwelling
- Covered garage at front of dwelling
- Pool located on top of garage
- Landscaping works

SITE SUMMARY

NORTHERN BEACHES COUNCIL	
SITE AREA	699m²
GROSS FLOOR AREA	
	PROPOSED
GARAGE	178m²
GROUND FLOOR	164m²
FIRST FLOOR	161m²
TOTAL	503m²
LANDSCAPING	MIN. REQUIRED 40% / 279m²
PROPOSED	45% or 311m²

3. Planning Framework

WARRINGAH LEP 2011

TABLE OF COMPLIANCE – DWELLING HOUSES		
ITEM	**REQUIREMENT**	**PROPOSED**
Zoning	R2 – Low Density Residential	R2
Floor Space Ratio	Not Adopted	N/A
Building Height	8.5m max.	*Complies*

WARRINGAH DCP 2011

TABLE OF COMPLIANCE – DWELLING HOUSES		
ITEM	**REQUIREMENT**	**PROPOSED**
PART B – BUILT FORM CONTROLS		
B1 WALL HEIGHTS		
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)	*Complies*
B2 NUMBER OF STOREYS		
1	Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys	*Complies*
B3 SIDE BOUNDARY ENVELOPE		
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.	*Refer to Section 4.1 for acceptable consideration*
2	On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope	*N/A*
B4 SITE COVERAGE		
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% = 3,500m^2 or 30% <3,500m^2 – the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m^2 where the total building footprint/s must not cover more than 30% of the site area.	*N/A*

N/B5 SIDE BOUNDARY SETBACKS		
1	Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map	*Complies*
2	Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	*Complies*
3	On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.	*N/A*
B6 MERIT ASSESSMENT OF SIDE BOUNDARY SETBACKS		
1	Side boundary setbacks will be determined on a merit basis and will have regard to: • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development	*Complies*
2	Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	*Complies*
B7 FRONT BOUNDARY SETBACKS		
1	Development is to maintain a minimum setback to road frontages.	*Refer to Section 4.2 for acceptable consideration*
2	The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	*Refer to Section 4.2 for acceptable consideration*
3	Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.	*N/A*
4	For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.	*N/A*
B8 MERIT ASSESSMENT OF FRONT BOUDNARY SETBACK		
1	The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the: • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development.	*Complies*
B9 REAR BOUDNARY SETBACK		
1	Development is to maintain a minimum setback to rear boundaries.	*Complies*
2	The rear setback area is to be landscaped and free of any above or below ground structures.	*Complies*
3	On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps,	*N/A*

	balconies, terraces, and the like shall not encroach the rear building setback.	
4	The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.	*N/A*
5	The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access	*N/A*
B10 MERIT ASSESSMENT OF REAR BOUDNARY SETBACKS		
1	Rear boundary setbacks will be determined on a merit basis and will have regard to: • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development	*Complies*
B11 FORESHORE BUILDING SETBACK		
1	Development is to be set back a minimum 15 metres from the property boundary which adjoins the waterway or waterfront reserve.	*N/A*
2	The foreshore building setback area is to be a deep soil landscape area and free of any above or below ground structures.	*N/A*
B12 NATIONAL PARKS SETBACK		
1	Development is to be set back a minimum of 20 metres from any National Park boundary.	*N/A*
2	The setback area is to be landscaped with locally indigenous species.	*N/A*
B13 COASTAL CLIFFS SETBACK		
1	Development must not extend beyond the coastal cliffs building line . The location of the coastal cliffs building line is shown as a heavy black line on the following figure (not to scale).	*N/A*
2	The area between the coastal cliffs building line and the cliff is to be free of any buildings or structure and landscaped using predominately indigenous vegetation.	*N/A*
B14 MAIN ROADS SETBACK		
1	Development is to be set back the minimum indicated on the DCP Map Main Road Setbacks. The measurement is to be made perpendicular to the property boundary to the main road.	*N/A*
2	On land where the main roads setback is 30 metres, the front setback area: a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and b) no signs are to be erected in the 30 metre front setback area.	*N/A*
PACT C - SITTING FACTORS		
C1 SUBDIVISION		
1	R2 Low Density Residential zone requirements: Proposed new allotments: a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m2	*N/A*
2	Motor vehicle access to each residential allotment is required from a constructed and dedicated public road. Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.	*N/A*

	Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided. Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10. Driveways in excess of 200 metres will not be allowed for residential development. Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m. Passing bays should have regard to sight conditions and minimise vehicular conflict. Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay. Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.	
3	All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards. Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.	*N/A*
C2 TRAFFIC, ACCESS AND SAFETY		
1	Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.	*N/A*
2	Vehicle access is to be obtained from minor streets and lanes where available and practical.	*N/A*
3	There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.	*N/A*
4	Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.	*Complies*
5	Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.	*N/A*
C3 PARKING FACILITIES		
1	The following design principles shall be met: • Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; • Laneways are to be used to provide rear access to carparking areas where possible; • Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; • Parking is to be located so that views of the street from front	*Complies. Refer to Section 4.2 for acceptable consideration*

	windows are not obscured; and • 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.	
2	If street parking is to be provided within the property demonstrating that the following matters have been taken into account: • the land use; • the hours of operation; • the availability of public transport; • the availability of alternative car parking; and • the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.	*N/A*
3	Carparking, other than for individual dwellings, shall : • Avoid the use of mechanical car stacking spaces; • Not be readily apparent from public spaces; • Provide safe and convenient pedestrian and traffic movement; • Include adequate provision for manoeuvring and convenient access to individual spaces; • Enable vehicles to enter and leave the site in a forward direction; • Incorporate unobstructed access to visitor parking spaces; • Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places; • Provide on site detention of stormwater, where appropriate; and • Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.	*Complies*
4	Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.	*N/A*
5	Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.	*N/A*
6	For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.	*N/A*
7	Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.	*N/A*
8	For Forest Way Village car parking at ground level is to be provided for individual units.	*N/A*
C3(A) BICYCLE PARKING AND END OF TRIP FACILITIES		
1	Bicycle parking facilities must be provided for new buildings and for alterations or additions to existing buildings. In the case of alterations or additions to existing buildings bicycle parking facilities are required for the additional floor area only.	*N/A*
2	Bicycle parking shall be designed and constructed in accordance with Australian Standard AS 2890.3 – Bicycle Parking Facilities.	*N/A*
3	Bicycle parking facilities shall be designed to be an integral part of the development and where visible from public places or streets, will complement the visual quality of the public domain.	*N/A*
4	Bicycle parking shall be provided in accordance with the generation rates in the following table and is determined by adding Column 1 and Column 2 requirements and rounding up.	*N/A*

5	End of trip facilities must be provided for new buildings and for alterations or additions to existing buildings. In the case of alterations or additions to existing buildings end of trip facilities are required for the additional floor area only. End of trip facilities are not required for schools, wholly residential buildings or residential components of mixed use buildings. 6. End of trip facilities shall be provided in accordance with the following: a) Bathroom/ change area(s) shall be provided and shall contain: i) At least one toilet, wash basin, mirror, clothing hooks and power points (including shaving plugs). ii) A minimum of one shower cubicle per seven (7) required bicycle parking spaces. iii) Each shower cubicle shall include a private clothes changing area with a bench and a minimum of two (2) clothing hooks. b) Clothes Lockers shall be: i) Provided at the rate of one clothes locker for every required bicycle parking space. ii) Secure, ventilated and large enough to store cycling gear (such as panniers, shoes, towels and clothing). Suggested minimum dimensions of a clothes locker are 900mm (height), 350mm (width) and 500mm (depth).	*N/A*
C4 STORMWATER		
1	Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.	*Complies*
2	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.	*Complies*
C5 EROSION AND SEDIMENTATION		
1	All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.	*Complies*
2	Any erosion and sedimentation is to be managed at the source.	*Complies*
3	Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.	*Complies*
4	An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m2 of land.	*N/A*
5	Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m2 of land.	*N/A*
C6 BUILDING OVER OR ADJACENT TO CONSTRUCTED COUNCIL DRAINAGE EASEMENTS		
1	All development on land containing or adjacent to or proposing to reconstruct/relocate a public drainage system, must comply with Council's Water Management Policy and Building Over or Adjacent to Constructed Council Drainage Systems and Easements technical specifications.	*N/A*
2	Any Council drainage line located within the property may require upgrading and easements created in favour of Council over the drainage line at the applicants expens	*N/A*

C7 EXCAVATION AND LANDFILL		
1	All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	*Complies*
2	Excavation and landfill works must not result in any adverse impact on adjoining land.	*Complies*
3	Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	*Complies*
4	Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	*Complies*
5	Rehabilitation and revegetation techniques shall be applied to the fill.	*Complies*
6	Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.	*Complies*
C8 DEMOLITION AND CONSTRUCTION		
1	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	*Complies*
C9 WASTE MANAGEMENT		
1	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	*Refer to Waste Management Plan prepared by Arkh Design*
PART D – DESIGN		
D1 LANDSCAPED OPEN SPACE AND BUSHLAND SETTING		
1	The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space: a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation; b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation; c) Landscaped open space must be at ground level (finished); and d) The minimum soil depth of land that can be included as landscaped open space is 1 metre	*Complies*
2	Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as "Bushland Setting", a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species	*N/A*
3	In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland	*N/A*
D2 PRIVATE OPEN SPACE		

<table>
<tr><td>1</td><td>Residential development is to include private open space for each dwelling.</td><td>Complies</td></tr>
<tr><td>2</td><td>The minimum area and dimensions of private open space are as follows:

<table><tr><th>DWELLING Type</th><th>Area and Minimum Dimensions per dwelling</th></tr><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms</td><td>A total of 35m2 with minimum dimensions of 3 metres</td></tr><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms</td><td>A total of 60m2 with minimum dimensions of 5 metres</td></tr><tr><td>Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing</td><td>A total of 10m2 with minimum dimensions of 2.5 metres</td></tr></table></td><td>Complies</td></tr>
<tr><td>3</td><td>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children’s play.</td><td>Complies</td></tr>
<tr><td>4</td><td>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</td><td>Complies</td></tr>
<tr><td>5</td><td>Private open space shall not be located in the primary front building setback.</td><td>Complies</td></tr>
<tr><td>6</td><td>Private open space is to be located to maximise solar access.</td><td>Complies</td></tr>
<tr><td colspan="3">D3 NOISE</td></tr>
<tr><td>1</td><td>Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.</td><td>Complies</td></tr>
<tr><td>2</td><td>Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.</td><td>N/A</td></tr>
<tr><td>3</td><td>Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</td><td>Complies</td></tr>
<tr><td>4</td><td>Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages</td><td>Complies</td></tr>
<tr><td>5</td><td>Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.</td><td>Complies</td></tr>
<tr><td colspan="3">D4 ELECTROMAGNETIC RADIATION</td></tr>
<tr><td>1</td><td>Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements:
Telecommunications Act 1997
Code of Practice
ACMA</td><td>N/A</td></tr>
<tr><td colspan="3">D6 ACCESS TO SUNLIGHT</td></tr>
<tr><td>1</td><td>Development should avoid unreasonable overshadowing any public open space.</td><td>Complies</td></tr>
<tr><td>2</td><td>At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</td><td>Complies</td></tr>
</table>

D7 VIEWS		
1	Development shall provide for the reasonable sharing of views	*Complies*
D8 PRIVACY		
1	Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	*Complies*
2	Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking	*Complies*
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	*Complies*
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.	*Complies*
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.	*N/A*
D9 BUILDING BULK		
1	Side and rear setbacks are to be progressively increased as wall height increases.	*Complies*
2	Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	*Complies*
3	On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: The amount of fill is not to exceed one metre in depth. Fill is not to spread beyond the footprint of the building. Excavation of the landform is to be minimised.	*N/A*
4	Building height and scale needs to relate to topography and site conditions.	*Complies*
5	Orientate development to address the street.	*Complies*
6	Use colour, materials and surface treatment to reduce building bulk.	*Complies*
7	Landscape plantings are to be provided to reduce the visual bulk of new building and works.	*Complies*
8	Articulate walls to reduce building mass.	*Complies*
D10 BUILDING COLOUTS AND MATERIALS		
1	In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping	*Complies*
2	The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.	*Complies*
3	The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	*Complies*
4	The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.	*N/A*
D11 ROOFS		

1	Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	*N/A*
2	Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	*Complies*
3	Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	*Complies*
4	Roofs shall incorporate eaves for shading.	*Complies*
5	Roofing materials should not cause excessive glare and reflection.	*Complies*
6	Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.	*N/A*
D12 GLARE AND REFLECTION		
1	The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours; • Minimising the lit area of signage; • Locating the light source away from adjoining properties or boundaries; and • Directing light spill within the site.	*N/A*
2	Any glare from artificial illumination is to be minimised by utilising one or more of the following: • Indirect lighting; • Controlling the level of illumination; and • Directing the light source away from view lines.	*N/A*
3	Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following: • Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones; • Orienting reflective materials away from properties that may be impacted; • Recessing glass into the façade; • Utilising shading devices; • Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and • Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.	*N/A*
D13 FRONT FENCE AND FRONT WALLS		
1	Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.	*Complies*
2	Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.	*Complies*
3	Fences located within the front building setback area are to complement the existing streetscape character.	*Complies*
4	Fences are to be constructed to allow casual surveillance, except where there is excessive noise.	*Complies*
5	Gates are not to encroach over the property boundary when opening or closing.	*Complies*
6	Fences should complement the architectural period of the building.	*Complies*
D14 SITE FACILITIES		
1	Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:	*Complies*

	• Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection; • All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets; • Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers; • Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract form the amenity of occupants; and • Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.	
D15 SITE AND REAR FENCES		
1	Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary	*Complies*
2	For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.	*Complies*
3	All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.	*Complies*
D16 SWIMMING AND SPA POOLS		
1	Pools are not to be located in the front building setback.	*Complies*
2	Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.	*N/A*
3	Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.	*Complies*
D17 TENNIS COURTS		
1	Tennis courts are to be located behind the front building setback	*N/A*
2	Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.	*N/A*
3	Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.	*N/A*
4	The height and location of court fencing is to enable: a) Sharing of views from surrounding residences; and b) Provision of sunlight to surrounding properties.	*N/A*
5	Fencing material is to be a dark colour.	*N/A*
6	Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.	*N/A*
D18 ACCESSIBILITY AND ADAPTABILITY		
1	The design is to achieve a barrier free environment with consideration given to the design of door handles and switches, entrances and corridors. Steep, rough and slippery surfaces, steps and stairs and narrow paths should be avoided.	*N/A*
2	There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.	*N/A*

3	Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.	*N/A*
4	Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.	*N/A*
5	There is to be effective signage and sufficient illumination for people with a disability.	*N/A*
6	Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.	*N/A*
D19 SITE CONSOLIDATION IN THE R3 AND IN1 ZONE		
1	Development shall not result in adjacent allotments that have areas or dimensions, or are constrained in other ways, that would render such allotment(s) incapable of being developed in accordance with Warringah Local Environmental Plan	*N/A*
2	Lots are to be consolidated where necessary to ensure the development of one allotment will not render an adjoining one unsuitable for future development.	*N/A*
3	For residential development in the R3 zone private open space may extend to a minimum of 3.5 metres from a side boundary.	*N/A*
4	For residential development in the R3 zone basement carparking structures may be positioned up to a minimum of 2 metres from the side boundary but not be more than 1 metre above ground level.	*N/A*
D20 SAFETY AND SECURITY		
1	Buildings are to overlook streets as well as public and communal places to allow casual surveillance.	*N/A*
2	Service areas and access ways are to be either secured or designed to allow casual surveillance.	*N/A*
3	There is to be adequate lighting of entrances and pedestrian areas.	*N/A*
4	After hours land use activities are to be given priority along primary pedestrian routes to increase safety.	*N/A*
5	Entrances to buildings are to be from public streets wherever possible.	*N/A*
6	For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See *Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979* prepared by the Department of Urban Affairs and Planning (now Department of Planning).	*N/A*
7	Buildings are to be designed to allow casual surveillance of the street, for example by: a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved; b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance; c) Locating high use rooms to maximise casual surveillance; d) Clearly displaying the street number on the front of the building in pedestrian view; and e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters. 8. Casual surveillance of loading areas is to be improved by: a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and	*N/A*

	b) Providing adequate day and night lighting which will reduce the risk of undesirable activity. 9. Design entrances to buildings from public streets so that: a) Building entrances are clearly identifiable, defined, lit and visible; b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development; c) Main entrances are clearly identifiable; d) Pavement surfaces and signage direct pedestrian movements; and e) Potential conflict between pedestrians and vehicles is avoided.	
D21 PROVISION AND LOCATION OF BUILDING SERVICES		
1	If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.	*N/A*
2	Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.	*N/A*
3	Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are: a) A reduction in the number of trenches required; b) An accurate location of services for maintenance; c) Minimising the conflict between services; d) Minimising land required and cost;	*N/A*
4	The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.	*N/A*
5	Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.	*N/A*
6	Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.	*N/A*
7	Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater	*N/A*
8	On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.	*N/A*
D22 CONSERVATION OF ENERGY AND WATER		
1	The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.	*Complies*
2	Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties	*Complies*
3	Buildings are to be designed to minimize energy and water consumption.	*Complies*

4	Landscape design is to assist in the conservation of energy and water.	*Complies*
5	Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.	*Complies*
6	All development must comply with Council's Water Management Policy.	*Complies*

4. Variations to DCP Controls

Section 4.15(3A)(b) of the Environmental Planning and Assessment Act, 1979 offers guidance on how Development Control Plans should be applied in cases where there is non-compliance with the provisions of the plan.

It states that if a development control plan includes provisions that are relevant to a development application, the consent authority must be flexible when applying those provisions. Specifically, if the application does not meet the standards set for a particular aspect of the development, the authority is required to allow reasonable alternative solutions that still achieve the objectives of those standards.

The objectives behind the provisions of the WDCP, for which variations are being requested, are discussed below.

4.1 Building Envelope

The WDCP sets the following control for the side boundary envelope: Buildings located on land marked on the DCP Map must be positioned within a building envelope defined by projecting planes at a 45-degree angle from a height above the existing ground level at the side boundaries, with the following options:

- 4 meters, or
- 5 meters, as indicated on the map.

The land in question is shown on the Side Boundary Envelopes DCP Map as "4m."

There is a deviation from the side boundary envelope as illustrated in drawing A302 and A303 of the provided architectural plans

The provided architectural plans illustrate the application of the side boundary envelope changes on a sloping site, as well as the portion of the building mass that exceeds this envelope. The proposed development follows along the recently approved DA in 46 Park Street which presents the same non compliances in their proposal.

The objectives underlying the control are discussed below.

- **Objective:** To ensure that development does not become visually dominant due to its height and bulk.

Comment: Visual dominance results from the overall height, wall height, siting, and massing of the building. The proposed development is not visually dominant as it complies with the maximum building height and wall height prescribed by the WLEP. The part of the building that exceeds the control is centrally located on the site, away from the street front, ensuring it does not impact the public domain.

Additionally, the larger mass of the dwelling is intentionally positioned next to the adjacent two-story dwelling, maintaining the rhythm of the surrounding development. The volume of the building exceeding the envelope is minimal and does not create the impression of excessive mass.

- **Objective:** To ensure adequate light, solar access, and privacy by providing spatial separation between buildings.

  Comment: The proposed development does not negatively affect neighbouring properties in terms of solar access, privacy, or views as shown on the shadow diagrams provided.

- **Objective:** To ensure that development responds to the topography of the site.

  Comment: The design of the development responds to the site's topography by stepping the building down the slope toward the street, while placing the bulk of the building toward the rear of the site in alignment with the adjacent dwelling while minimising excavation.

  The site is also constrained by a sewer line running across it, limiting excavation in the area where the main mass of the dwelling is situated. Despite this, the portion of the building exceeding the envelope is minor and represents a reasonable variation in light of the site's topography. This variation aligns with the flexibility provided under Section 4.15(3A)(b) of the Act.

4.1 Front Setback

The WDCP sets the following control for front boundary setbacks:

Development must maintain a minimum setback from road frontages.

The land is shown on the Front Boundary Setbacks DCP Map as "6.5m."

The proposed garage is located forward of the 6.5m building line, with a setback of 4.5m. This is consistent with the streetscape on the western side of Park Street, where garages and other structures typically feature reduced setbacks similar to the recently approved DA in 46 Park Street and other structurers such as 50 Park Street, 44 Park Street and 42 Park Street as shown below:

Additionally, relocating the garage to the 6.5m setback would require significantly more excavation due to the site's slope or result in an impractically steep driveway, which would be inconsistent with the character of the western side of Park Street including the sewer which limited the development of the site due to Sydney Water regulation on their assets.

The objectives underlying the control are discussed below:

- **Objective:** To create a sense of openness.

Comment: The sense of openness in the streetscape has already been diminished by the positioning of garages and other structures with reduced setbacks, which is appropriate given the land's topography.

The proposed setback aligns with the existing streetscape elements, preserving the character already present. Other nearby dwellings with garages near the street feature on-structure planting, and the proposed development will include similar planting to ensure consistency with these existing homes. Thus, the proposed design does not introduce an incongruous element to the street.

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

  Comment: The placement of the garage is consistent with the streetscape on the western side of Park Street, where garages and other structures are commonly positioned with reduced setbacks.

  This maintains the visual continuity and pattern of buildings and landscaping along this side of the street.

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

  Comment: The visual quality of the streetscape is partly defined by the existing garages and structures located in front of the 6.5m setback. The proposed development aligns with this existing pattern and does not negatively impact the public domain.

- **Objective:** To achieve reasonable view sharing.

  Comment: The garage's positioning does not obstruct views.

  The variation in setback is a reasonable adjustment in accordance with the flexibility provided under Section 4.15(3A)(b) of the Act.

5. Section 79C Considerations

5.1. GENERAL

In considering this development application, Council must consider the relevant planning criteria in Section 79 of the Environmental Planning and Assessment Act, 1979.

5.2. STATUTORY AND POLICY COMPLIANCE - S79C(1)(A)

The proposal has been assessed in relation to all relevant SEPP's and LEP's above in the Statement of Environmental Effects.
There are no SEPP's which are relevant to the proposal.
The LEP which is relevant to the proposal is:
Warringah Local Environmental Plan 2013
The proposal is considered to satisfy the above relevant Local Environmental Planning Instrument as the development is within zoning regulations. It remains consistent with the relevant objectives of the LEP as it promotes the orderly and economic development of the LGA in a manner consistent with the need to protect the environment and does not adversely affect the identity of the City of Northern Beaches area.

5.3. NATURAL ENVIRONMENT IMPACTS - S79C(1)(B)

The works proposed will not affect the natural environment. Waste will be managed and collected effectively. Furthermore, there is no endangered flora or fauna on the site that might be affected. Throughout the period of construction, all measures will be taken to ensure that any noise, dust and vibration will be kept to a minimum. Subsequent to construction, the day to day operations of the dwelling are unlikely to cause undue impacts in relation to noise, pollution, drainage or pedestrian and vehicular traffic flows.

5.4. SOCIAL AND ECONOMIC IMPACTS - S79C(1)(B)

The proposed dwelling is unlikely to have any social or economic impacts on the surrounding area.

5.5. BUILT ENVIRONMENT IMPACTS - S79C(1)(B)

The proposed height and floor space has been designed to have minimal impacts on the surrounding built environment.

5.6. SUITABILITY OF THE SITE FOR THE DEVELOPMENT - S79C(1)(C)

The site is well located in terms of suitability, as the proposal is situated in a residential zone.

6. Conclusion

The proposed development aligns with the objectives and provisions of the applicable planning instruments, as shown in the assessment tables within this Statement.

It has been evaluated against the WDCP and is found to meet the objectives while generally complying with the relevant provisions of the policy. In instances where variations to the WDCP are requested, these variations have been demonstrated to be a reasonable exercise of flexibility under Section 4.15(3A)(b) of the Environmental Planning and Assessment Act, 1979.

The development has been thoughtfully designed with consideration for the amenity of both residents and neighbours and is recommended for approval, subject to appropriate conditions.