

Statement of Environmental Effects

Proposed Two Storey Dwelling

21 Nicholson Street, North Manly

1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support a development application for demolition of existing structures and construction of a new two-storey dwelling at 21 Nicholson Street, North Manly. The subject site is subject to the requirements of *Warringah Local Environmental Plan 2011* (LEP).

The subject site is zoned R2 Low Density Residential under Warringah LEP, and the proposed development is permissible. The proposal generally complies with the requirements of Warringah Development Control Plan which is discussed further in this SEE.

This SEE includes an assessment of the proposed works against the matters for consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and should be read in conjunction with the specialist reports and drawings submitted with the DA.

2. PROPOSED DEVELOPMENT

The proposed development is for the demolition of existing structures and construction of a new two-storey dwelling on the site.

The proposed dwelling will comprise a single car garage, combined kitchen, living and dining, multi room, mud room/laundry and powder room on the ground floor. The first floor of the dwelling will contain a bathroom and four bedrooms with an ensuite and walk in robe to the main bedroom. An extract of the ground and first floor plans is provided in **Figure 1** below.

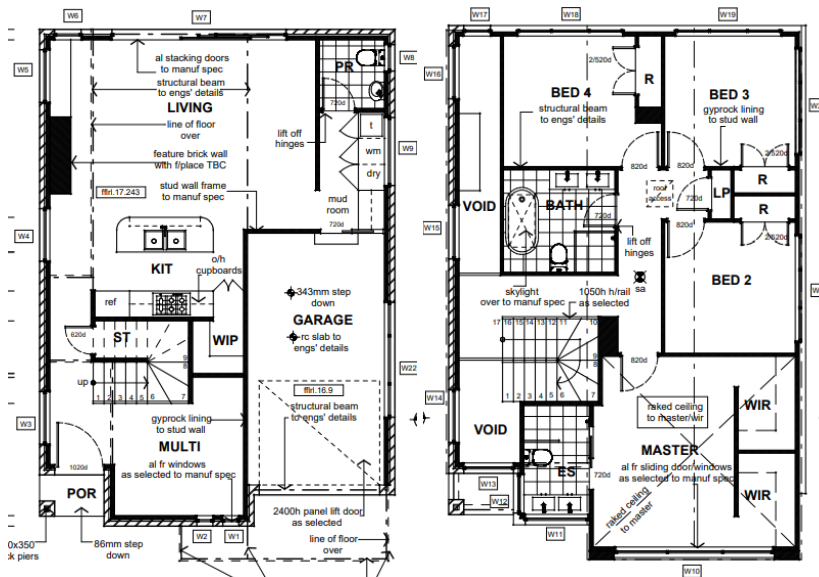


Figure 1 Ground and First Floor Plans

Source: Studio Block

The landscaping associated with the proposed dwelling comprises a range of small and large plantings to complement the dwelling and meet the requirements of the DCP.

3. SITE AND SURROUNDS

The subject site is known as 21 Nicholson Street, North Manly and is legally identified as Lot 2 Section B in DP2154. The site currently contains a single storey dwelling and has a total area of 208.9m².

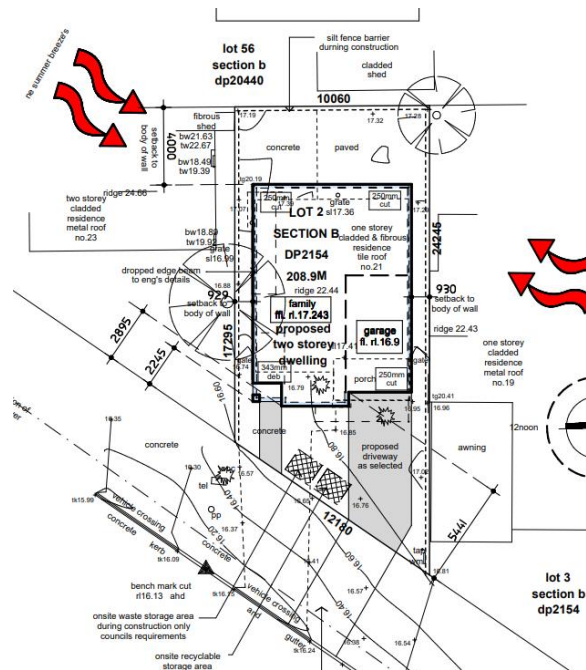


Figure 2 Site Plan

Source: Studio Block

The site has a slope from the rear to the street at a grade of approximately 1% and an overall level difference of 0.5 metres.

The site is not identified as flood prone or bush fire prone land.

Surrounding the subject site is a residential dwellings to the north, east and south, and Nicholson Street to the west. On the opposite side of Nicholson Street are also residential dwellings. An aerial image of the site is provided in **Figure 3** below.



Figure 3 Aerial Site Image

4. PLANNING FRAMEWORK

4.1 Section 4.15

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) are addressed in Table below.

| Section | Comment |
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| Section 4.15(1)(a)(i) Any environmental planning instrument | Consideration of all relevant environmental planning instruments are addressed within this SEE. |
| Section 4.15(1)(a)(ii) Any proposed instrument | Not applicable to this application. |
| Section 4.15(1)(a)(iii) Any development control plan | Consideration of Warringah Development Control Plan is addressed within this SEE and an assessment is provided in Section 4.6 below. |
| Section 4.15(1)(a)(iii) Any planning agreement | There are no planning agreements applying to the site or proposed development. |


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| Section 4.15(1)(a)(iv) The Regulations | This application is made in accordance with the relevant requirements outlined in the <i>Environmental Planning and Assessment Regulation 2021</i> . |
| Section 4.15(1)(b-e) | Refer to Section 5. |

4.2 Section 4.46 - Integrated Development

The proposal is not categorised as integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

4.3 Warringah Local Environmental Plan 2011

The table below provides an assessment of the proposal against the requirements outlined in Warringah LEP:

| LEP Control | Compliance |
|---|--|
| Zoning | <p>The subject site is zoned R2 Low Density Residential under Warringah LEP, as illustrated in Figure 1 below.</p> <p>Figure 1: Land Zoning Map</p>  |
| Clause 2.7 – Demolition requires consent | <p>Complies.</p> <p>Clause 2.7 states that demolition of a building or work may be carried out only with development consent. This application seeks consent for demolition.</p> |
| Clause 4.3 – Height of buildings | <p>Clause 4.3 establishes the maximum height of buildings in association with the Height of Buildings Map. The subject site has a maximum building height of 8.5 metres as illustrated in Figure 2 below.</p> <p>Figure 2: Height of Buildings Map</p> |

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| |  <p>The proposed dwelling is two storey and has an overall height of less than 8.5 metres and therefore complies with the maximum height permitted on the subject site.</p> |
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4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 states that the consent authority must not consent to the carrying out of any development on land unless:

it has considered whether the land is contaminated, and

if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site has continuously been used for the purposes of residential accommodation and there is low potential for risk of contamination. Based on the existing use of the site being retained, it is considered the site is unlikely to be contaminated and is suitable for the proposed residential development. The proposal complies with the requirements of the Resilience and Hazards SEPP.

4.5 Warringah Development Control Plan

An assessment has been undertaken having regard to the relevant considerations which specifically apply to dwelling houses in the former Warringah LGA. The assessment of the proposal against the relevant sections of the DCP is provided in **Appendix 1**. The assessment found that the proposed development satisfies the majority of the DCP requirements, however the following variations are discussed further. It is noted the variations proposed are as a result of the significantly constrained site. The dwelling has been designed to provide a balanced outcome and maintain a reasonable level of amenity for the residents.

The subject site is located within an area required to comply with a minimum building envelope of 5 metres. As illustrated in Figure 4 below, the proposed dwelling results in a minor encroachment on the building envelope.

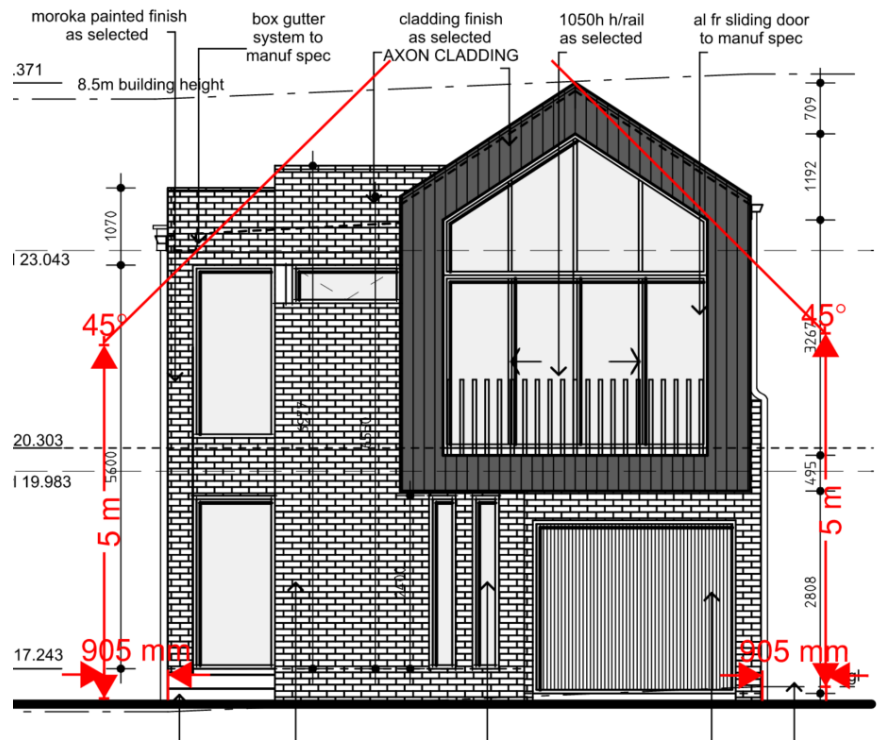


Figure 4 Building Envelope

Source: Studio Block

The encroachment is limited to the upper parts of the dwelling which are considered the roof, eaves and gutters. The impact associated with this encroachment is negligible and full compliance with the envelope would not result in an improved outcome for the development or the site.

An example of where this has been varied is at 12 Nicholson Street as illustrated in Figure 5 below.



Figure 5 12 Nicholson Street

Source: Google Maps

The above dwelling presents the same variation as the proposed dwelling. Noting the precedence established and the positive outcome provided with the dwelling in Figure 5 above, the variation can be supported by Council in this instance.

B7 Front Boundary Setbacks

The DCP requires a minimum front setback of 6.5 metres from the boundary to the building line. Due to the irregular shape of the lot and being much smaller than a regular residential lot, the proposed dwelling is unable to comply with the minimum front setback requirement.

Figure 6 below provides a mark up of the site plan which illustrates an area of 80 square metres which would be required for full compliance with the front setback. This equates to approximately 40% of the total site area.

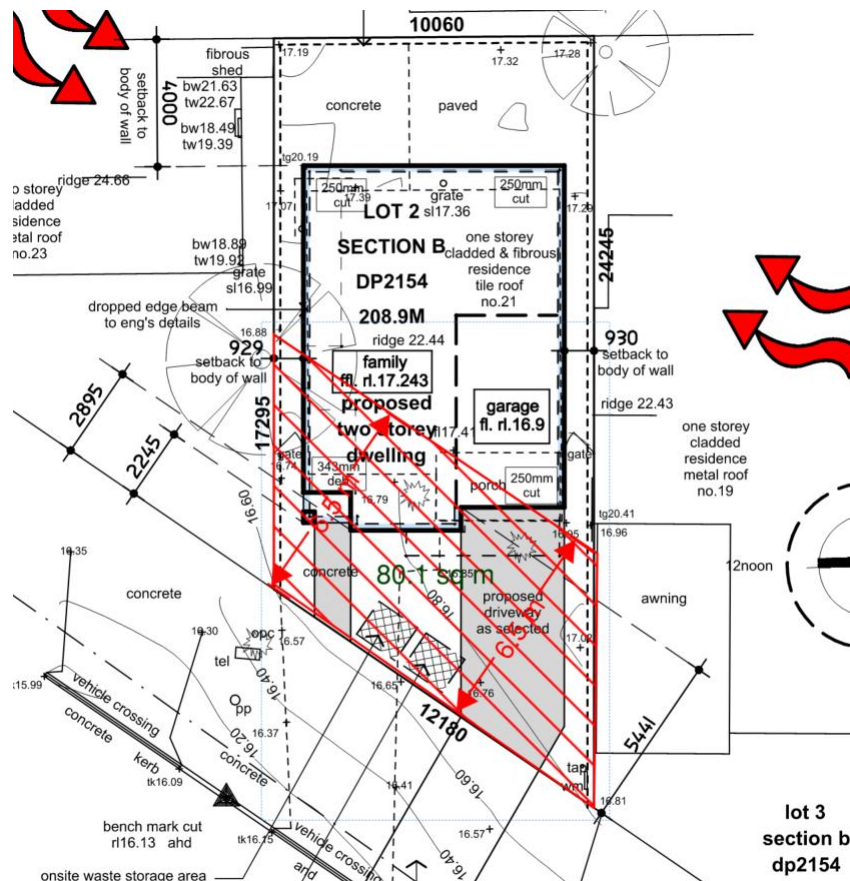


Figure 5 12 Nicholson Street

Source: Google Maps

Further to the above, the proposed setback is consistent with the existing setback within Nicholson Street, as illustrated on the site plan. It is noted B8 of the DCP provides instances where a merit assessment of front boundary setbacks is considered, having regard to the:

- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development.

The proposed dwelling is consistent with the setbacks within the street, maintains the amenity of the surrounding properties and is consistent with the setbacks of the directly adjoining properties and others on Nicholson Street.

Based on the above, the variation is considered reasonable in this instance.

B9 Rear Boundary Setbacks

Similar to the front setback requirement, full compliance with the minimum rear setback requirement is unreasonable in this instance given the irregular shape and area of the subject site.

The DCP requires a minimum rear setback of 6m for the building from the rear boundary. The proposed development provides a setback of 4 metres. Part B10 of the DCP provides instances where a merit based assessment of rear boundary setbacks is considered. The considerations are similar to the front boundary requirements discussed above, having regard to:

- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development

The proposed dwelling is setback sufficiently to provide a large area of private open space with adequate solar access. The rear setback will have no impact on the streetscape. The amenity of adjoining properties is maintained and is consistent with the setbacks adjoining properties and others on Nicholson Street.

The proposed setback maintains the same setback as the existing dwelling on the site and is considered reasonable in this instance.

D1 Landscaped Open Space and Bushland Setting

The DCP requires a minimum landscaped area of 40% of the site to be provided. The proposed development provides a total of 56m², or 25% of the total site area.

The irregular area of the lot makes it particularly difficult to comply with this control. When considering the minimum setback requirements combined with the minimum landscaped area required, the developable area of the site would be minimal.

The proposed landscaped area includes a range of small, medium and large plantings to complement the existing leafy character of the area, and achieves the intent of the control by providing a consistent streetscape and a green corridor within the rear setbacks of properties.

The proposed variation to the control is considered minor in the context of the locality and due to the irregular dimension and area of the lot, would not result in an undesirable precedence in the locality. It is therefore requested the variation be supported in this instance.

D2 Private Open Space

Following the discussion on landscaped area, the private open space requirement for the site is also unable to be achieved. The DCP requires a minimum dimension of 5 metres to be provided in each direction, and a minimum of 60m² to be provided in area.

The proposed development provides a total of 40m² of private open space, with a dimension of 4mx10m. Whilst the area provided does not comply with the numerical requirement of the DCP, the POS is directly accessible from the living area of the dwelling and is located to maintain privacy and solar access.

The POS is not located in the front setback and is located at the rear of the dwelling which is consistent with traditional residential development the adjoining dwellings. The existing dwelling on the site maintains the same setback as the proposed dwelling which is therefore considered reasonable in this instance.

Based on the above, full compliance with the minimum requirements of the DCP would result in a poor outcome for the residents, the streetscape, and the overall development. It is considered on merit; the proposed dwelling achieves the intent of the above controls and can be supported without setting an undesirable precedence for similar development in the locality.

5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment. The impacts considered below have been identified through an assessment of the proposed development.

Context and Setting

The proposed development will not detract from the scenic qualities and features of the landscape.

The character and amenity of the locality and streetscape will be maintained through landscaping of the site at the completion of dwelling construction.

The design and layout of the proposed dwelling is compatible with the existing dwellings within the locality, demonstrates architectural merit and will maintain a consistent streetscape character.

The two-storey dwelling will not result in any adverse impact on adjoining properties, given it is a two storey dwelling which has been designed to minimise opportunities for overlooking and maintain the visual and acoustic privacy of neighbouring properties.

The dwelling has been designed to maximise the northerly aspect to the private open space and living areas and has been designed to minimise any potential visual or acoustic impacts.

The proposed dwelling will not detract from existing views and vistas enjoyed by adjoining properties and will not result in any adverse impact on the character of the locality.

Traffic

The dwelling will not generate an increase in vehicular movements. The proposed dwelling will replace an existing dwelling and retain the same number of occupants on the site than was accounted for with the existing dwelling. On this basis, the proposed development can be catered for within the existing road network and will not result in any additional demand on traffic or parking.

The proposed dwelling will have direct access to the public road network and is within proximity to public transport options such as local bus routes. The proposed dwelling will not result in any adverse or significant impact on traffic within the broader Northern Beaches area.

Servicing

The subject site is serviced by sewer, water, electricity, and telecommunications.

Heritage

The subject site is not identified as a heritage item and is not within a conservation area.

Evidence of Aboriginal heritage does not exist on the subject site. There has been an existing residential dwelling on the site for a substantial period of time and there is no evidence of aboriginal heritage on the subject site.

Stormwater

Stormwater drainage is proposed with roof water being directed to a rainwater tank as per BASIX requirements. Overflow from the rainwater tank will be directed to the street drainage system.

Natural Hazards

The subject site is not affected by flooding, bushfire or any other natural hazards.

Suitability of the Site

The site is considered suitable for the proposed development as the proposal is permissible, meets the objectives of the zone and is unlikely to result in any adverse impacts on the locality. Therefore, the subject site is suitable for the proposed development.

Public Interest

The proposal is for demolition of existing structures and construction of a two-storey dwelling and is unlikely to generate any issues of public interest.

6. CONCLUSION

The proposed development for demolition of existing structures and construction of a two-storey dwelling is considered an appropriate land use given the context and compatibility of the development with the zoning of the site and adjoining/surrounding developments. The development will not result in any adverse environmental impact and will provide a positive streetscape appearance with a variety of articulating features, colours, and materials.

This report has demonstrated that the proposal achieves compliance with the relevant development standards and controls and is consistent with the established character of North Manly and the broader Northern Beaches area.

| Warringah DCP Compliance Table | | | |
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| Element | Control | Assessment | Compliance? |
| Part B Built Form Controls | | | |
| B1 Wall Heights | 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). | Walls are a maximum of 6.67m in height. | Yes |
| B2 Number of Storeys | 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. | N/A | N/A |
| B3 Side Boundary Envelope | <p>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:</p> <ul style="list-style-type: none"> • 4 metres, or • 5 metres <p>as identified on the map.</p> <p>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.</p> | The subject site is located within an area requiring a building envelope of 5 metres. | Does not comply. Refer to discussion in SEE. |
| B4 Site Coverage | <p>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:</p> <ul style="list-style-type: none"> • 33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and • 20% = 3,500m² or 30% <3,500m² - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m² where the total building footprint/s must not cover more than 30% of the site area. | The subject site is not identified on the DCP Map Site Coverage. | N/A |

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| B5 Side Boundary Setbacks | <p>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.</p> <p>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.</p> <p>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.</p> | The DCP requires a minimum of 0.9m side setbacks for the subject site. A minimum of 0.9m is maintained to both side boundaries. | Yes |
| B6 Merit Assessment of Side Boundary Setbacks | N/A | N/A | N/A |
| B7 Front Boundary Setbacks | <p>1. Development is to maintain a minimum setback to road frontages.</p> <p>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.</p> <p>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.</p> <p>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.</p> | A front setback of 2.895m is provided to the dwelling. The DCP requires a minimum of 6.5 metres. | Does not comply. Refer to discussion in SEE and below. |

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| B8 Merit assessment of front boundary setbacks | <p>1. The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the:</p> <ul style="list-style-type: none"> • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development. | <p>The subject site is an irregular shape, is the smallest along the street and is constrained by the dimensions of the site.</p> <p>The proposed dwelling can be considered on its merits, given the setbacks of existing dwellings in the streetscape significantly vary this</p> | Yes |
| B9 Rear Boundary Setbacks | <p>1. Development is to maintain a minimum setback to rear boundaries.</p> <p>2. The rear setback area is to be landscaped and free of any above or below ground structures.</p> <p>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, balconies, terraces, and the like shall not encroach the rear building setback.</p> <p>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.</p> <p>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</p> | <p>The DCP requires a minimum of 6m to be provided to the rear boundary. The proposed development provides a rear setback of 4 metres.</p> | Does not comply. Refer to discussion in SEE and below. |
| B10 Merit assessment of rear boundary setbacks | <p>Requirements</p> <p>1. Rear boundary setbacks will be determined on a merit basis and will have regard to:</p> <ul style="list-style-type: none"> • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development | <p>A merit assessment of the proposed rear setback is considered necessary in this instance.</p> | Refer to discussion in SEE. |
| B11 Foreshore Building Setback | N/A | N/A | N/A |

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| B12 National Parks Setback | N/A | N/A | N/A |
| B13 Coastal Cliffs Setback | N/A | N/A | N/A |
| B14 Main Roads Setback | N/A | N/A | N/A |
| Part C Siting Factors | | | |
| C1 Subdivision | N/A | N/A | N/A |
| C2 Traffic, Access and Safety | <p>1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</p> <p>2. Vehicle access is to be obtained from minor streets and lanes where available and practical.</p> <p>3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.</p> <p>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.</p> <p>5. Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.</p> | The proposed development will maintain a single crossover with the kerb to be reinstated at the location of the existing crossover. The dwelling will not result in any additional traffic. The garage and driveway has been located at the deepest section of the lot to ensure an additional parking space in the driveway can be provided. | Yes |
| C3 Parking Facilities | <p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> • 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; | The proposed garage is integrated into the façade of the dwelling, and is located to ensure the width does not dominate the streetscape. The colours, materials and finishes ensure the proposed garage location is suitable | Yes |

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| | <ul style="list-style-type: none"> • Parking is to be located so that views of the street from front 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. <p>2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> • 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. <p>3. Carparking, other than for individual dwellings, shall :</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided</p> | <p>and maintains the residential character of the street.</p> <p>Off street parking has been provided in accordance with Appendix 1 by provided 2 spaces for the dwelling, 1 in the garage and 1 in the driveway.</p> | |
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| | <p>if appropriate to the land use.</p> <p>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.</p> <p>7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.</p> <p>8. For Forest Way Village car parking at ground level is to be provided for individual units.</p> | | |
| C4 Stormwater | <p>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.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p> | Stormwater runoff from the site has been designed to not cause downstream flooding and have no adverse impact on the environment. The proposed dwelling will not result in a significant increase in stormwater runoff from the site and has been designed in accordance with Council's Water Management for Development Policy. | Yes |
| C6 Building over or adjacent to Constructed Council Drainage Easements | N/A | N/A | N/A |
| C7 Excavation and Landfill | <p>1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.</p> <p>2. Excavation and landfill works must not result in any adverse impact on adjoining land.</p> <p>3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.</p> <p>4. Excavation and landfill shall not create siltation or pollution of</p> | The proposed development does not seek consent for significant excavation or filling. Minor benching will be required for the proposed slab. | Yes |

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| | <p>waterways and drainage lines, or degrade or destroy the natural environment.</p> <p>5. Rehabilitation and revegetation techniques shall be applied to the fill.</p> <p>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.</p> | | |
| C8 Demolition and Construction | 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. | A Waste Management Plan has been prepared and submitted complying with the requirements of the DCP | Yes |
| C9 Waste Management | 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. | A Waste Management Plan has been prepared and submitted complying with the requirements of the DCP | Yes |
| Part D Design | | | |
| D1 Landscaped Open Space and Bushland Setting | <p>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:</p> <p>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;</p> <p>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</p> | The DCP map requires a minimum of 40% of the site to be landscaped area. The proposed development provides a total of 25% as landscaped area. | Does not comply. Refer to discussion in SEE. |

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| | <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p> <p>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.</p> <p>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.</p> | | |
| D2 Private Open Space | <p>1. Residential development is to include private open space for each dwelling.</p> <p>2. The minimum area and dimensions of private open space for a dwelling house with 3 or more bedrooms is a total of 60m² with minimum dimensions of 5 metres.</p> <p>3. 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.</p> <p>4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p> <p>5. Private open space shall not be located in the primary front building setback.</p> <p>6. Private open space is to be located to maximise solar access.</p> | <p>The proposed development provides a total of 40m² of private open space, with a dimension of 4mx10m. The POS is directly accessible from the living area of the dwelling and is located to maintain privacy and solar access. The POS is not located in the front setback.</p> | <p>Does not comply. Refer to discussion in SEE.</p> |

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| D3 Noise | <p>1. 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.</p> <p>See also NSW Industrial Noise Policy Appendices</p> <p>2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.</p> <p>3. Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.</p> <p>4. 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.</p> <p>5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.</p> | The site is not located near any noise generating land uses or infrastructure, and will not generate any noise concerns. | Yes |
| D4 Electromagnetic Radiation | N/A | N/A | N/A |
| D6 Access to Sunlight | <p>1. Development should avoid unreasonable overshadowing any public open space.</p> <p>2. 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.</p> | The proposed development has been sited and designed to minimise the potential for overshadowing. A minimum of 50% of the POS of the proposed dwelling receives solar access for 3 hours between 9am and 3pm, and the POS of the adjoining dwellings also receive adequate solar access during the morning. | Yes |
| D7 Views | 1. Development shall provide for the reasonable sharing of views. | There are no significant views or vistas shared. | N/A |

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| D8 Privacy | <ol style="list-style-type: none"> 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings. 5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment. | <p>The location of windows on the first floor of the dwelling have taken into account the adjoining dwellings and location of facing windows and private open space areas. The windows on the norther side of the dwelling have been maximsied for solar access, which has minimal impact on the adjoining dwelling to the north. The south facing windows are highlight windows to minimise overlooking opportunities.</p> | Yes |
| D9 Building Bulk | <ol style="list-style-type: none"> 1. Side and rear setbacks are to be progressively increased as wall height increases. 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief. 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: <ul style="list-style-type: none"> 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. 4. Building height and scale needs to relate to topography and site conditions. 5. Orientate development to address the street. | <p>The proposed dwelling minimises bulk and scale through use of articulating features, building elements and a range of colours, finishes and materials. Large blank facades have not been used and the built form is appropriate for the subject site.</p> | Yes |

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| | <p>6. Use colour, materials and surface treatment to reduce building bulk.</p> <p>7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.</p> <p>8. Articulate walls to reduce building mass.</p> | | |
| D10 Building Colours and Materials | <p>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.</p> <p>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.</p> <p>3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.</p> <p>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.</p> | As noted above, a range of neutral colours, finishes and materials have been provided to ensure a consistent streetscape maintained and positive presentation is provided. | Yes |
| D11 Roofs | <p>1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.</p> <p>2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.</p> <p>3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.</p> <p>4. Roofs shall incorporate eaves for shading.</p> <p>5. Roofing materials should not cause excessive glare and</p> | The roof pitch complements the overall design of the dwelling and materials used, and is consistent with other dwellings of similar design in the locality. Materials will not cause glare or reflection and there is no mechanical plant or overruns located on the roof. | Yes |

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| | <p>reflection.</p> <p>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.</p> | | |
| D12 Glare and Reflection | <p>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;</p> <ul style="list-style-type: none"> • Minimising the lit area of signage; • Locating the light source away from adjoining properties or boundaries; and • Directing light spill within the site. <p>2. Any glare from artificial illumination is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> • Indirect lighting; • Controlling the level of illumination; and • Directing the light source away from view lines. <p>3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> • 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. | <p>Glare and reflection as a result of the dwelling will be minimised through use of matte finished materials and neutral colours.</p> | <p>Yes</p> |

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| D13 Front Fences and Walls | <ol style="list-style-type: none"> 1. Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character. 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. 3. Fences located within the front building setback area are to complement the existing streetscape character. 4. Fences are to be constructed to allow casual surveillance, except where there is excessive noise. 5. Gates are not to encroach over the property boundary when opening or closing. 6. Fences should complement the architectural period of the building. | Please refer to landscape plans for details | Yes |
| D14 Site Facilities | <ol style="list-style-type: none"> 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. | Bins can be screened from the street within the side setback. The letterbox will complement the design of the dwelling. Clothes drying areas, air conditioning units and the like will be located in the side or rear setbacks and not be visible from the street. | Yes |
| D15 Side and Rear Fences | <ol style="list-style-type: none"> 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. 2. For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped. 3. All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted. | Side and rear boundary fencing will be no greater than 1.8 metres in height. Materials will complement the existing neighbourhood. | Yes |

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| D16 Swimming Pools | N/A | N/A | N/A |
| D17 Tennis Courts | N/A | N/A | N/A |
| D18 Accessibility and Adaptability | <p>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.</p> <p>2. There are to be continuous, independent and barrier-free access ways incorporated into the design of buildings.</p> <p>3. Pathways are to be reasonably level with minimal cross fall and sufficient width, comfortable seating and slip-resistant floor surfaces.</p> <p>4. Where there is a change of level from the footpath to commercial or industrial floor levels, ramps rather than steps should be incorporated.</p> <p>5. There is to be effective signage and sufficient illumination for people with a disability.</p> <p>6. Tactile ground surface indicators for the orientation of people with visual impairments are to be provided in accordance with the relevant Australian Standard.</p> | The dwelling has been designed to the minimum requirements for accessibility and adaptability. | Yes |
| D19 Site Consolidation in the R3 and IN1 Zone | N/A | N/A | N/A |
| D20 Safety and Security | <p>1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.</p> <p>2. Service areas and access ways are to be either secured or designed to allow casual surveillance.</p> | The proposed dwelling has an entrance and windows that faces the street, providing casual surveillance. | Yes |

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| | <p>3. There is to be adequate lighting of entrances and pedestrian areas.</p> <p>4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.</p> <p>5. Entrances to buildings are to be from public streets wherever possible.</p> | | |
| D21 Provision and Location of Utility Services | <p>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.</p> <p>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.</p> <p>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:</p> | The proposed dwelling will utilise the existing utilities provided to the existing dwelling on the site. Augmentation or adjustments will be consulted with the relevant authorities if and when required during the construction phase. | Yes |
| D22 Conservation of Energy and Water | <p>1. The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.</p> <p>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.</p> <p>3. Buildings are to be designed to minimize energy and water consumption.</p> <p>4. Landscape design is to assist in the conservation of energy and water.</p> <p>5. Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.</p> <p>6. All development must comply with Council's Water Management Policy.</p> | The proposed dwelling has been designed to minimise energy and water consumption which is supported by a BASIX certificate which meets the minimum requirements. | Yes |

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| D23 Signs | N/A | N/A | N/A |
| Part E The Natural Environment | | | |
| E1 Preservation of Trees or Bushland Vegetation E4 Wildlife Corridors | The controls in this section of the DCP relate to protection/preservation of trees or bushland. | There are no trees proposed for removal. | Yes |
| E2 Prescribed Vegetation | N/A | N/A | N/A |
| E3 Threatened species, populations, ecological communities listed under State or Commonwea lth legislation, or High Conservation Habitat | N/A | N/A | N/A |
| E5 Native Vegetation | N/A | N/A | N/A |
| E6 Retaining unique environmenta l features | N/A | N/A | N/A |
| E7 Development on land adjoining public open space | N/A | N/A | N/A |

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| E8 Waterways and Riparian Lands | N/A | N/A | N/A |
| E9 Coastline Hazard | N/A | N/A | N/A |
| E10 Landslip Risk | N/A | N/A | N/A |
| E11 Flood Prone Land | N/A | N/A | N/A |
| Parts F, G and H are not applicable to the subject site or proposed development. | | | |