

Warringah Development Control Plan 2011 (WDCP2011) Assessment Table

Proposed Dwelling
10 Gardere Ave, Curl Curl

WDCP2011 Provisions and Assessment		
WDCP2011 Control	Provision Applicable to Site and Assessment	Complies?
Part B Built Form Controls		
B1 Wall heights	The proposal would comply with the 7.2m maximum wall height for all elevations.	Yes
B2 Number of storeys	The site is not subject to a maximum number of storeys pursuant to WDCP2011. In any case, the proposed two (2) storey would integrate with the surrounding two (2) and three (3) storeys in the local area.	NA
B3 Side boundary envelope	<p>A minor non-compliance is limited a small region above the proposed kitchen, adjacent to the south-eastern boundary. The non-compliance is limited to guttering and downpipes, and therefore falls within the scope of 'exceptions' allowed under Part B3 of WDCP2011. Specifically, Part B3 states as follows:</p> <p><i>For <u>all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:</u></i></p> <ul style="list-style-type: none"> <i>Fascias, <u>gutters, downpipes, eaves</u> (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure <u>may encroach beyond the side boundary envelope.</u></i> <p>Therefore, the proposed extrusion of the guttering and downpipes beyond the building envelope is anticipated and allowed by WDCP2011.</p> <p>It is also noted that the proposed non-compliance results from the natural topography of the land, being caused by a depression in natural ground levels along the south-eastern boundary. Notwithstanding, compliance with wall heights and side setbacks would still be achieved.</p> <p>Further, the proposed dwelling would maintain adequate amenity for the neighbouring properties, including as a result of the minor extension beyond the side boundary envelope.</p>	No
B4 Site coverage	The site is not subject to a maximum site coverage pursuant to WDCP2011.	NA
B5 Side boundary setbacks	The proposal complies with the 0.9m side setback control for both the eastern and western boundaries.	Yes
B7 Front boundary setbacks	Minor non-compliance is proposed to the front setback control, but importantly compliance is achieved for the first floor façade (6.8-9.9m setbacks proposed) and garage (6.5-9.3m setbacks proposed) of the proposed dwelling. The non-compliance is limited to the first floor balcony, which is proposed to be setback 3.6-6.7m from the front boundary. The section of the balcony forward of the 6.5m setback, would be open form and unroofed. The amended design has removed the screening devices adjacent to the western side elevation, and as a result the sides of the balcony would also be open-form (low-height glass balustrade	No

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	<p>only) along their entire length (excepting a small privacy screen adjacent to the eastern side boundary and No.8, which does not block views). Beneath the deck, a minimal structure would minimise the visual bulk and scale of the balcony and would allow for landscaping to be provided at ground level underneath the balcony.</p> <p>Further, such encroachments for balconies reflect the established pattern of development in the street. Specifically, the adjoining property at No.12 encroaches the front boundary setback, with No.12's balcony setback 3.1-6.3m and the more solid elements of the dwelling at No.12 setback 5.8-8.3m. The adjoining property at No.8 also encroaches the front boundary setback, with No.8's garage and first floor balcony setback 1.2m and other balcony elements setback approximately 5.4m. The encroachment of building elements, and particularly first floor balconies, within the front setback may also be observed for other properties in the street. Accordingly, the proposed positioning of the first floor balcony for the subject dwelling (No.10) responds to the established patterns in the street and would allow the proposed dwelling to integrate with the established streetscape.</p> <p>Accordingly, despite the minor non-compliance limited to the first floor balcony, the objectives of the front boundary setback provisions would be achieved by maintaining a sense of openness, achieving visual continuity and pattern in the streetscape, and achieving reasonable view sharing.</p>	
B9 rear boundary setbacks	The proposal complies with the 6m rear setback control.	Yes
Part C Siting Factors		
C1 Subdivision	No subdivision is proposed pursuant to this Development Application (DA).	NA
C2 Traffic, access and safety	The proposal would retain the existing driveway crossing and there would be no changes to site access from the public road network.	Yes
C3 Parking facilities	<p>The proposal provides on-site parking for two (2) vehicles within the garage, thereby complying with the WDCP2011 parking rates.</p> <p>The garage would be setback from the street frontage and recessed beneath the first floor balcony, and therefore would not be visually obtrusive.</p>	Yes
C4 Stormwater	<p>Details of stormwater management for the proposed dwelling are provided in the Civil Plans at Appendix 5.</p> <p>In summary, a 10,000L underground rainwater tank would capture all roof water, and less than 20% of runoff from impervious surfaces would bypass on-site detention (OSD). The</p>	Yes

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	rainwater tank would therefore offset the need for additional OSD storage.	
C6 Building over or adjacent to constructed Council drainage easements	<p>The existing stormwater 525mm stormwater pipeline traversing the rear of the site, is shown in the Survey Plan at Appendix 2 and the Stormwater Services Location Plan at Appendix 5.</p> <p>Full details of flooding and stormwater are provided in the Flood Study and Hydraulic Report at Appendices 6 and 7, respectively.</p>	Yes
C7 Excavation and landfill	<p>Earthworks are proposed in order to reduce the height of the proposed dwelling and maximise view sharing and solar access for neighbouring properties.</p> <p>During the carrying out of all works, erosion and sediment control would be implemented in accordance with the plans at Appendix 5.</p> <p>The Preliminary Geotechnical Assessment (Appendix 8) outlines that the site shows no indications of historical movement in the natural surface that could have occurred since the property was developed, and there is no history of instability on the property. The report concludes that, provided good engineering and building practice are followed, no further geotechnical assessment is recommended for the proposed development.</p>	Yes
C8 Demolition and construction	<p>Details of waste generated during construction and operation are provided in the Waste Management Plan at Appendix 11.</p> <p>All works on the site would be carried out in accordance with the conditional requirements of any consent issued (including conditions requiring a Construction Management Plan).</p>	Yes
C9 Waste management	Details of waste generated during construction and operation are provided in the Waste Management Plan at Appendix 11 .	Yes
Part D Design		
D1 Landscaped open space and bushland setting	<p>The proposal would include high quality landscaping, integrating a complementary variety of planting (prioritising native species), grass areas and pedestrian pathways.</p> <p>The area of landscaping has been increased across the site (compared to the previous DA and first Additional Information Response), achieved through increased rear and side setbacks. This would reduce the previous numeric non-compliance with WDCP2011. The intent of the WDCP2011 landscape controls and objectives would be even more closely aligned with and achieved.</p> <p>Based on WDCP2011 and the site area of 455.3m², the proposal is required to incorporate 182.12m² landscape area (40% of the site area).</p>	No

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	<p>The proposal provides 232.94m² total landscaped area across the site (equating to 51.16% of the site area). Given the narrow width of the site, some areas of landscaping (such as adjacent to the side boundaries, where DCP-compliant side setbacks have been provided) exhibit dimensions less than 2m. The exclusion of these narrow areas of landscaping (dimensions less than 2m) would result in the calculation of landscaped area being reduced to 162.75m² (35.75% of the site area), representing a 19.37m² or 4.25% shortfall compared to the WDCP2011 control.</p> <p>Given the proposal provides DCP-compliant front setbacks at ground level, compliant side setbacks and compliant rear setbacks, and also provides total landscaped area across the site that exceeds the WDCP2011 requirements, the proposal would not be an overdevelopment of the site. Rather, the proposal provides a conservatively-scaled dwelling (smaller scale than other existing dwellings in the street) within a landscaped setting. Planting (including low-height planting where required to avoid amenity impacts) within all setback areas would soften the appearance of the built form and positively contribute to the streetscape and 'green' character of the area.</p> <p>Further, as detailed in Section 5.1.4 of the SEE, the proposal would suitably respect neighbouring amenity for both No.8 and No.12, including with respect to views, solar access and privacy.</p> <p>For the reasons outlined above and as per the more detailed assessment in Table 3 of the SEE, the proposal would achieve the objectives of Part D1 of WDCP2011.</p>	
D2 Private open space	The proposal complies with the 60m ² control for private open space (with minimum dimensions of 5m). The private open space would include the rear yard, which benefits from direct access from the main living areas of the dwelling, privacy and solar access.	Yes
D3 Noise	The proposal is for a single family dwelling and would not generate excessive levels of noise.	Yes
D6 Access to sunlight	<p>Shadow Diagrams, including Plans and Elevations, are included as part of the Architectural Drawings at Appendix 2. This allows for an accurate assessment to be carried out in accordance with Part D6 of WDCP2011, and demonstrates that the proposal maintains adequate solar access to the neighbouring dwellings. Overshadowing has been minimised through the reduced height of the roof form, reduced depth of the building, and additional side and rear setbacks.</p> <p>The Shadow Diagrams demonstrate that on the Winter Solstice the dwelling at No.8 would not be affected at 9am, at 12pm only two (2) ground floor windows would be affected, and at 3pm only ground floor windows and the very bottom portion of the first</p>	Yes

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	<p>floor windows would be affected by overshadowing. Accordingly, the proposal would not unacceptably impact on solar access for No.8.</p> <p>For No.12, on the Winter Solstice only ground floor windows would be affected at 9am, and at 12pm and 3pm no windows would be affected. As such, the proposal would not unacceptably impact on solar access for No.12.</p> <p>The proposed dwelling itself would also receive adequate solar access, when considered in the context of all of the proposed private open spaces and internal habitable rooms.</p>	
D7 Views	<p>The additional design amendments now proposed (subsequent to the original DA and first Additional Information Response) would enhance view sharing, as per the following overview:</p> <ul style="list-style-type: none"> ▪ The overall height of the dwelling has been reduced, by further sinking of the built form. This would support view lines over the proposed built form, particularly from the upper floor windows of No.12. ▪ The rear roof form has been amended to provide a very low pitch, as requested by Council. ▪ The depth of the dwelling has been reduced by stepping the building in from the rear. This would remove entire sections of the building from the neighbouring view lines, where they take in the rear portion of the subject site. ▪ The extent of the first floor balcony roof has been reduced, achieved by setting the roofline back an additional 300mm from the front boundary. This would further reduce north-easterly view impacts for No.12. <p>To demonstrate that the proposal would have no unacceptable impact with respect to views, a detailed assessment has been carried out in accordance with the Land and Environment Court's (LEC) Planning Principle for <i>view sharing</i>, as established by Roseth SC in <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i>.</p> <p>In summary, the impact of the development on the views of No.12, is limited to partial land and water views with existing built form and vegetation in the foreground. The affected outlook is obtained from an oblique outlook over the side boundary of the adjoining site. The majority of the outlooks from the front balcony, side balcony and side windows, respectively, have been retained given that outlook is afforded <i>through</i> the proposed first floor open-form balcony and <i>over</i> the rear section of the proposed reduced-height roof. The minor DCP non-compliances for the side boundary envelope and front setback do <i>not</i> contribute to</p>	Yes

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	<p>overlooking. Overall, the resulting view impact may be described as low.</p> <p>The assessment undertaken confirms that the proposed building has been designed in accordance with the principles of view sharing and does not give rise to any unacceptable view impacts. The proposal therefore achieves the Planning Principle for view sharing.</p> <p>The detailed Tenacity assessment is included in Section 5.1.4.1 of the SEE.</p>	
D8 Privacy	<p>The proposal would suitably respect the privacy of neighbouring dwellings, in accordance with Part D8 of WDCP2011.</p> <p>Further to the original DA and previous amendments, it is now proposed to add plantation shutters to all bedroom windows, to further assist with offsetting any potential overlooking. Opaque glazing is now also proposed for all first floor west-facing windows and for the east-facing living room windows.</p> <p>Accordingly, overall, privacy for the dwelling at No.8 would be achieved through shutters for all side-facing bedroom windows at ground and first floor levels, opaque glazing of the living room windows, as well as through the horizontal and vertical offsetting of side-facing windows, noting that the first floor of the proposed dwelling is set at a level in-between the first and second levels of the three (3) storey neighbouring dwelling at No.8. To achieve even greater privacy, the Applicant is willing to accept a condition requiring the windows in the eastern elevation of the living room to be obscure-glazed. It is also noted that the proposal provides compliant side setbacks, and that the only extension into the building envelope relates to guttering and downpipes and therefore would not give rise to privacy concerns.</p> <p>For No.12, privacy would similarly be suitably respected through the offsetting of windows. As No.12 is situated upslope from No.10, the first floor windows of the proposed new dwelling would be set at a level lower than the first floor windows of the existing dwelling at No.12 and would therefore avoid opportunity for direct line of sight. In any case, the Applicant is willing to accept a condition requiring all first floor windows in the western elevation to be obscure-glazed.</p> <p>At ground level, overlooking would be avoided to both neighbouring properties through boundary fencing. An additional privacy screen is proposed adjacent to the proposed entry for the new dwelling. Further, in accordance with the natural topography of the land, the ground level of No.10 and correspondingly the ground floor and entry for the proposed dwelling, would be set at a lower level than neighbouring No.12. As a result, the proposal</p>	Yes

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	would not overlook the neighbouring dwellings, including at the ground level entry adjacent to the side boundary.	
D9 Building bulk	<p>The proposed dwelling has been architecturally designed and incorporates high quality materials and finishes, so as to positively contribute to the visual character of the area.</p> <p>Façade articulation has been achieved through multiple windows in all elevations at both ground and first floor level, varied side setbacks with elements of the building mass 'stepped in', and a variety of high quality materials and finishes. The proposed roof form has also been modulated, with a pitched form adjacent to the street frontage to respond to the established character in the street, and a very low pitched roof form to the rear to support view sharing, respect neighbouring amenity and minimise the bulk and scale of the built form.</p> <p>Subsequent to the original DA design and first iteration of amendments, the bulk and scale of the proposed dwelling has been further reduced through design amendments, summarised as follows:</p> <ul style="list-style-type: none"> ▪ Reduced height of the dwelling, achieved by further sinking of the built form and resulting in enhanced amenity and view sharing for neighbouring properties. ▪ Amendment of the rear roof form to provide a very low pitch, as requested by Council. ▪ Reduced depth of the dwelling, resulting in an increased rear setback, additional landscaped area in the rear garden, and enhanced view sharing for No.12 where view lines extend over the rear of the subject site. ▪ Stepping-in of the south-eastern elevation, resulting in additional articulation of the eastern and rear elevations, increased side and rear setbacks, and additional landscaped area. ▪ Reduced GFA of the dwelling, from 288.02m² under the previous amendments down to 268.67m² based on the newly-amended design (representing a 19.35m² or 6.72% reduction compared to the previous amendments, and a greater extent of reduction compared to the original scheme). ▪ Reduced extent of the first floor balcony roof, achieved by setting the roofline back an additional 300mm from the front boundary and further reducing view impacts for No.12. 	Yes

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	Together, the proposed design amendments respond to all the matters raised by Council and would contribute to a positive outcome for the streetscape and the amenity of neighbouring properties.	
D10 Building colours and materials	The proposal adopted a neutral colour palette and natural materials, to complement the ,beachside setting and positively contribute to the streetscape.	Yes
D11 Roofs	The proposed roof form has also been modulated, with a pitched form adjacent to the street frontage to respond to the established character in the street, and a very low pitched roof form to the rear to support view sharing, respect neighbouring amenity and minimise the bulk and scale of the built form. The design amendment of the rear roof form to provide a very low pitch, directly responds to Council's request.	Yes
D12 Glare and reflection	Materials selection has considered glare and reflection and would not cause any adverse impacts.	Yes
D13 Front fences and front walls	A 1.2m high rendered masonry front fence is proposed. This would complement the architectural style of the proposed dwellings and integrate with the streetscape.	Yes
D14 Site facilities	Service functions are accommodated within the various outdoor spaces provided to complement the new dwelling. Specifically, a clothesline has been shown within the backyard, a rainwater tank is provided underground beneath planting in the front garden, and a bin storage area has been provided in a concealed, secure location within the side setback.	Yes
D15 Side and rear fences	Fencing for the side and rear boundaries would complement the existing neighbourhood.	Yes
D16 Swimming pools and spas	The proposal does not include a swimming pool or spa.	NA
D17 Tennis courts	The proposal does not include a tennis court.	NA
D18 Accessibility and Adaptability	As the proposal is for a single dwelling house, the accessibility and adaptability controls of WDCP2011 are not applicable.	NA
D20 Safety and security	The proposed dwelling design would allow for casual surveillance, as achieved through the orientation of the dwelling toward the street.	Yes
D21 Provision and location of utility services	<p>The site has historically been occupied by a dwelling house, and accordingly the required services would be available for the new dwelling.</p> <p>Details of stormwater management and associated services are provided in Appendices 5 and 6.</p>	Yes

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D22 Conservation of energy and water	<p>The design of the dwelling and landscaping would promote passive energy and water conservation.</p> <p>A 10,000L underground rainwater tank would capture all roof water, and less than 20% of runoff from impervious surfaces would bypass OSD. The rainwater tank would therefore offset the need for additional OSD storage.</p>	Yes
Part E The Natural Environment		
E1 Preservation of trees or bushland vegetation	The site does not include any existing significant vegetation or canopy trees, and mature trees adjacent to the rear site boundary on the neighbouring property would be unaffected by the proposal. The proposal would introduce a variety of new planting, including indigenous species.	Yes
E2 Prescribed vegetation	The site is not mapped as comprising any threatened species, wildlife corridors or native vegetation.	NA
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	The site is not mapped as comprising any threatened species.	NA
E4 Wildlife corridors	The site is not mapped as comprising any wildlife corridors.	NA
E5 Native vegetation	The site is not mapped as comprising any native vegetation.	NA
E6 Retaining unique environmental features	The site does not comprise any unique environmental features, instead having been previously developed for a dwelling house and situated within an established urban area.	NA
E7 Development on land adjoining public open space	The site does not adjoin any public open space.	NA
E8 Waterways and riparian lands	The site is not identified as, and does not adjoin, any waterways or riparian lands.	NA
E9 Coastline hazard	The site is not mapped as comprising any coastal hazards.	NA
E10 Landslip risk	<p>The site is identified in 'Area B – Flanking Slopes 5° to 25°'.</p> <p>The Preliminary Geotechnical Assessment outlines that the site shows no indications of historical movement in the natural surface that could have occurred since the property was developed, and there is no history of instability on the property. The report concludes that, provided good engineering and building practice are followed, no further geotechnical assessment is recommended for the proposed development.</p>	Yes

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Ell Flood prone land	<p>As outlined in the Hydraulic Report and Flood Study at Appendices 6 and 7, the site is currently affected by overland flows during the 1:100 ARI storm event.</p> <p>Based on the External Catchment Assessment Report undertaken, it has been shown that the new residence can be constructed on the site with a nil impact on surrounding properties and within the guidelines imposed by the regulatory authorities.</p>	Yes