

STATEMENT OF ENVIRONMENTAL EFFECTS

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

AT

42 BEACON HILL ROAD, BROOKVALE

FOR

SIMON & SIMONE DUCKWORTH



**Prepared
February 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Simon & Simone Duckworth by Drafting Help, Sheets No. CV, SP, 1 – 16, NP, S1 – S3, SA, N1 – N2, Issue A, dated 23 September 2020 detailing the proposed construction of alterations and additions to an existing dwelling at **42 Beacon Hill Road, Brookvale**.

A previous Development Application for the site (DA2020/1440) was withdrawn following concerns raised by Council in the initial assessment process.

There are concerns in relation to:

- *Side Boundary Envelope*
- *Rear Boundary Setback*
- *Landscaped Open Space and Bushland*
- *Views*
- *Privacy*
- *Building Bulk*
- *Architectural Plans.*

This revised submission has responded to Council's concerns by introducing design revisions intended to address the issues raised by Council. Specifically, the first floor level has been amended to provide for increased wall to boundary setbacks to the northern boundary, increased setback for the first floor addition to the rear boundary and the deletion of a proposed south facing first floor level deck. The revised plans are intended to address the numerical setback controls and the objectives of Council's setback criteria.

The Site Plan has been amended to encompass the full site details and is supplemented by a landscape plan showing the extent of the existing soft landscaped areas within the site.

The amendments to the design as originally considered by Council will be addressed in further detail within this submission.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

Development Application No. 2018/1797 for construction of a secondary dwelling was approved by Council on 16 February 2019.

The application was subsequently modified on 30 April 2019 to provide for minor changes to the approved secondary dwelling. The secondary dwelling has been constructed.

2.0 Property Description

The subject allotment is described as 42 Beacon Hill Road, Brookvale, being Lot 1 within Deposited Plan 1035344 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

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

The land is noted as being Landslip Risk Area B. Accordingly, a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2997, dated 21 October 2020. This matter will be discussed further within this statement.

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Hazard Assessment has been prepared by Bushfire Planning & Design, Reference No. BR-273620-A, dated 9 October 2020. The works will be carried out in accordance with the recommendations contained within the report and will therefore satisfy the requirements of Planning for Bushfire Protection.

There are no other known hazards affecting the site.

3.0 Site Description

The property is located on the north-eastern side of Beacon Hill Road. The site falls gently towards the north-eastern rear boundary with a fall of approximately 2.5m over the site's length. The site is irregular in shape, with a frontage to Beacon Hill Road of 8.545m, and a minimum depth of 29.195m (southern side boundary). The land has a total site area of 626.1m².

The site is currently developed with a single storey rendered dwelling with a tile roof, with a detached garage with secondary dwelling level over located in the front yard. A detached metal shed is located in the south-eastern corner of the rear yard.

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

The details of the site are as indicated on the survey plan prepared by Richard & Loftus Surveying Services, Reference No. 2335 DSP, dated September 2020, which accompanies the DA submission.

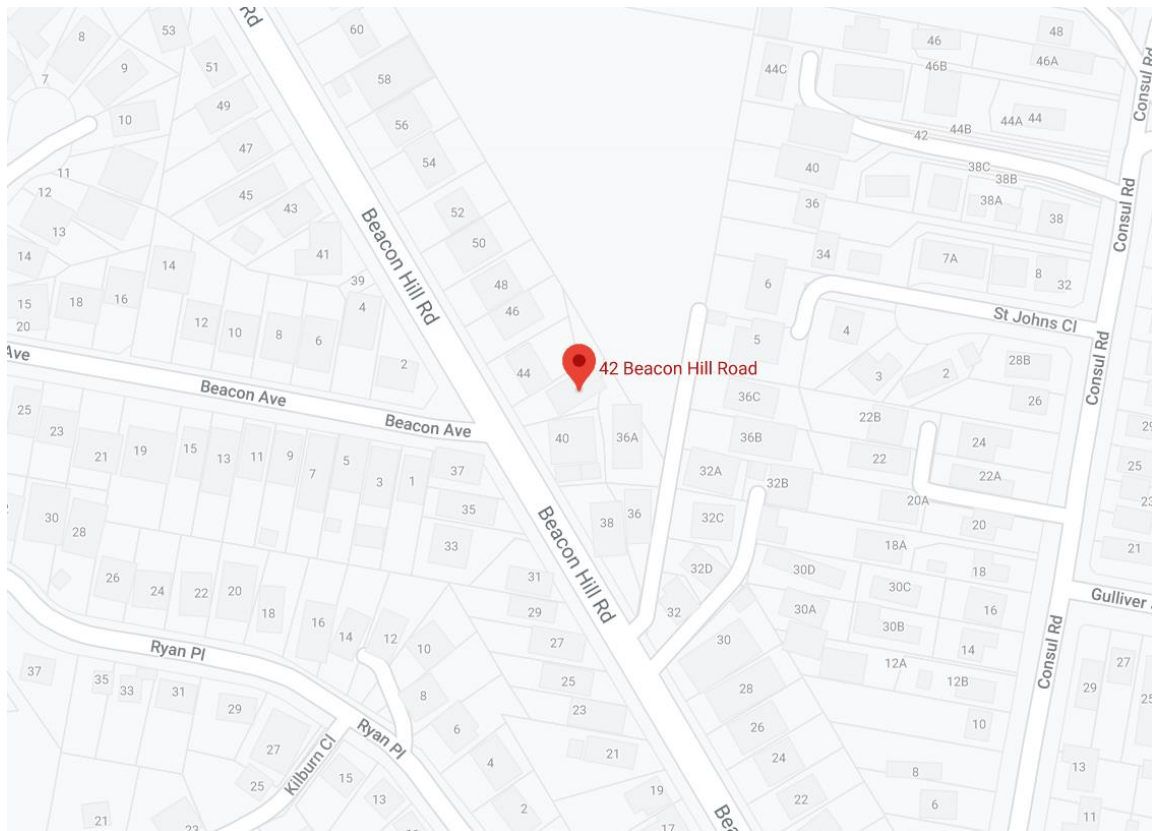


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site, looking east from Beacon Hill Road



Fig 3: View of the subject site and adjacent neighbour at No 40 Beacon Hill Road, looking north-east



Fig 4: View of the adjacent neighbour at No 40 Beacon Hill Road, looking east



Fig 5: View of the subject site and adjacent neighbour at No 44 Beacon Hill Road, looking south-east



Fig 6: View looking east along the common northern boundary with the adjacent neighbour at No 44 Beacon Hill Road



Fig 8: View of the existing covered outdoor entertaining area, which is to be unchanged, looking south



Fig 8: View of the northern elevation of the adjacent neighbour at No 40 Beacon Hill Road, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools.

The sites immediately to the north and south comprise similar one and two storey dwellings.

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

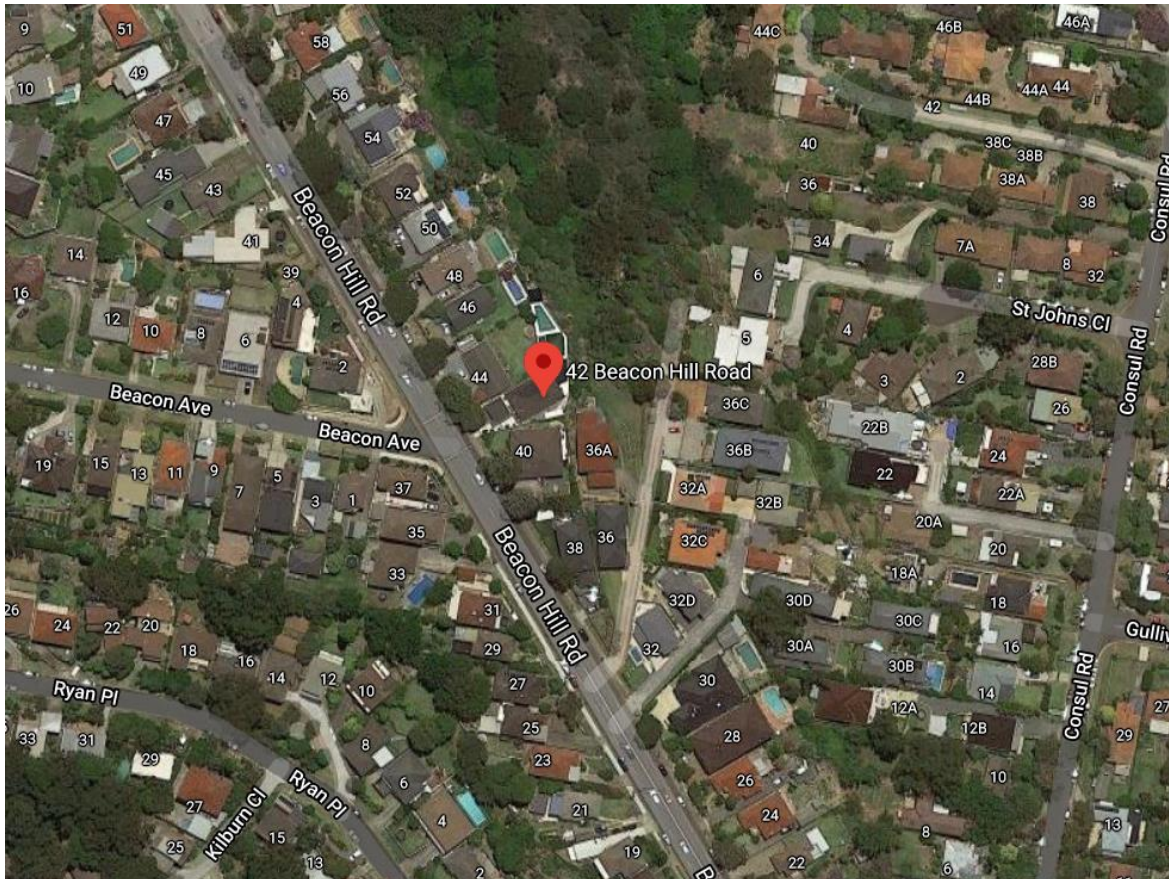


Fig 9: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of alterations and additions to an existing single storey dwelling, which include a new first floor addition over the existing dwelling.

As discussed, the proposed architectural plans which accompany the submission have been formulated to address the issues raised by Council in its previous assessment of DA2020/1440.

The design has been amended in accordance with Council's previous concerns, to provide for increased setback for the first floor addition to the northern boundary, together with an increased setback to rear boundary, further modulation of the building façades through the amendments to the first floor level and the deletion of an external south facing deck, which was considered by Council to create adverse privacy acoustic impacts for the adjoining neighbours.

The increased setbacks allow for improved access to views for the neighbours, however it is worthy to note that significant views are available to properties to the north and south of the subject property, which will be unimpeded by the proposed works.

The proposed new works comprise:

Ground Floor

- New internal access stairs to provide access to the proposed first floor level

First Floor

- Proposed new first floor level to provide for a rumpus and master suite with walk-in robe and ensuite

The dwelling will comprise a modest two storey scale. As the existing dwelling is sited to the rear of the two storey garage structure, the proposed additions to the first floor level over the existing dwelling will not be prominently viewed within the Beacon Hill Road streetscape.

The proposal includes two internal spiral access stair points, however the dwelling is to be used as a single residence with only one kitchen and the dual stair arrangement allows for the owner's children to occupy a ground floor bedroom and first floor rumpus room, with no duplication of cooking facilities and internal access is to be available throughout the dwelling.

The proposal will not require the removal of any significant vegetation. The works are wholly contained within the existing building footprint, and the available area of soft landscaping remains unchanged. The existing soft landscaping has been enhanced through the recent planting of semi-mature species which will further assist in screening the new built form

The external finishes of the proposed new works comprise cement render and metal roof sheeting. The Development Application Package includes montages of the existing dwelling to show the integration of the proposed first floor level with the existing ground floor and detached two storey outbuilding.

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

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

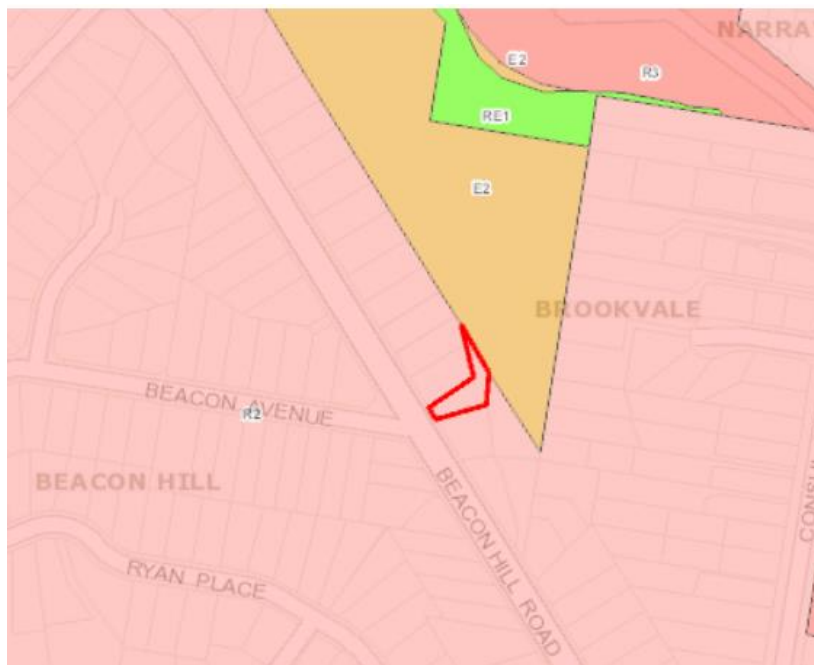


Fig 10: Extract of Warringah Local Environmental Plan 2011

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

- *To provide for the housing needs of the community within a low density residential environment.*

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

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

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on the existing landscaped area, and will not see any substantial change to the views enjoyed by neighbouring properties.

Clause 4.3 provides controls relating to the height of buildings.

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

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

The building height limit for development in this portion of Brookvale is 8.5m. The proposed new first floor addition will result in a maximum height of approximately 7.75m and therefore complies with Council's maximum building height.

Clause 6.2 relates to earthworks.

The proposal will not require any excavation in order to accommodate the new works. The works will be carried out in accordance with the recommendations of a qualified Structural and Geotechnical Engineer, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The land is noted as being Landslip Risk Area B. Accordingly, a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2997A, dated 9 February 2021.

The report concludes the following:

Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.

Accordingly, no further investigation is required. In addition, the works will be carried out in accordance with the recommendations of a qualified Structural Engineer.

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

6.4 Warringah Development Control Plan

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

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	The proposal will provide for wall height of up to 5.65m and therefore complies with this control.	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	As noted on the submitted West Elevations (Sheet No. 8 & 10) the proposal will comply with the side boundary envelope control.	Yes
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	<p>The proposed new first floor level will stand from 2.880m to the south-western corner to the southern boundary and approximately 5.612m from the upper floor level to the south-western boundary line.</p> <p>The proposed northern wall will stand 1.336m from the northern side boundary.</p> <p>The proposed new works at the first floor level will comply with Council's side setback requirements.</p>	Yes

B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	The proposal will not see any change to the front setback of the existing dwelling and detached garage/secondary dwelling and readily complies with Council's setback control.	Yes
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback	<p>Minimum proposed rear setback 1.356m to up to 9.118m and therefore does not comply with Council's rear setback control.</p> <p>Compliance with this control is constrained by the angled nature of the rear boundary, together with the location of the existing dwelling.</p> <p>As a result of the angle rear boundary, the rear addition is up to 9.118m from the rear boundary at the northern end, which allows for a substantial view corridor to be maintained for the properties to the north. (See View Analysis under D9).</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To ensure opportunities for deep</i> 	Yes – on merit

		<p><i>soil landscape areas are maintained.</i></p> <ul style="list-style-type: none"> <i>• To create a sense of openness in rear yards.</i> <i>• To preserve the amenity of adjacent land, particularly relating to privacy between buildings.</i> <i>• To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.</i> <i>• To provide opportunities to maintain privacy between dwellings.</i> <p>The proposal is wholly contained within the existing building footprint, and the available area of soft landscaping is maintained.</p> <p>Landscape details have been provided to indicate the retention of the existing soft landscaped areas on site which have been recently supplemented with further taller planting to re-establish planting to the perimeter of the site.</p> <p>The yard areas of the site will maintain a sense of openness.</p> <p>The proposal includes an open rear balcony at the first floor level which further reduces</p>	
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		<p>the sense of bulk at the rear setback. The balcony adjoins a bedroom, and is not considered to result in any problematic overlooking to adjoining neighbours. Furthermore, the rear boundary of the site adjoins a reserve, so no adverse privacy or bulk and scale impacts will occur.</p> <p>The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.</p>	
	R2 Zoned land swimming pool not to exceed 50% of rear setback area.	No pool proposed. The existing swimming pool remain unchanged.	N/A
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

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

C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available as noted on plans	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal will not see any change to the existing landscaped area.	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The private open space is directly accessible from the dwelling. The private open space is located within the rear yard, with good access to the northern sun.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The works are residential in nature and there will be no further acoustic impacts.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys good access to northern sun to the front and rear yards.	Yes
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am	Whilst the proposal will see some additional overshadowing to the southern neighbour, the internal and external living areas will continue to	Yes

	and 3pm on the winter solstice.	receive suitable solar access.	
D7 – Views	View sharing to be maintained	<p>The controls require that development should enable the reasonable sharing of views. The works see the construction of a new first floor addition to an existing dwelling.</p> <p>The subject site and neighbouring properties enjoy views to the north-east towards Brookvale Valley & east towards Curl Curl Beach.</p> <p>The proposal will provide for a modest first floor addition to the existing single story dwelling which is in keeping with the bulk and scale of development in the locality and readily complies with the statutory height limit.</p> <p>The form of the new works, along with the generous setbacks, will ensure that the primary outlook for the surrounding properties is not unreasonably diminished.</p> <p>Uphill properties on the south-western side of Beacon Hill Road are elevated above the subject site,</p>	Yes

		<p>which assists with retaining their views.</p> <p>A detailed View Analysis is provided further within this submission.</p>	
D8 – Privacy	<p>This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties</p>	<p>The proposed first floor level over the existing single storey dwelling has been designed to preserve the privacy of neighbouring properties. The proposed first floor east facing balcony looks towards the rear reserve. A previously included small balcony has been removed to ensure that the privacy and amenity of the southern neighbour is protected.</p> <p>The rear facing balcony primarily overlooks the reserve area and is located off the main bedroom. It is considered that the primary outdoor areas of the neighbouring properties are not unreasonably overlooked and that the development will not unreasonably reduce the privacy enjoyed by the neighbours.</p>	Yes
D9 – Building Bulk	<p>This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby</p>	<p>The existing surrounding development comprises a mix of dwellings between one</p>	Yes

	and adjoining properties and not to visually dominate the street or surrounding spaces	<p>and two storeys in height.</p> <p>The revised proposal involves a reduction in the building bulk through the increased side and rear setbacks, with the external materials chosen to provide for modulation of the building façades.</p> <p>The form of the proposed development is modest in height and scale, with an articulated façade, and an overall height that readily complies with Council's statutory height limit.</p> <p>In addition, the new works are sited to the rear of the existing two storey garage structure, and will therefore not be prominently viewed from Beacon Hill Road.</p>	
D10 – Building Colours and materials		The proposed new works will be finished in colours which complement the existing development on site and the locality.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed new dwelling provides for a complementary roof form to the locality that does not dominate the skyline.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised.	No significant glare impacts will result from proposed new works.	Yes

	Reflective building materials to be minimised		
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	No new front fencing provided.	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Bin storage area is available adjacent to the existing garage.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Existing boundary fencing to be retained.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	No new pool proposed.	Yes
D17 – Tennis Courts	N/A		N/A
D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from	Yes

	surveillance of the street.	the existing outbuilding to the street over and through the front landscaped area.	
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is provided to support the development	Yes
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A

View Analysis

properties in this immediate portion of the north-eastern side of Beacon Hill Road enjoy views to the north-east east and south-east, towards Brookvale, Curl Curl Beach and towards Manly.

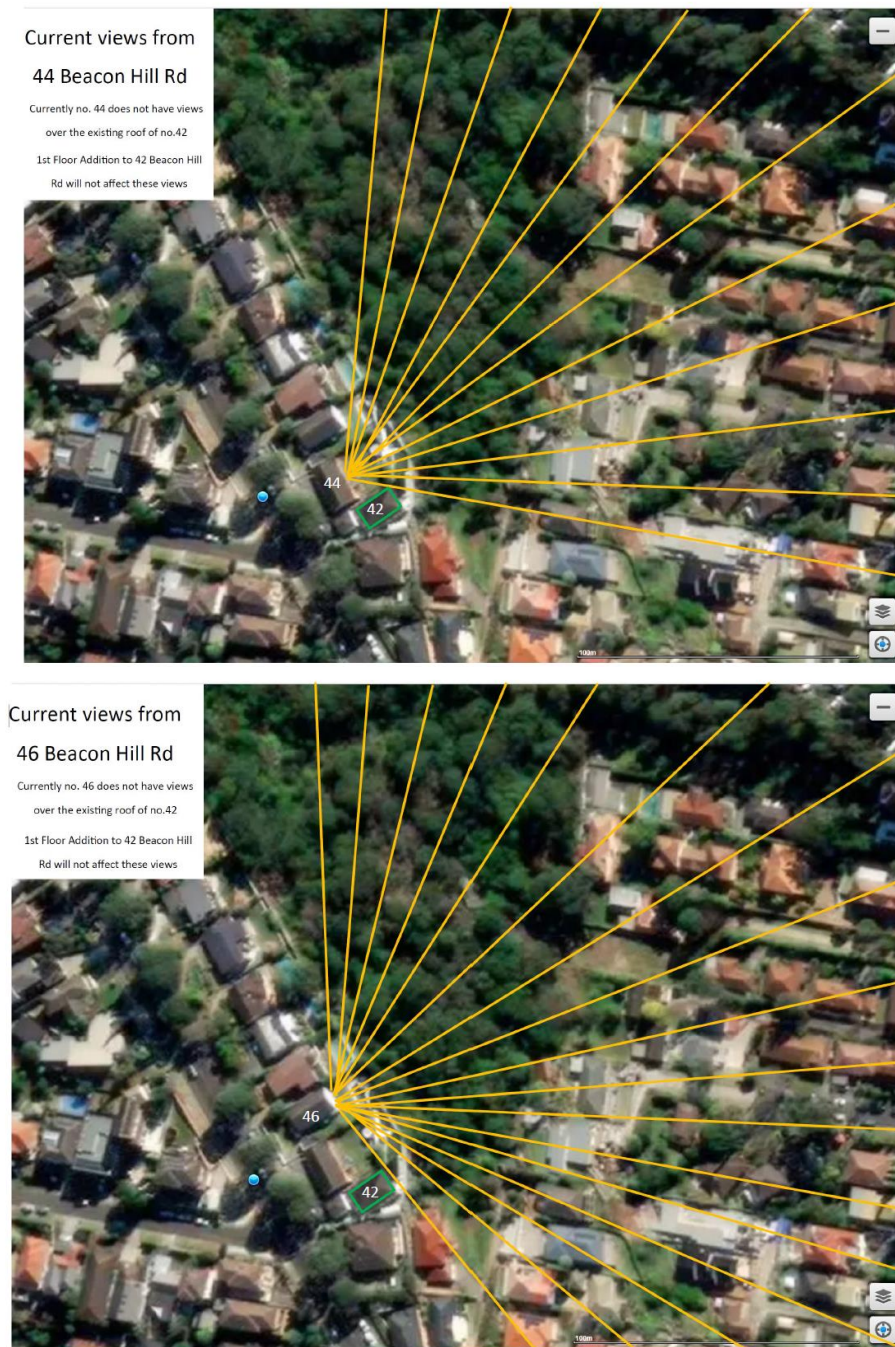
To respect the existing outlook for the surrounding poppies, a view analysis has been prepared which indicates the general field of view available to the properties to the north, centring most particularly on the property at 46 Beacon Hill Road which is on a similar alignment and representative of the general rear setback of properties in this locality.

Figures 11 & 12 over indicate the existing area of view, together with a proposed an area of view to be maintained with the new works for the two immediate properties to the north at No's 44 & 46 Beacon Hill Road.

Whilst the building will seek a variation to Council's minimum rear setback as a result of the angled rear boundary, the portion of the proposed building which is evident in the view lines for the straining properties, which is the north eastern corner of the upper floor, significantly exceeds Council's rear 66 m setback control. As the rear boundary angles towards the south, the south-eastern corner, which is where the upper floor addition is at its closest point to the rear boundary, does not itself affect views for the Northern neighbours.

Further the revised proposal increases the northern side setback, which allows for further area of viewed to be retained for the properties to the north.

The building comfortably complies with Council's maximum building height and wall height controls. As demonstrated within the View Analysis below, the proposed building height and form will not contribute to unreasonable or an unacceptable view loss for the uphill properties.



Fig's 11 & 12: Assessment of current view angles available to No's 44 & 46 Beacon Hill Road

Figure 13 below provides a representation of the view panorama available to number 46 Beacon Hill Road, indicating that the proposed first floor addition over the existing building footprint will not adversely affect any significant portions of the views, with wide field of view retained towards the east and north-east.

Panorama of actual view from 46 Beacon Hill Rd (living & deck areas)



Fig 13: Representation of anticipated view impacts resulting from proposed new works to existing views for No 46 Beacon Hill Road

An assessment of the proposal in terms of the Land & Environment Court's View Assessment Principle "Tenacity Consulting vs Warringah" and Commissioner Roseth's four step assessment of view sharing is provided:

In this instance, the development is considered to be reasonable when tested against the four step assessment process as:

1. The views available to No's 44 & 46 Beacon Hill Road are extensive, and comprise district and distant water views. As the proposal intends to build over the existing footprint, with an increased rear setback for the first floor level, views past and over the eastern portion of the subject site are available. Given the increased setback to the upper floor level and the modulation of the building façade through the introduction of an increased setback to the northern boundary for the first floor level, the primary element of the views for the uphill properties facing Beacon Hill Road and particularly the distant water views over Curl Curl Beach together with the wider district views over Brookvale are largely unaffected.
2. The primary area of view from the rear terraces and rear yards of No's 44 & 46 Beacon Hill Road is directly forward of the sites to the east. Given the expansive nature of the view, it is reasonable for this view to be protected.
3. An assessment of the view loss has been considered in view of the part of the property where the view is obtained. The area of view loss is primarily over the side boundary and are partial long distance district and sky views, with views to the natural features to be reasonably protected. The extent of view loss is considered to be minor but representing an equitable approach to retaining the principal elements of the available views from No 44 & 46 Beacon Hill Road.
4. The works are considered to be reasonable in their approach, as they achieve the primary aim of maintaining the substantial majority of the available views for the uphill properties.

The proposed additions to the dwelling have been set back from the rear boundary at the first floor level, with an open balcony element and presents modest floor to ceiling heights and a compatible overall building height. The proposal is therefore considered to maintain the view opportunities for the surrounding properties.

The subject dwelling with a low pitched roof complies with Council's maximum 8.5m overall height and 7.2m wall height controls, together with compliance with the side boundary envelope to the northern boundary.

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposed works will not require the removal of any significant trees or vegetation.	Yes
E2 – Prescribed Vegetation			N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Identified on map	<p>The proposal maintains the existing area of soft landscaping, with the works to be wholly contained within the existing building footprint. The proposal will not require the removal of any significant vegetation to accommodate the works.</p> <p>The proposed development is not considered to result in any adverse impacts on any wildlife corridors.</p>	Yes
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A

E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	<p>The site is noted on Council's Landslip Risk Map as being within Area B.</p> <p>The land is noted as being Landslip Area B, and accordingly, a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2997A, dated 9 February 2021.</p> <p>The report concludes the following:</p> <p><i>Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.</i></p> <p>Accordingly, no further investigation is required. In addition, the works will be carried out in accordance with the recommendations of a qualified Structural Engineer.</p>	Yes
E11 – Flood Prone Land	Not identified on map		N/A

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

7.1 The provisions of any environmental planning instrument

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

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

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

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

7.3 Any development control plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

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

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

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

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

7.9 The public interest

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

8.0 Conclusion

The proposal provides for proposed alterations and additions to an existing dwelling to provide for a new first floor level over the existing single storey dwelling, which will not have a detrimental impact on the adjoining properties or the locality.

This revised proposal successfully responds to the issues raised by Council in its initial assessment of DA2020/1440, which was withdrawn.

The proposal has been designed to respect the existing views and amenity of the surrounding properties and is considered to be worthy of Council's support.

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

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