

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW DWELLING INCLUDING ATTACHED
DOUBLE GARAGE, DRIVEWAY, SWIMMING POOL
AND ASSOCIATED LANDSCAPING**

AT

6 LINCOLN AVENUE, COLLAROY

FOR

KARLIE BOMBARDIER



**Prepared
March 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Karlie Bombardier by Pirrello Design Associates, detailing the construction of a new two and three storey dwelling, including an attached double garage, new driveway, swimming pool and associated landscaping on a vacant parcel of land at **6 Lincoln Avenue, Collaroy**.

Prelodgement Meeting No. 2020/0266 was held on 19 November 2020 to discuss the subject proposal for the construction of the new dwelling house and swimming pool. The design of the proposal has been modified to address the concerns raised by Council, with amendments made to the upper floor level to address Council's Building Envelope requirements and provide for suitable view corridors to be retained to enable equitable view sharing for the surrounding properties.

The architectural plans prepared by Pirrello Design Associates, Project No. 20.04, dated 15 March 2021, comprise:

- DA.01 Site Analysis Diagram
- DA.02 Building Zone Diagram
- DA.03 Excavation And Fill Plan
- DA.04 Landscape Area Diagram
- DA.05 View Analysis Diagram
- DA.06 Site & Roof Plan
- DA.07 Basement Floor Plan
- DA.08 Ground Floor Plan
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- DA.21 Window, Roof light & Door Schedule
- DA.22 BASIX and NatHERS notes
- DA.23 Safety Design Notes

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 the 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*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 6 Lincoln Avenue, Collaroy, being Lot 12 within Deposited Plan 16998 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is identified as being within the Coastal Environment Area under the provisions of the State Environmental Planning Policy (Coastal Management) 2018. This matter will be discussed in further detail within the report.

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

The land is noted as being Landslip Area D, and accordingly a Geotechnical Investigation has been prepared by Assetgeoenviro, Reference No 6200-G1 dated 11 September 2020 to support the proposed development.

There are no other hazards identified as affecting the site.

3.0 Site Description

The site previously contained a single dwelling which occupied the current lots 11 and 12 as a single parcel and following its recent demolition, each lot is now available for development for individual dwelling.

The site is located on the northern side of Lincoln Avenue and falls gradually towards the street frontage, with a fall of approximately 5m over the site's length.

The site is irregular in shape, with a frontage to Lincoln of 16.765m, eastern and western side boundaries of 41.4m and 46.85m respectively and a rear boundary of 14.63m.

The land has a total site area of 680m².



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



Fig 2: View of subject vacant site and adjacent dwelling under construction at No 8 Lincoln Avenue, looking north



Fig 3: View of the adjacent vacant site (Lot 11) and dwelling under construction at No 4 Lincoln Avenue, looking north-east



Fig 4: View of the nearby dwelling under construction at No 4 Lincoln Avenue, looking north



Fig 5: View of the adjacent dwelling under construction at No 8 Lincoln Avenue, looking north

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 site immediately to the east is vacant, and the adjoining properties to the north and west comprise similar two and three storey dwellings respectively.

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



Fig 6: Aerial view of locality (indicating pre-existing dwelling on the land)
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for the construction of a new two and three storey dwelling, including an attached double garage within an excavated basement, new driveway, swimming pool and associated landscaping.

The proposed works comprise:

Basement Floor

- Proposed new basement floor level to provide for entry foyer, internal access stairs to upper level, lift shaft, bathroom, gym/entertaining, sub-floor area
- Vehicle parking area

Ground Floor

- Proposed new ground floor level to provide for open plan family, dining, living and kitchen with butler's pantry, laundry, bathroom, internal access stairs to upper level, lift shaft, courtyard, guest bedroom, balcony and alfresco

First Floor

- Proposed new first floor level to provide for three bedrooms including master with walk-in robe and ensuite, linen, bathroom, lounge, internal access stairs to upper level and lift shaft,

External Works

- New inground swimming pool and wading pool
- New driveway
- New landscaping
- Roof top photovoltaic solar panels

The external finishes of the proposed new dwelling include a mix of off-form concrete and sandstone cladding with concrete roofing. A Schedule of External Colours and Materials has been prepared by Pirrello Design Associates and is included with the application submission.

The dwelling will see a three storey appearance to Lincoln Avenue which is comparable in height and scale to the surrounding dwellings currently under construction and with a contemporary & well-articulated façade which provides visual interest.

The proposal will see excavation of the site in order to provide for the basement garage and facilities, with the extent of excavation detailed within the Section details provided within Sheets DA.16 & DA.17.

A Geotechnical Investigation has been prepared by Assetgeoenviro, Reference No 6200-G1 dated 11 September 2020 to support the proposed development.

The excavation and retaining walls will be carried out under the direction of the Consulting Geotechnical & Structural Engineers, with appropriate sedimentation control measures provided and maintained throughout the duration of the construction work.

Roofwater from the development is to be connected to the street gutter via a 13,500 litre rainwater tank within the basement area in accordance with the Stormwater Drainage Details prepared by Law and Dawson Pty Ltd, Project No. 2020/140, sheets SW1-SW6, Revision A dated 18 March 2021.

The proposal results in the following development indices:

| | |
|---------------------------|--|
| Site Area: | 680m ² |
| Required Landscaped Area: | 40% or 272m ² |
| Proposed Landscaped Area: | 40.16% or 273.09m ² (minimum 2m width in accordance with Council's DCP control) |

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 State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*

- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 3, 4 and 5 of SEPP (Coastal Management) 2018 are:

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*

The proposed development seeks to minimise the site disturbance, and erosion and sediment control measures will be carried out as necessary.

Due to the residential nature of the proposed works, no water quality impacts are anticipated.

The works are wholly contained within the subject site, and will not result in any adverse impacts on any native or marine vegetation or fauna. A suitable area of open space and landscaping is retained.

15 *Development in coastal zone generally—development not to increase risk of coastal hazards*

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal provides for the construction of a new two and three storey dwelling, including a basement garage, new driveway, swimming pool and associated landscaping. The proposed works will be carried out in accordance with the recommendations of the Consulting Geotechnical & Structural Engineers, and are therefore not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

6.4 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.

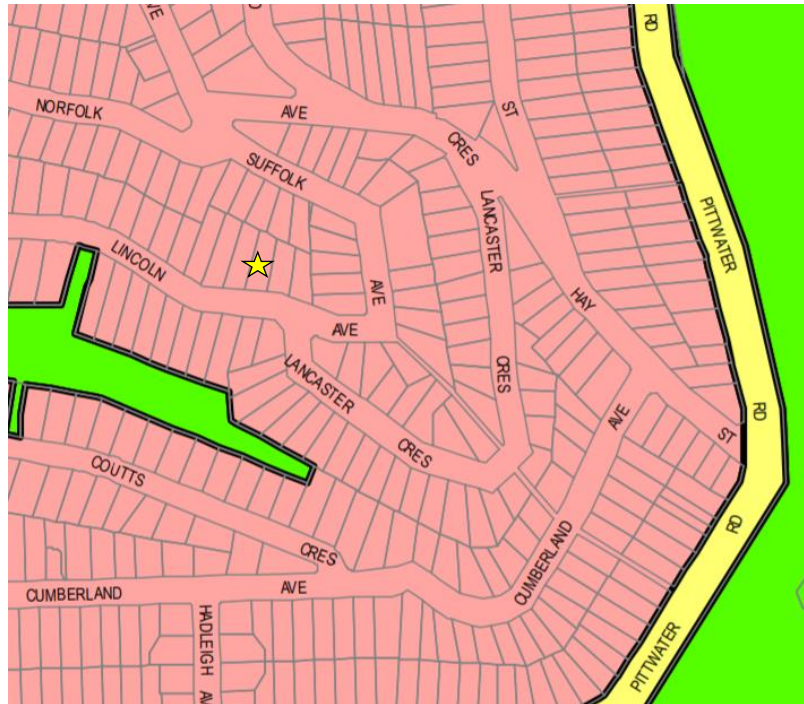


Fig 7: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted 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 new dwelling, including a basement garage, driveway, swimming pool and associated landscaping 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 significant impact on the existing landscaped area or long distance views.

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 Collaroy is 8.5m. The proposed dwelling will result in a maximum height of approximately 8.9m and therefore does not comply with Council's maximum building height. Accordingly, a Clause 4.6 submission has been prepared and accompanies this statement.

Clause 6.2 relates to earthworks.

The proposal will require excavation to accommodate the proposed basement level and swimming pool. The works will be carried out in accordance with the recommendations of a qualified Structural Engineer, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is noted on Council's Landslip Risk Map as being within Area D, and accordingly a Geotechnical Investigation has been prepared by Assetgeoenviro, Reference No 6200-G1 dated 11 September 2020 to support the proposed development. The proposal includes excavation for the basement level however all excavation and retaining works will be carried out under the supervision of the Consulting Geotechnical & Structural Engineers.

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.

6.5 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 | <p>Maximum proposed wall height 8.5m and therefore does not meet this control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes. • To ensure development is generally beneath the existing tree canopy level. • To provide a reasonable sharing of views to and from public and private properties. • To minimise the impact of development on adjoining or nearby properties. • To ensure that development responds to site topography and to discourage excavation of the natural landform. • To provide sufficient | Yes – on merit |

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| | | <p><i>scope for innovative roof pitch and variation in roof design.</i></p> <p>The proposed dwelling will present a minor variation to the building envelope control due to the sloping topography of the site.</p> <p>Uphill properties are substantially elevated above the subject site, and will therefore retain their views to the south towards Long Reef Beach.</p> <p>The bulk and scale of the new works are in keeping with the extent of existing surrounding development, and will not be overbearing when viewed from the Lincoln Avenue streetscape or neighbouring properties.</p> <p>Notwithstanding the minor variation to the wall height control, the proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.</p> | |
| B2 – Number of storeys | No requirement identified on map | | N/A |

| | | | |
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| <p>B3 – Side Boundary Envelope and Side Setback</p> | <p>Building envelope 45 degrees from 4m. Setback 0.9m</p> | <p>As noted on the submitted elevations and sections, the southern extremity of the eastern and western elevations will not comply with the side boundary envelope control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> • <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> • <i>To ensure that development responds to the topography of the site.</i> <p>In this instance, compliance with the side boundary envelope control is constrained by the sloping topography of the site as the site falls to the south towards Lincoln Avenue.</p> <p>The proposed dwelling is considered to be comparable in bulk and scale to the surrounding development under construction and immediately to the</p> | <p>Yes – on merit</p> |
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| | | <p>west at No 8 Lincoln Avenue. The massing and street presentation of the dwelling has been resolved to be consistent with the extent of existing surrounding development.</p> <p>The proposal will not result in any adverse impacts to neighbouring properties in terms of solar access, views, privacy or general amenity.</p> <p>The proposal is considered to suitably respond to the sloping topography of the site, and is considered worthy of support on merit.</p> | |
| B4 – Site Coverage | No requirement identified on map | | N/A |
| B5 – Side Boundary setbacks | R2 zoned land 0.9m | The proposal will stand 1.1m from the eastern and 0.9m to 1.6m from the western side boundaries respectively and therefore complies with this control. | Yes |
| B6 – Merit assessment of Side Boundary Setbacks | No requirement identified on map | | N/A |

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| B7 – Front Boundary Setbacks | Minimum 6.5m | Minimum proposed front setback 6.5m and 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 R2 Zoned land swimming pool not to exceed 50% of rear setback area. | Minimum proposed rear setback 7.535m and therefore readily complies with Council's rear setback control. Less than 50% | Yes Yes |
| 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 see the construction of a new vehicle crossing and driveway. The works will be constructed in accordance with council's vehicle crossing policy. | Yes |
| C3 – Parking Facilities | Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1 | <p>The proposal will see the construction of a new basement garage which through excavation of the site will not be visually prominent and will be effectively integrated into the design of the new dwelling.</p> <p>The garage entry point will not visually dominate the dwelling's façade.</p> <p>The parking and access design will meet the relevant standards.</p> | 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 street gutter via a 13,500 litre rainwater tanks located within the basement area in accordance with the Stormwater Drainage Details prepared by Law and Dawson Pty Ltd, Project No. 2020/140, Sheets SW1-SW6, Revision A dated 18 March 2021. The rainwater tank is to be located within the | Yes |

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| | | basement level, with stormwater conveyed to a boundary pit within the property and discharged to the kerb and gutter. | |
| C5 – Erosion and Sedimentation | Soil and Water Management required | Sediment and erosion control measures will be installed and maintained for the duration of the construction works. | Yes |
| C6 – Building over or adjacent to Constructed Council Drainage Easements | N/A | | N/A |
| C7 – Excavation and Landfill | Site stability to be maintained | Excavation is required to accommodate the proposed dwelling and swimming pool. All works will be carried out in accordance with the recommendations of the consulting Structural Geotechnical & Structural 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 within the eastern side setback | Yes |

| Part D – Design | | | |
|---|--|---|-----|
| D1 – Landscaped Open Space and Bushland | Min 40% Landscaped Area to be maintained | <p>The proposal will maintain a landscaped area of 273.09m² or 40.16% and therefore complies with this control.</p> <p>The development within the site will continue to achieve the Objectives of the controls, which are noted as:</p> <ul style="list-style-type: none"> • <i>To enable planting to maintain and enhance the streetscape.</i> • <i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i> • <i>To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.</i> • <i>To enhance privacy between buildings.</i> • <i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</i> • <i>To provide space for service functions, including clothes</i> | Yes |

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| | | <p>drying.</p> <ul style="list-style-type: none"> • To facilitate water management, including on-site detention and infiltration of stormwater. <p>The proposal will provide for sufficient area for the private open space and recreational requirements of the owners, whilst maintaining good areas of deep soil planting within rear yard area.</p> | |
| D2 – Private Open Space | <p>Dwelling houses with three or more bedrooms</p> <p>Min 60m² with min dimension 5m</p> | <p>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.</p> | Yes |
| D3 – Noise | <p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p> | <p>The works are residential in nature and there will be no further acoustic impacts. The proposed pool equipment will be contained in a soundproof enclosure to mitigate acoustic impacts for neighbouring properties.</p> | Yes |
| D4 – Electromagnetic Radiation | N/A to proposed development | | N/A |
| D5 – Orientation and Energy Efficiency | <p>Dwellings to be orientated to receive northern sun</p> <p>Appropriate construction to enhance thermal properties and</p> | <p>The site enjoys good access to northern sun to the front and rear yards.</p> | Yes |

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| | ventilation/natural cooling Compliance with SEPP (BASIX) requirements | | |
| 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 and 3pm on the winter solstice. | Due to the north-south orientation of the site, the proposed development will primarily overshadow the street forward of the site throughout the majority of the day. The internal and external living areas of neighbouring properties will continue to receive suitable solar access. | Yes |
| 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 dwelling on the site.</p> <p>The subject site and neighbouring properties receive limited views to the south towards Long Reef Beach.</p> <p>The proposal will provide for a modest two and three storey dwelling which is in keeping with the bulk and scale of development in the locality, and readily complies with the statutory height limit.</p> | Yes |

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| | | 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. | |
| D8 – Privacy | This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties | <p>The proposed dwelling has been designed to preserve the privacy of neighbouring properties. Louvered windows and highlight windows have been provided to side elevations to minimise overlooking.</p> <p>The primary internal living areas are sited at ground level which assists with maximising privacy for the occupants of the subject site and neighbouring properties.</p> <p>Perimeter screen planting is provided to the rear yard, including the perimeter of the swimming pool, to further assist in maintaining privacy for the neighbours.</p> | Yes |
| D9 – Building Bulk | This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to | The existing surrounding development comprises a mix of dwellings between one and three storeys in height. The form of the proposed development | Yes |

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|--------------------------------------|--|--|-----|
| | visually dominate the street or surrounding spaces | is modest in height and scale, with an articulated façade, and an overall height that readily complies with Council's statutory height limit, and will therefore not visually dominate Lincoln Avenue. | |
| D10 – Building Colours and materials | | <p>The proposed new works will be finished in colours which complement the surrounding development and the locality.</p> <p>The proposed colours and finishes are detailed in the Schedule of External Colours and Materials prepared by Pirrello Design Associates.</p> | 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 |

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|------------------------------------|---|--|-----|
| 12 – Glare and Reflection | Glare impacts from artificial illumination minimised. Reflective building materials to be minimised | <p>The proposed external finishes will be low glare and earthy tones which will minimise glare and reflection.</p> <p>The proposed external finishes have been detailed in the Schedule of External Colours and Materials prepared by Pirrello Design Associates.</p> <p>No significant glare impacts will result from proposed new works.</p> | Yes |
| 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 | The proposal does not incorporate a new front fence. The driveway design includes self-supporting batters within the road reserve for the driveway crossing, with low level retaining walls to the perimeter of the driveway and at the front boundary as directed by the structural engineer. | N/A |
| D14 – Site Facilities | <p>Garbage storage areas and mailboxes to have minimal visual impact to the street</p> <p>Landscaping to be provided to reduce the view of the site facilities.</p> | Bin storage area is available within the eastern side setback. | Yes |
| D15 – Side and Rear Fences | Side and rear fences to be maximum 1.8m and have regard for | New boundary fencing to be provided in accordance with the Dividing Fences Act 1991. | Yes |

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|--|--|--|-----|
| | Dividing Fences Act 1991 | | |
| 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. | The proposed pool is located in the rear yard. The siting of the proposed pool will not affect any existing vegetation. | 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 surveillance of the street. | The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area. | Yes |
| 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 | No signage proposed | N/A |

| | | | |
|--|--|---|-----|
| | potentially hazardous road features or traffic control devices. | | |
| 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 | Not identified on map | | N/A |
| E3 – Threatened species, populations, ecological communities | Not identified on map | | N/A |
| E4 – Wildlife Corridors | Not identified on map | | N/A |
| 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 D. | The site is noted on Council's Landslip Risk Map as being within Area D, and accordingly a Geotechnical Investigation by Assetgeoenviro under Report Reference 6200-G1 dated 11 September 2020. | 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 comply with 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 wall height and side boundary envelope controls are a reasonable alternative

solution to compliance where the site conditions result in a challenge to designing for new 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 a new two and three storey dwelling, including an attached double garage, new driveway, swimming pool and associated landscaping, 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 construction of a new two and three storey dwelling, including a basement garage, new driveway, swimming pool and associated landscaping.

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 the construction of a new two and three storey dwelling, including an attached double garage, new driveway, swimming pool and associated landscaping within the subject vacant land, which will not have a detrimental impact on the adjoining properties or the locality.

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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Town Planner

Graduate Diploma in Urban and Regional Planning (UNE)

Appendix:

Clause 4.6 Submission – Maximum Building Height