



# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Demolition works and  
Erection of a Dual  
Occupancy (Attached),  
Associated Works and  
Strata Subdivision**

**35 Moore Road,  
Freshwater NSW 2096**

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**This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.**

**Report prepared by:**

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Director – Four Towns Pty Ltd

**Report prepared for:**

Action Plans

**22 May 2025**

***Disclaimer***

*This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.*

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## 1. Introduction and Background Information

### 1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for the proposed demolition works and erection of a dual occupancy (attached), associated works and strata subdivision at 35 Moore Road, Freshwater, being Lot 15 within Section 1 of Deposited Plan 7022.

This report has been prepared following instructions from the client Action Plans. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Survey Plan prepared by CMS Surveyors Pty Ltd;
- Architectural Plans prepared by Action Plans Pty Ltd;
- Geotechnical Report prepared by Ascent Geotechnical;
- Landscape Plan prepared by ATC – A Total Concept Landscape Architects;
- Arboricultural Impact Assessment prepared by Hugh the Arborist;
- BASIX and NatHERS prepared by Chapman Environmental Services Pty Ltd;
- Stormwater Management Plan prepared by Vanguard Consulting Engineers;
- Driveway Plan prepared by Vanguard Consulting Engineers;
- Draft Strata Plan prepared by CMS Surveyors Pty Ltd;
- Traffic Impact Statement prepared by Traffix;
- Waste Management Plan.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being demolition works and erection of a dual occupancy (attached), associated works and strata subdivision at 35 Moore Road, Freshwater is permissible with development consent and is consistent with the relevant statutory planning instruments including Warringah Local Environmental Plan 2011 and relevant planning policies of Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

### 1.2 Background Information

The site is not the subject of any recent Development Applications to Northern Beaches Council. The proposal was not the subject of a pre-lodgement meeting with Northern Beaches Council

## 2. Site Profile

### 2.1 Property Description

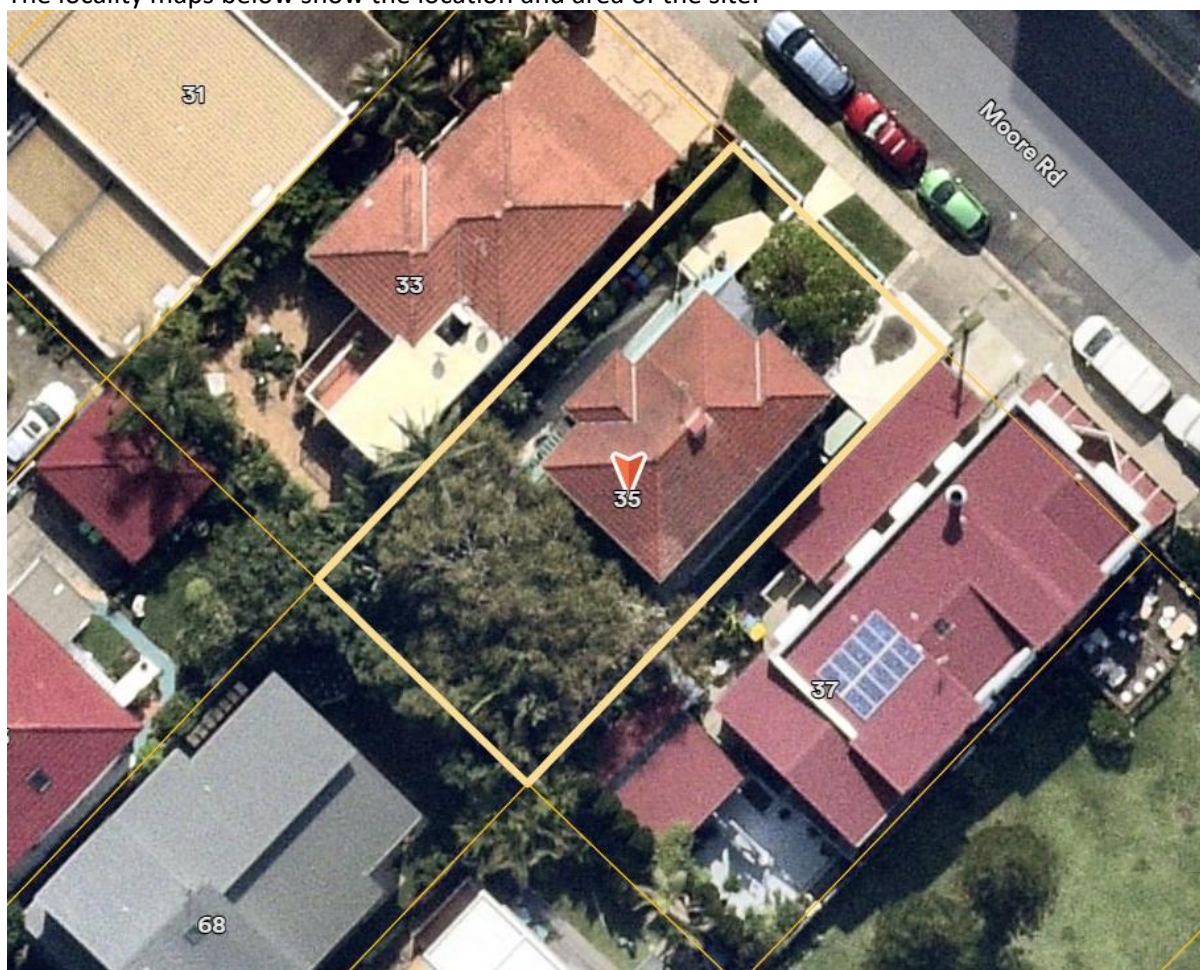
The subject allotment is described as 35 Moore Road, Freshwater, being Lot 15 within Section 1 of Deposited Plan 7022. The site is zoned R2 Low Density Residential under Warringah Local Environmental Plan 2011.

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

### 2.2 Site and Locality Description

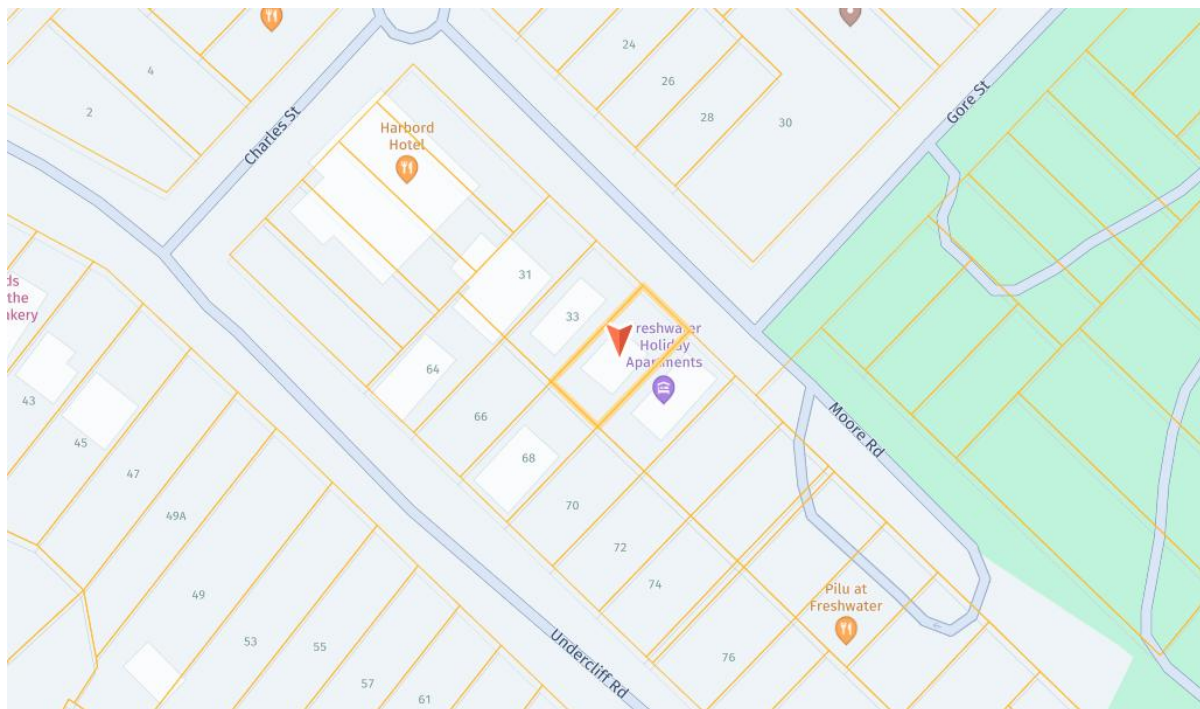
The site is located on the south-western side of Moore Road, north-west of the intersection with Gore Street and south-east of the intersection with Charles Street. The allotment is rectangular in shape with a 13.715m frontage to Moore Road and site depth of 28.09m. The site has a total area of 385.2sqm. The site has existing vehicular access to Moore Road at the south-eastern end of the frontage with a single garage to front boundary. The locality comprises a mix of residential flat buildings, dual occupancies, dwelling houses and other commercial/retail uses ranging in bulk and scale from two (2) storey buildings to a ten (10) storey residential flat building.

The locality maps below show the location and area of the site:



Source: Nearmap 2025





Source: Nearmap 2025

The locality has a variety of residential property types and sizes. The existing surrounding development comprises a mix of land-uses ranging in bulk and scale from two (2) storey dwelling houses, three (3) dual occupancies to a ten (10) storey residential flat building. In particular, the two adjoining properties on Moore Road are a Mixed-Use Development (Three apartments and a shop/café) and three (3) storey dual occupancy.

## Streetscape and Visual Analysis



*Photograph of 35 Moore Road, Freshwater – note existing three storey bulk and scale and garage to front boundary*



*Photograph of 35 Moore Road, Freshwater – note existing three storey bulk and scale and garage to front boundary*





*Photograph of 37 and 35 Moore Road, Freshwater – note 37 Moore Rd is an existing mixed-use development built to front boundary with a nil setback*



*Photograph of 33 Moore Road – note three storey bulk and scale and 3.7m front setback*





*Photograph of 26 and 28 Moore Road – existing dual occupancies*



*Photograph of 30 Moore Road adjacent from the subject site – Ten (10) Storey Residential Flat Building*

### 3. Proposal

The proposed development is for demolition works and the erection of dual occupancy (attached), associated works and strata subdivision at 35 Moore Road, Freshwater. The proposal remains consistent with the locality and with relevant Council controls and ensures privacy and solar access are maintained for surrounding properties and the site.

#### **Demolition Works**

Demolition works as depicted on architectural plan DA04 prepared by Action Plans Pty Ltd.

#### **New Dual Occupancy (attached)**

##### **Proposed Works - Lots A and B**

##### *Proposed Basement – Drawing DA06*

- Two (2) car tandem garage with bin area and bicycle storage
- Stairs
- Lift
- Workshop/storage area
- Service room
- Powder room

##### *Proposed Ground Floor – Drawing DA07*

- Entry
- Bedroom 1 with ensuite
- Stair
- Laundry
- Lift
- Bedroom 2 with ensuite

##### *Proposed First Floor – Drawing DA08*

- Stairs
- Open kitchen, living and dining
- Powder room
- Lift

##### *Proposed Second Floor – Drawing DA09*

- Stair
- Lift
- Master bed with WIR and ensuite

##### *External*

- New driveway and crossover to Moore Road
- First floor terrace
- Second floor terrace
- New front boundary masonry wall with pedestrian and vehicular access gate
- Associated planter boxes and landscaping works

*\*Refer to architectural plans prepared by Action Plans Pty Ltd for a full description of all works.*

**Landscape Works**

Refer to landscape plans prepared by ATC – A Total Concept Landscape Architects.

**Strata Subdivision**

Refer to Draft Strata Plan prepared by CMS Surveyors Pty Ltd.

## 4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

### 4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

### 4.2 State Environmental Planning Policies (SEPPs)

#### **SEPP (Transport and Infrastructure) 2021**

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

#### **SEPP (Sustainable Buildings) 2022**

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency. A BASIX and NatHERS Certificate and assessment has been prepared by Chapman Environmental Services Pty Ltd and outlines the proposal's compliance with the provisions of BASIX and Energy Efficiency.

#### **SEPP (Resilience and Hazards) 2021**

##### Chapter 2 Coastal management

The aims of Chapter 2 of the SEPP (Resilience and Hazards) 2021 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.*



### **Division 3 Coastal environment area**



SEPP (Resilience and Hazards) 2021  
Coastal Environment Area Map

#### **2.10 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.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6.

#### **Comment:**

A review of section 1 is below:

- The proposal will not result in any adverse impacts to the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.

- The proposal does not impact the coastal environmental values or natural coastal processes of the area.
- The proposal will maintain water quality and will not impact any marine estates.
- The proposal does not impact any marine vegetation, native vegetation and fauna and flora. The proposal will enhance the existing landscaping on the site.
- The proposal does not result in any impacts upon Aboriginal cultural heritage, practices or places.
- The proposal does not impact the use of the surf zone.

A review of section 2:

- The proposal works avoid any adverse impacts to those areas identified within Clause 2.10(1) and have been designed to minimise any impacts to the coastal environment area.
- The development has been designed considering the surrounding coastal and built environment and the bulk, size and scale of the development. The proposal is appropriate for the site and considered to be compatible with the existing and future character of the neighbourhood and surrounding environment.

A review of section 3:

- The site is not located within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, therefore this clause applies to the site.

#### Chapter 4 Remediation of land

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

#### **4.6 Contamination and remediation to be considered in determining development application**

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

- (a) it has considered whether the land is contaminated, and*
- (b) 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*
- (c) 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.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

It is submitted that the site has been used as residential accommodation for decades. The builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials. A site inspection was undertaken with no evidence of landfill on the site. It is our professional opinion that no further studies are required with this application.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPs that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal includes the removal of ten (10) trees of low-retention value (Z grade). The application is supported by an Arboricultural Impact Assessment prepared by Hugh the Arborist. The proposal has been designed with regards to mitigate, minimise and avoid. The trees impacting the development are not significant to warrant retention and the proposal meets the relevant provisions of the SEPP.

### **State Environmental Planning Policy (Housing) 2021**

#### ***Chapter 6 Low and mid rise housing***

#### ***164 Land to which chapter applies***

*(1) This chapter applies to the whole of the State, other than the following—*

- (a) bush fire prone land,*
- (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2,*
- (c) land to which Chapter 5 applies,*
- (d) land that is a heritage item or on which a heritage item is located,*
- (e) the following local government areas—*
  - (i) Bathurst Regional,*
  - (ii) City of Blue Mountains,*
  - (iii) City of Hawkesbury,*
  - (iv) Wollondilly,*
- (f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6,*
- (g) land in a flood planning area in the following local government areas—*
  - (i) Armidale Regional,*
  - (ii) Ballina,*
  - (iii) Bellingen,*
  - (iv) Byron,*
  - (v) City of Cessnock,*
  - (vi) Clarence Valley,*

- (vii) *City of Coffs Harbour,*
- (viii) *Dungog,*
- (ix) *Goulburn Mulwaree,*
- (x) *Kempsey,*
- (xi) *Kyogle,*
- (xii) *City of Lismore,*
- (xiii) *City of Maitland,*
- (xiv) *Nambucca Valley,*
- (xv) *City of Newcastle,*
- (xvi) *Port Stephens,*
- (xvii) *Queanbeyan-Palerang Regional,*
- (xviii) *Richmond Valley,*
- (xix) *City of Shoalhaven,*
- (xx) *Singleton,*
- (xxi) *Tweed,*
- (xxii) *Upper Hunter Shire,*
- (xxiii) *Walcha,*

(h) *land in an ANEF contour or ANEC contour of 20 or greater,*

(i) *land within 200m of a relevant pipeline within the meaning of [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), section 2.77,*

(j) *land identified as “Deferred Transport Oriented Development Areas” on the [Deferred Transport Oriented Development Areas Map](#),*

(k) *land within 800m of a public entrance to a railway, metro or light rail station listed in Schedule 12.*

(2) *This chapter does not apply to land identified as an “Accelerated TOD Precinct” on the [Accelerated Transport Oriented Development Precincts Rezoning Areas Map](#).*

(3) *In this section—*

**ANEC contour** *has the same meaning as in [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#), section 4.17.*

**ANEF contour** *has the same meaning as in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).*

**flood planning area** *has the same meaning as in the Flood Risk Management Manual.*

Cl164 confirms that the chapter applies to “*the whole of the State*” unless specified under cl164. The site does not fall under any of the sub-clauses of cl164 and therefore a dual occupancy is permissible on the site.

## ***Part 2 Dual occupancies and semi-detached dwellings***

### ***Division 1 Preliminary***

#### ***166 Development permitted with development consent***

*Development for the purposes of dual occupancies or semi-detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential.*

The site is located within the R2 Low Density Residential under WLEP2011. The site is not listed or impacted as land under Clause 164. On the basis of the above, the Housing SEPP overrides WLEP2011 and permits development consent of the land for a dual occupancy (attached).



### 4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>(d) in relation to residential development, to—</p> <p>(i) protect and enhance the residential use and amenity of existing residential environments, and</p> <p>(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and</p> <p>(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,</p> <p>(f) in relation to environmental quality, to—</p> <p>(i) achieve development outcomes of quality urban design, and</p> <p>(ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and</p> <p>(iii) achieve land use relationships that promote the efficient use of infrastructure, and</p> <p>(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and</p> <p>(v) protect, conserve and manage biodiversity and the natural environment, and</p> <p>(vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,</p>	<p>Complies – the proposal relates to demolition works and erection of a dual occupancy (attached), associated works and strata subdivision. The development is compatible with the residential development in the immediate area and is consistent with the bulk and scale of residential development in the locality, noting the vast array of residential flat buildings of significant bulk and scale. The proposal is consistent with the character of the area and will enhance the environmental qualities of the site. The proposal meets the aims of WLEP2011.</p>

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	450sqm	N/A	N/A – no change to existing lot size.
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A

4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	8.4m (Existing Building 10.78m)	Complies – further assessment under clause 4.3 Height of buildings.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	N/A
4.6 Exceptions to development standards	Noted	N/A	N/A – no variation to development standards proposed.

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Controls relating to secondary dwellings on land in a rural zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A – the subject site is not identified as a heritage item or within a conservation area.
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A

5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent – playing and performing music	N/A
5.21 Flood planning	N/A – the subject site is not identified within Council’s Flood Hazard Map.
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	N/A – the site is not identified within the acid sulfate soils map.
6.2 Earthworks	The proposed excavation/fill works comply with Clause 6.2. The proposal is supported by a geotechnical report prepared by Ascent Geo. Refer to assessment under Heading 6.2 Earthworks.
6.3 (Repealed)	N/A
6.4 Development on sloping land	The site is identified within Areas A and B Landslip Risk. The development application is supported by a Geotechnical Report prepared by Ascent Geo. Refer to assessment under Heading 6.4 Development on Sloping Land.
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone C3 Environmental Management	N/A
6.7 (repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

## 2.6 Subdivision—consent requirements

*(1) Land to which this Plan applies may be subdivided, but only with development consent.*

### Notes—1

*If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), the Act enables it to be carried out without development consent.*

**2** *Part 6 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) provides that the strata subdivision of a building in certain circumstances is **complying development**.*

*(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

### Note—

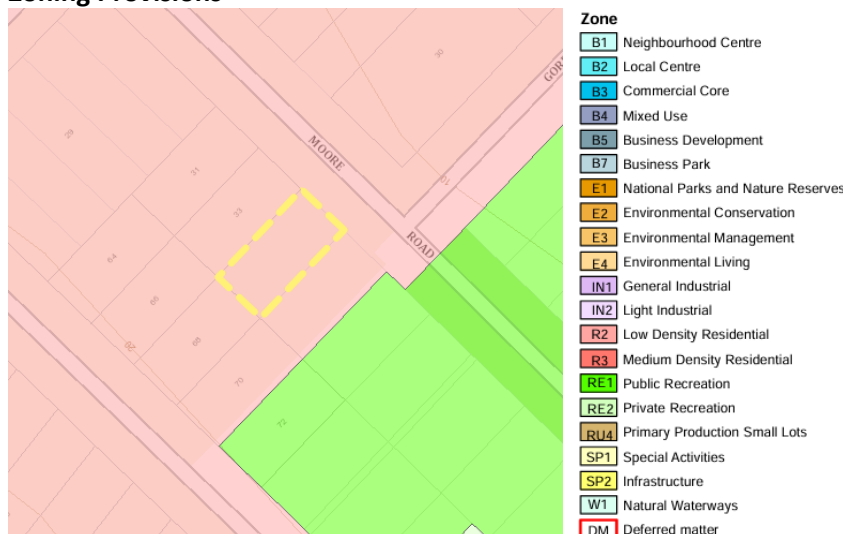
*The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.*

### Comment:

The proposal includes the strata subdivision of the proposed dual occupancy (attached). Refer to Draft Strata Plan prepared by CMS Surveyors Pty Ltd.



## Zoning Provisions



### Zone R2 Low Density Residential

#### 1 Objectives of zone

- 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.

#### 2 Permitted without consent

Home-based child care; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

#### 4 Prohibited

Any development not specified in item 2 or 3

#### Comment:

The site is zoned R2 Low Density Residential. Under the WLEP2011 R2 Low Density Residential zone, a dual occupancy (attached) is a prohibited land use. The State Environmental Planning Policy (Housing) 2021, overrides Councils LEP, therefore permitting a dual occupancy (attached) as a permissible land use with Council's consent. The proposal meets the objectives of the R2 zone as outlined below:

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

The proposal provides a new dual occupancy (attached) that meets the needs of the community within the low-density environment of Freshwater. The streetscape assessment proves that the site will fit within the streetscapes of Moore Road and Gore Street noting existing land uses such as residential flat buildings, dual occupancies and dwelling houses and the bulk and scale at present

ranging from two (2) to two (10) storeys in height. A dual occupancy is a low density form of residential development, with this application complying with landscape controls to ensure the amenity and landscape setting of the area is maintained. This objective is met.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

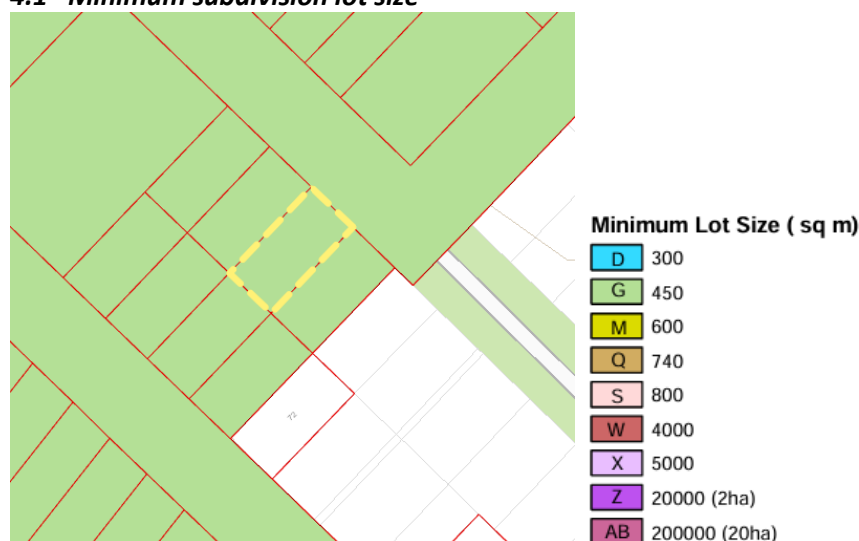
Not applicable – the proposal is for a new dual occupancy (attached).

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposal is supported by a landscape plan prepared by ATC Landscape that reinvigorates the site with new plantings to ensure the dwellings are characterized by a high quality landscaped setting. The proposal complies with the minimum landscape area requirements and therefore meets this objective.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size



(1) *The objectives of this clause are as follows—*

- to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- to protect the integrity of land holding patterns in rural localities against fragmentation,*
- to achieve low intensity of land use in localities of environmental significance,*
- to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- to protect and enhance existing remnant bushland,*
- to retain and protect existing significant natural landscape features,*
- to manage biodiversity,*
- to provide for appropriate stormwater management and sewer infrastructure.*

(2) *This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

*(3A) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.*

*(4) This clause does not apply in relation to the subdivision of any land—*

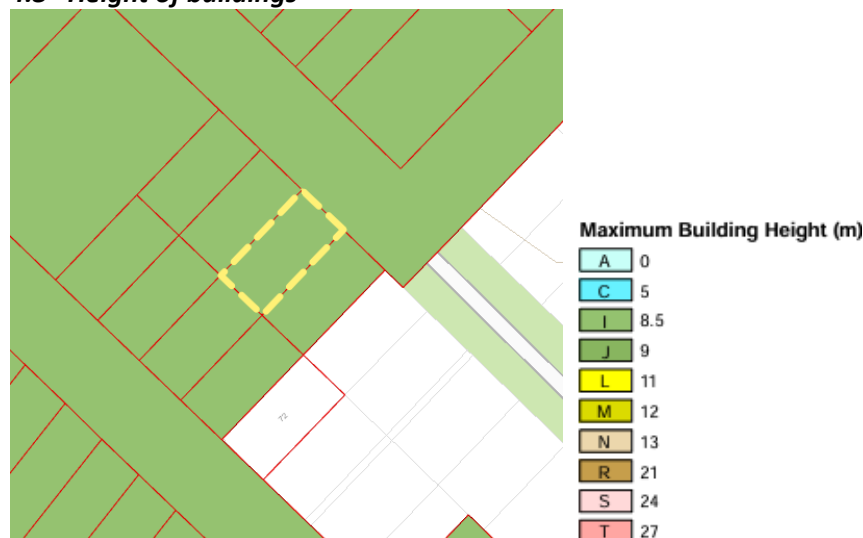
*(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*

*(b) by any kind of subdivision under the [Community Land Development Act 1989](#).*

**Comment:**

Not applicable - The site has a minimum lot size of 450sqm. The proposal does not include Torrens title subdivision works; therefore Clause 4.1 is not applicable.

### 4.3 Height of buildings



*(1) The objectives of this clause are as follows—*

*(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

*(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

*(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

*(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

*(2A) If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.*

**Comment:**

Complies – the site has a maximum building height provision of 8.5m. The proposal provides a maximum building height of 8.4m (noting the existing building is 10.78m), which is well under the maximum building height allowance for the site. The proposal has been designed below the maximum building height to preserve amenity to neighbouring developments. As the proposal complies with the maximum building height control, it is our professional opinion that the objectives are met with the proposal consistent with the streetscape and built form of Moore Road.

#### **4.4 Floor space ratio**

**Comment:** Not applicable.

#### **4.6 Exceptions to development standards**

**Comment:**

Not applicable – the proposal does not breach any development standards.

### **Part 5 Miscellaneous provisions**

#### **5.10 Heritage conservation**

**Comment:**

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

#### **5.21 Flood planning**

**Comment:**

Not applicable – the subject site is not identified within Council's Flood Hazard Map.

### **Part 6 Additional local provisions**

#### **6.1 Acid sulfate soils**

**Comment:**

Not applicable – the site is not identified within the acid sulfate soils map.

#### **6.2 Earthworks**

*(1) The objectives of this clause are as follows—*

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

*(2) Development consent is required for earthworks unless—*

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters—*

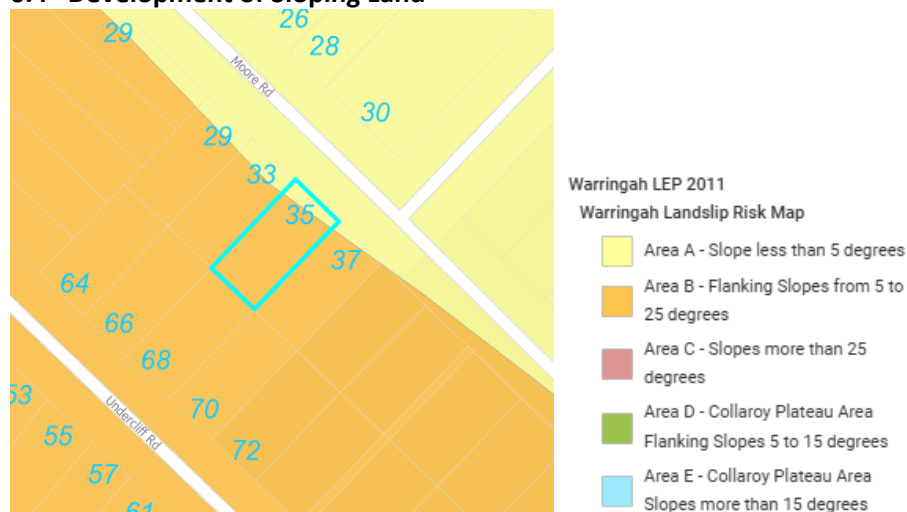
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

**Note.** *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*



**Comment:**

Complies – The proposal requires moderate excavation of the site. The development application is supported by a geotechnical assessment prepared by Ascent Geo. The conclusions of the report are provided below under Heading Clause 6.4 Development of Sloping Land. The proposed earthworks comply with the objectives of Clause 6.2 and they are consistent with other approvals granted in the Freshwater area.

**6.4 Development of Sloping Land**

(1) *The objectives of this clause are as follows—*

- (a) *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

(2) *This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

- (a) *the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) *the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) *the development will not impact on or affect the existing subsurface flow conditions.*

**Comment:**

The site is located within Areas A and B of the Landslip Risk map. The development application is supported by a geotechnical assessment. Refer to the Geotechnical Assessment report prepared by Ascent Geo for full assessment of the proposed development. The conclusions of the report are provided below:

**3.7 Conclusion and Recommendations**

*The proposed development is considered to be suitable for the site. The existing conditions and proposed development are considered to constitute an 'ACCEPTABLE' risk to life and a 'LOW' risk to property provided that the recommendations outlined in Table 6 are adhered to during design and construction.*

### **General**

The site is not identified on the following maps within WLEP2011:

- Bushfire Map
- Land Reservation Acquisition Map
- Heritage Map
- Coastline Hazard Map
- Key Sites Map
- Additional Permitted Uses Map
- Land Reclassification (Part Lots) Map
- Floor Space Ratio Map
- Centres Map
- Acid Sulfate Soils Map
- Flood Hazard Map

## 4.4 Warringah Development Control Plan (WDCP)

In designing the proposed changes to the built form, due consideration has been given to the respective sections and objectives of WDCP, in particular:

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design
- Part E Natural Environment

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the WDCP.

Warringah Development Control Plan		
	Requirement	Proposed
Wall Height	7.2m	Complies on merit.
Side Boundary Envelope	5m then 45 degrees from a height above ground level (existing) at the side boundaries	Complies – the proposal complies with the prescribed side boundary envelope.
Front Setback	6.5m	Complies on merit – the proposal is consistent with variations noting adjoining properties front setbacks.
Side Setbacks	0.9m	Complies – the proposal complies with the 0.9m side setback control.
Rear Setback	6m	Complies – the proposal complies with the 6m rear setback control.
Landscaping	154.08sqm (40%)	Complies – 168.91sqm (43.85%)
Private Open Space	A dwelling house with 3 or more bedrooms will require 60sqm of private open space area	Complies on merit – the proposal provides adequate private open space area between both dwellings on-site.
Access to Sunlight	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	Complies – refer to shadow diagrams provided within the architectural package.

### Part A – Introduction

#### A.5 Objectives

*The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:*

#### Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*

- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

**Comments:**

Complies - the proposal is for the demolition of the existing dwelling, erection of a new dual occupancy (attached), swimming pools and associated works. The proposed development is compatible with existing residential development along Charles Street noting the existing bulk and scale. The development has been strategically designed to not result in any adverse amenity impacts on neighbouring properties. The proposal meets the objectives of Warringah DCP.

**Part B – Built Form Controls**

***B1 Wall Heights***

***Objectives***

- *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 scope for innovative roof pitch and variation in roof design.*

***Requirements***

*1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).*

***Exceptions***

*This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:*

- *does not exceed the 8.5 metre height development standard;*
- *is designed and located to minimise bulk and scale; and*
- *has a minimal visual impact when viewed from the downslope sides of the land.*

**Comments:**

Merit Assessment – the site is subject to a maximum wall height of 7.2m; the proposal has been designed with the following wall heights:

South-east elevation:  
5.05m to 7.58m

North-west elevation:  
5.05m to 7.58m

It is noted that the proposed minor non-compliances on the south-eastern and north-western elevations are influenced by the topography of the site and the existing man-made level changes on-site. The extent of the non-compliant elements has been influenced where the roof parapet has

been raised to accommodate windows W301 on each respective elevation. Based on the existing topography, man-made changes and the fact that the proposal is consistent with the bulk and scale of the south-western side of Moore Road, the variation can be supported in this instance.

### **B3 Side Boundary Envelope**

#### **Objectives**

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

#### **Requirements**

1. *Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:*

- *4 metres, or*
- *5 metres*

*as identified on the map.*

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.*

#### **Exceptions**

##### **Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway**

*For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest:*

- *Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope.*
- *Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.*

#### **Comments:**

Complies – the proposal is compliant with the prescribed side boundary envelope control for the site noting that eaves may encroach beyond the envelope up to 0.675m from the boundary.

### **B5 Side Boundary Setbacks**

#### **Objectives**

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

#### **Requirements**

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.*
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.*



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.*

### **Exceptions**

#### **Land Zoned R2**

##### *All development:*

- *Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback*

##### *Ancillary to a dwelling house:*

- *Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause*

### **Comments:**

Complies – the site is subject to a side setback of 0.9m. The proposal achieves full compliance with 0.9 north-eastern and south-western side setbacks. The compliant side setbacks allow for adequate building separation to maintain view corridors, solar access and privacy where possible.

### **B7 Front Boundary Setbacks**

#### **Objectives**

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

#### **Requirements**

1. *Development is to maintain a minimum setback to road frontages.*
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.*
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.*
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.*

### **Comments:**

Merit assessment – the site is subject to a front setback control of 6.5m. The front building façade has been designed to achieve full compliance with the 6.5m control. Encroaching elements relate to ancillary structures including planter boxes and the extent of the ground floor terrace/balcony which have been designed with a minimum setback of 5.2m to the front boundary. It is our professional opinion that a minor variation to the front setback control is acceptable on merit in this instance acknowledging the prevailing front building alignment on the south-western side of Moore Road, particularly the setbacks of the two adjoining properties at nos. 33 and 37 Moore Road. The proposal complies with the objectives of control B7 as follows:

- *To create a sense of openness.*

As aforementioned, the project designer has sensitivity designed the front building façade to achieve full compliance with the 6.5m setback control. The encroaching elements relate to ancillary structures only, including planter boxes protruding from the front façade and the extent of the ground floor terrace/balcony addressing Moore Road. These ancillary elements are considered to have a negligible impact on the built form of the Moore Road streetscape as they contribute to visual interest with articulating open features and planters to soften the bulk and scale of the building as it presents to the street. It is important for Council to acknowledge that existing structures on-site maintain a nil to 6.135m setback with the existing garage built forward of the front building line to boundary. The proposal will incorporate and increased setback for the front building alignment with minor encroaching elements designed with a minimum 5.2m setback to the front boundary. The revised front setback will allow new opportunities for increased soft landscaping and open space area to create a sense of openness as the dwellings present to Moore Road.

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

The proposal has been sensitivity designed to appropriately respond to the prevailing building alignment on the south-western side of Moore Road, particularly to the two adjoining properties at nos. 33 and 37 Moore Road. Noting that the extent of the balcony at no. 33 Moore Road extends within 3.6m of the front boundary and that the building at no. 37 Moore Road has a nil setback to street frontage, the project designer has appropriately designed the building footprint with a minimum setback of 5.2m to maintain visual continuity and the prevailing pattern of buildings on the south-western side of Moore Road. It is important for Council to acknowledge that existing structures on-site maintain a nil to 6.135m setback with the existing garage built forward of the front building line to boundary. Additionally, CDC allowances would permit a reduced setback of 4.5m on-site. In this instance, it is our professional opinion that the proposed variation can be supported on the basis that the front building setback has been designed to maintain the visual continuity and pattern of buildings in the streetscape.

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

The proposed dual occupancy (attached) has been sensitively designed by the project designer to achieve an appropriate front setback consistent with the prevailing building line on the south-western side of Moore Road. The encroaching elements relate to ancillary building structures only including planter boxes and the extent of the ground floor terrace/balcony which have been designed with a minimum setback of 5.2m to the front boundary. It is our professional opinion that these ancillary elements contribute to visual interest with articulating open features and planters to soften the bulk and scale of the building as it presents to the street. Noting that these elements would enhance the visual quality of the dual occupancy (attached) as the dwellings present to the streetscape, it is our professional opinion that the proposed variation to the front setback control can be supported on merit. The proposal would have no adverse impacts on the visual quality of the public reserve to the east or to the Freshwater basin.

- *To achieve reasonable view sharing.*

The proposed dual occupancy (attached) has been carefully designed to achieve reasonable view sharing and to retain and protect existing view corridors across the site to the east to the Freshwater basin from no. 33 Moore Road. The project designer has sensitively designed the building to ensure the development will have no adverse impacts to the view corridor to the Freshwater basin from the most south-eastern neighbouring window and from the highest (first-floor) front balcony at no. 33 Moore Road, retaining unimpeded views to the public reserve and to the wider Freshwater basin as existing. The view analysis drawings DA30 and DA31 provided in the architectural set prepared by Action Plans demonstrate that the proposal will preserve the view corridor from no. 33 Moore Road

to the east and that the encroaching elements will achieve reasonable view sharing as per the objectives of control B7. As depicted in the visual analysis prepared by Action Plans, CDC allowances would permit a reduced setback of 4.5m on-site which would have a devastating impact on the view corridor at no. 33 Moore Road. It is important for Council to acknowledge that the project designer has made a concerted effort to retain and protect the view corridor to the east to allow for reasonable view sharing between the subject site and with the adjoining neighbour at no. 33 Moore Road. On the basis of the above, it is our professional opinion that the proposed variation to the front setback control can be supported by Council.

The proposal complies with the objectives of control B7; therefore, it is our professional opinion that the minor variation to the front setback control can be supported by Council on merit.

### **B9 Rear Boundary Setbacks**

#### **Objectives**

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

#### **Requirements**

1. *Development is to maintain a minimum setback to rear boundaries.*
2. *The rear setback area is to be landscaped and free of any above or below ground structures.*
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.*
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.*
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*

#### **Exceptions**

##### ***Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway***

*On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.*

#### **Comments:**

Complies – the proposal complies with the 6m rear setback control.

### **Part C – Siting Factors**

## **C2 Traffic, Access and Safety**

### **Objectives**

To minimise:

- a) traffic hazards;
- b) vehicles queuing on public roads
- c) the number of vehicle crossings in a street;
- d) traffic, pedestrian and cyclist conflict;
- e) interference with public transport facilities; and
- f) the loss of “on street” kerbside parking.

### **Requirements**

#### **Vehicular Access**

1. Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.
2. Vehicle access is to be obtained from minor streets and lanes where available and practical.
3. There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.
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.
5. Vehicle crossing construction and design is to be in accordance with Council’s Minor works specification.

#### **On-site loading and unloading**

6. Facilities for the loading and unloading of service, delivery and emergency vehicles are to be: appropriate to the size and nature of the development; screened from public view; and designed so that vehicles may enter and leave in a forward direction.

### **Exceptions**

Reference should be made to Part G for additional, site specific requirements

### **Comments:**

Complies – the proposal includes provisions for a new shared driveway and crossover to Moore Road to service both dwellings. The proposed relocation of the new driveway and crossover will have a negligible impact and will not contribute to any increase in the demand for on-street parking (see traffic letter prepared by Traffix). The driveway and crossover have been designed to minimise the visual impact of the driveway in the streetscape, and thoughtfully located to ensure vehicular access to the site is efficient, safe and convenient.

## **C3 Parking Facilities**

### **Objectives**

- To provide adequate off street carparking.
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

### **Requirements**

*1. The following design principles shall be met:*

- Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;*
- Laneways are to be used to provide rear access to carparking areas where possible;*
- Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;*
- Parking is to be located so that views of the street from front windows are not obscured; and*
- Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.*

*2. Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:*

- the land use;*
- the hours of operation;*
- the availability of public transport;*
- the availability of alternative car parking; and*
- the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.*

*3. Carparking, other than for individual dwellings, shall :*

- Avoid the use of mechanical car stacking spaces;*
- Not be readily apparent from public spaces;*
- Provide safe and convenient pedestrian and traffic movement;*
- Include adequate provision for manoeuvring and convenient access to individual spaces;*
- Enable vehicles to enter and leave the site in a forward direction;*
- Incorporate unobstructed access to visitor parking spaces;*
- Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;*
- Provide on site detention of stormwater, where appropriate; and*
- Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.*

*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.*

*5. Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.*

*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.*

*7. Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.*

*8. For Forest Way Village car parking at ground level is to be provided for individual units.*

**Exceptions**

*Reference should be made to Part G for additional, site specific requirements.*

*Community title subdivisions are to include provision for one visitor parking space per five dwellings or part thereof. These spaces are to be located within the neighbourhood property lot. Cross reference is in appendix 1.*

**Comments:**

Complies on merit – the proposed dual occupancy (attached) provides a basement level garage for the two dwellings. Both garages have been designed to accommodate on-site parking facilities for two (2) vehicles in a tandem arrangement (total of four (4) between the two dwellings). The garage design has been integrated into the front façade of the building and to not visually dominate the



façade of the proposed dwelling. The proposed garage will be compliant with all relevant Australian Standards.

#### **C4 Stormwater**

##### **Objectives**

- To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;
- To minimise the risk to public health and safety;
- To reduce the risk to life and property from flooding;
- Integrate Water Sensitive Urban Design measures into the landscape and built form to maximise amenity.
- To manage and minimise stormwater overland flow, nuisance flooding and groundwater related damage to properties.
- To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised.
- To minimise the quantity of stormwater runoff from new development on Council's drainage system.

##### **Requirements**

1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.
2. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.

##### **Exceptions**

- Refer to Council's Water Management Policy for exceptions.

##### **Comments:**

Complies – a stormwater management plan has been prepared in accordance with Northern Beaches Council's requirements prepared by Vanguard Consulting Engineers.

#### **C5 Erosion and Sedimentation**

##### **Objectives**

- To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.
- To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.
- To prevent any reduction in water quality downstream of the development site.

##### **Requirements**

1. All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.
2. Any erosion and sedimentation is to be managed at the source.
3. Erosion, sediment and pollution controls including water discharge from the site must comply with Council's Water Management Policy.
4. An Erosion and Sediment Control Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of up to 2500m<sup>2</sup> of land.

5. *Soil and Water Management Plan must be prepared in accordance with Landcom's Managing Urban Stormwater: Soil and Construction Manual (2004) for all development which involves the disturbance of more than 2500m<sup>2</sup> of land.*

#### **Exceptions**

*Reference should be made to Part G for additional, site specific requirements.*

#### **Comments:**

Complies – an Erosion and Sediment Plan has been prepared in accordance with Northern Beaches Councils requirements.

### **C7 Excavation and Landfill**

#### **Objectives**

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

#### **Requirements**

1. *All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.*
2. *Excavation and landfill works must not result in any adverse impact on adjoining land.*
3. *Excavated and landfill areas shall be constructed to ensure the geological stability of the work.*
4. *Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.*
5. *Rehabilitation and revegetation techniques shall be applied to the fill.*
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.*

#### **Comments:**

Complies – the proposal includes moderate excavation works for the construction of the basement garage. The subject application is supported by a geotechnical assessment prepared by Ascent Geo.

### **C8 Demolition and Construction**

#### **Objectives**

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- *To discourage illegal dumping.*

#### **Requirements**

1. *All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.*

**Comments:**

Complies – the proposal will be constructed in accordance with relevant Australian Standards and Conditions of Consent as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

**C9 Waste Management**

**Objectives**

- To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).
- To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.
- To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.
- To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.
- To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- To minimise any adverse environmental impacts associated with the storage and collection of waste.

**Requirements**

1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.

**Comments:**

Complies – the proposal will adequately demolish and construct the proposed works as per Councils Waste Management Guidelines and Plan. A Waste Management Plan is submitted with the development application.

**Part D - Design**

**D1 Landscaped Open Space and Bushland Setting**

**Objectives**

- To enable planting to maintain and enhance the streetscape.
- To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.
- 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.
- To enhance privacy between buildings.
- To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.
- To provide space for service functions, including clothes drying.
- To facilitate water management, including on-site detention and infiltration of stormwater.

**Requirements**

1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:

- a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;
- b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;
- c) Landscaped open space must be at ground level (finished); and
- d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.

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.

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.

### Exceptions

Any conflicting requirements in Part G override this control

### Comments:

Complies – the proposal complies with the 40% landscaping requirement (154.08sqm) providing 43.85% landscaping on-site (168.91sqm). The measurements include areas as approved under DA2024/1430 at 38 Undercliff Rd, Freshwater. It is also important to acknowledge that the proposal improves landscaping on the site noting existing area of 132.06sqm (34.28%).

## D2 Private Open Space

### Objectives

- To ensure that all residential development is provided with functional, well located areas of private open space.
- To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.
- To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.
- To ensure that private open space receives sufficient solar access and privacy.

### Requirements

1. Residential development is to include private open space for each dwelling.
2. The minimum area and dimensions of private open space are as follows:

DWELLING Type	Area and Minimum Dimensions per dwelling
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m <sup>2</sup> with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m <sup>2</sup> with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres

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.

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.*

*5. Private open space shall not be located in the primary front building setback.*

*6. Private open space is to be located to maximise solar access.*

**Comments:**

Complies on merit – the proposal provides multiple private open space areas off the living/dining/kitchen level, with terraces located off bedrooms as additional quiet spaces providing adequate private open space area between both dwellings on-site.

It is my professional opinion that this control has been varied on many occasions within the locality. In this regard, it is important to note the EPA Act Cl4.15(3A)(b) which states that flexibility should be applied where reasonable alternative solutions that achieve the objects of those standards.

**4.15 Evaluation**

*(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

In this regard, a review of the objectives of Control D2 is provided below:

- *To ensure that all residential development is provided with functional, well located areas of private open space.*

The proposal provides function and well-located areas of private open space that are directly off the living and dining areas of the dwellings. The areas are large in size and provided for multiple style of areas both usable and functional to the occupants. This includes the large rear areas for recreation purposes and terrace areas for reading books and watching the world go by. On the basis of the above, this objective is achieved.

- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*

As noted above, the two private open space areas are directly integrated with the living level of the proposed dwellings. On this basis, the objective is achieved.

- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*

The proposed private open space areas will not have any adverse impact on the adjoining buildings nor their private open spaces. On this basis, the objective is achieved.

- *To ensure that private open space receives sufficient solar access and privacy.*

The proposed private open spaces will achieve adequate sunlight with multiple areas to move for sunlight or shade depending on the time of the day. On this basis, the objective is achieved.

It is acknowledged that the intention of D2 is to provide practical private open space for dwellings. Whilst the control specifies 5m x 5m dimensions and 60sqm area, it is my opinion that the control is outdated on living requirements in particular for dual occupancy developments. The intent of the control when factored in with compliant built form requirements, including the 40% landscaping suggests that the proposed private open space areas are more than sufficient, especially when you review the existing private open space areas up and down Moore Road. It is further that the Codes



SEPP and CDC requirements for dual occupancies only require a minimum 16sqm private open space area with minimum dimensions of 3m.

On the basis of the above, the technical non-compliance can be supported on a merit basis noting that the objectives of Control D2 are achieved.

### **D3 Noise**

#### **Objectives**

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

#### **Requirements**

*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.*

*See also NSW Industrial Noise Policy Appendices*

- 2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.*
- 3. [Waste](#) collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.*
- 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.*
- 5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.*

#### **Comments:**

Complies – the proposed development is for demolition works, the erection of a new dual occupancy (attached), associated works and strata subdivision. The use will remain as existing for residential land use and will not produce a large amount of noise from the use of the premises.

### **D4 Electromagnetic Radiation**

#### **Objectives**

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

#### **Requirements**

*Radiation levels from mobile phone base stations, antennas and transmitters which emit electromagnetic radiation are to comply with the following requirements:*  
*[Telecommunications Act 1997](#)*

#### **Comments:**

Not applicable.

## D6 Access to Sunlight

### Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

### Requirements

1. *Development should avoid unreasonable overshadowing any public open space.*
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.*

### Exceptions

*Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:*

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

### Comments:

Complies – the proposed development has been designed to ensure adequate and reasonable access to sunlight is provided for both the site and adjoining neighbours. The proposal also includes separate private open space areas and living areas to ensure access to sunlight can be maintained throughout the entire day. The proposal utilises a practical roof design which ensures passive solar access with the topography of the land. Refer to drawings DA24 to DA26 for assessment. It is our professional opinion that the proposal complies with the objectives and controls of D6 Access to Sunlight with over 50% of private open space retained with sunlight for a minimum 3 hour period during 9am to 3pm.

## D7 Views

### Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

### Requirements

1. *Development shall provide for the reasonable sharing of views.*

### Comments:

Complies – it is our professional opinion that reasonable view sharing is provided and retained across the site. The proposal has been designed with an appropriate built form, building bulk and scale to ensure the development will not have an adverse impact to any views or view corridors. The proposed dual occupancy (attached) has been carefully designed to achieve reasonable view sharing and to retain and protect existing view corridors across the site to the east to the Freshwater basin from no. 33 Moore Road. The project designer has sensitively designed the building to ensure the development will have no adverse impacts to the view corridor to the Freshwater basin from the most south-eastern neighbouring window and from the highest (first-floor) front balcony at no. 33 Moore Road, retaining unimpeded views to the public reserve and to the wider Freshwater basin as existing. The view analysis drawings DA30 and DA31 provided in the architectural set prepared by

Action Plans demonstrate that the proposal will preserve the view corridor from no. 33 Moore Road to the east and that the encroaching elements will achieve reasonable view sharing as per the objectives of control D7. As depicted in the visual analysis prepared by Action Plans, CDC allowances would permit a reduced setback of 4.5m on-site which would have a devastating impact on the view corridor at no. 33 Moore Road. It is important for Council to acknowledge that the project designer has made a concerted effort to retain and protect the view corridor to the east to allow for reasonable view sharing between the subject site and with the adjoining neighbour at no. 33 Moore Road. On the basis of the above, it is my professional opinion that an assessment of the principles of tenacity are not applicable for this assessment. The proposal complies with the objectives and requirements of control D7 and can be supported by Council as submitted.

## **D8 Privacy**

### **Objectives**

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

### **Requirements**

- 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.*

### **Comments:**

Complies – the proposed development has been strategically designed to ensure that there will be no adverse overlooking impacts from the proposed dual occupancy (attached) to any adjoining properties. The development provides compliant side boundary setbacks to adequately separate the building from adjoining properties to ensure a reasonable level of privacy is maintained. All proposed ground and first-floor windows with aspects south-east and north-west either correspond with low-use rooms, are screened or high-sill at adequate heights to prevent overlooking. The second-floor terrace has been designed with privacy screening and generous side and front setbacks with the extent of roof planter box providing a buffer to adjoining neighbours and to the street frontage to prevent direct overlooking opportunities and to maintain reasonable view sharing. It is noted that the subject property is located within a unique part of Freshwater with development within immediate proximity of the site varied in nature and characterised by 2 to 3 storey dwelling houses, dual occupancies, interspersed by large residential flat developments upwards of ten storeys in height.

Development to the north-west of the subject property at no. 33 Moore Road have their living room and balcony orientated to the north-east looking across the property towards the Freshwater basin such that a degree of mutual overlooking of private open space areas is evident. The proposal has been designed with landscaping by ATC Landscape who have provided opportunities for plantings to

further enhance privacy while maintaining adequate sunlight. The proposal in my opinion will have minimal to no adverse impact on adjoining properties.

### **D9 Building Bulk**

#### **Objectives**

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

#### **Requirements**

- 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:  
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.*
- 6. Use colour, materials and surface treatment to reduce building bulk.*
- 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
- 8. Articulate walls to reduce building mass.*

#### **Comments:**

Complies – the proposed development does not result in unacceptable bulk and scale impacts. The proposed dual occupancy (attached) has been sufficiently modulated and articulated, with the building designed to be compatible with the streetscape character establishing appropriate setbacks in accordance with relevant built form controls and with the prevailing building line on the south-western side of Moore Road and achieving full compliance with the prescribed maximum building height for the site. The proposal has been designed to create an improved visual relationship to the existing streetscape of Moore Road noting the existing front setbacks, building heights and built form of surrounding streets. As per the requirements, the proposal complies as follows:

- The front setback has been appropriately designed to respond to the prevailing building line on the south-western side of Moore Road and to be compatible with the average setback of the adjoining properties at nos. 33 and 37 Moore Road.
- The side and rear setbacks have been designed to be compliant with DCP requirements.
- The proposal does not have large continuous wall planes.
- The building height and scale is compatible with the existing streetscape and with the adjoining buildings.
- The project designer has utilised colours and materials which assist to reduce the bulk and scale and create a sense of openness.
- The proposed landscape plan will enhance the site and the area with new plantings which will reduce the visual bulk of the new building works.
- The building has been designed and articulated to reduce the building mass.

It is therefore our professional opinion that the objectives of D9 Building Bulk have been met through a great architectural design with innovative architecture which improves the urban environment of Freshwater.

## **D10 Building Colours and Materials**

### **Objectives**

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

### **Requirements**

- 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.*
- 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.*
- 3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.*
- 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.*

### **Comments:**

Complies – the architectural plans prepared by Action Plans Pty Ltd drawing DA20 provides a material and details schedule. The proposal has been designed with modern building materials and colours which are sympathetic to the surrounding natural and built environment. The proposal complies with the objectives of D10 Building Colours and Materials.

## **D11 Roofs**

### **Objectives**

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

### **Requirements**

- 1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.*
- 2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.*
- 3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.*
- 4. Roofs shall incorporate eaves for shading.*
- 5. Roofing materials should not cause excessive glare and reflection.*
- 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.*

### **Comments:**

Complies – the proposed roof has been designed as a new modern contemporary roof as per other approvals granted in the immediate area. The proposed lift has been designed within the extent of the building to integrate with the height and scale of the development to not detract from the appearance of the roof.



## **D12 Glare and Reflection**

### **Objectives**

- To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.
- To maintain and improve the amenity of public and private land.
- To encourage innovative design solutions to improve the urban environment.

### **Requirements**

1. The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;
  - Minimising the lit area of signage;
  - Locating the light source away from adjoining properties or boundaries; and
  - Directing light spill within the site.
2. Any glare from artificial illumination is to be minimised by utilising one or more of the following:
  - Indirect lighting;
  - Controlling the level of illumination; and
  - Directing the light source away from view lines.
3. Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:
  - Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;
  - Orienting reflective materials away from properties that may be impacted;
  - Recessing glass into the façade;
  - Utilising shading devices;
  - Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and
  - Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.

### **Comments:**

Complies – the development does not propose materials that will result in an unacceptable amount of glare. The proposal meets the relevant objectives of D12 Glare and Reflection.

## **D13 Front Fences and Front Walls**

### **Objectives**

- To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.
- To encourage innovative design solutions to improve the urban environment.
- To avoid a 'walled in' streetscape.

### **Requirements**

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.*

#### **Exceptions**

*No solid front fences or front walls will be permitted on flood prone land.*

*Reference should be made to Part G Belrose Corridor for site specific requirements.*

#### **Comments:**

Complies – the proposal includes provisions for a new masonry wall to the front boundary and for new open batten style pedestrian and vehicular access gates servicing the property to the street frontage. The fence has been designed to be compliant with councils' requirements incorporating an open design and reduced scale to maintain casual surveillance opportunities to Moore Road. The front fence design is sympathetic to the streetscape character and complementary with the proposed building.

#### **D14 Site Facilities**

##### **Objectives**

- To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- To encourage innovative design solutions to improve the urban environment.*
- To make servicing the site as efficient and easy as possible.*
- To allow for discreet and easily serviceable placement of site facilities in new development.*

##### **Requirements**

*1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:*

- Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;*
- All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;*
- Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;*
- Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and*
- Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.*

#### **Comments:**

Complies – the site has been designed with relevant facilities including a waste enclosure, space for clothesline in the rear yard and a mailbox as required.

#### **D15 Side and Rear Fences**

##### **Objectives**

- To encourage innovative design solutions to improve the urban environment.*

### **Requirements**

- 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.*

### **Comments:**

Complies – the proposal in majority will retain existing side and rear fences as is. New fencing may be installed under the exempt development allowances.

## **D16 Swimming Pools and Spa Pools**

### **Objectives**

- To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- To encourage innovative design solutions to improve the urban environment.*

### **Requirements**

- 1. Pools are not to be located in the front building setback.*
- 2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.*
- 3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*

### **Comments:**

Not applicable – no swimming pools are proposed with this application.

## **D17 Tennis Courts**

### **Objectives**

- To encourage innovative design solutions to improve the urban environment.*

### **Requirements**

- 1. Tennis courts are to be located behind the front building setback.*
- 2. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.*
- 3. Tennis courts are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*
- 4. The height and location of court fencing is to enable:*
  - a) Sharing of views from surrounding residences; and*
  - b) Provision of sunlight to surrounding properties.*
- 5. Fencing material is to be a dark colour.*
- 6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.*

### **Comments:**

Not applicable – the proposal does not include a tennis court.

### **D18 Accessibility and Adaptability**

#### **Objectives**

- To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.
- To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.
- To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.

#### **Comments:**

Not applicable

### **D19 Site Consolidation in the R3 and IN1 Zone**

#### **Objectives**

- To encourage lot consolidation to allow efficient use of land.
- To encourage innovative design solutions to improve the urban environment.
- To avoid lot sterilization.

#### **Comments:**

Not applicable.

### **D20 Safety and Security**

#### **Objectives**

- To ensure that development maintains and enhances the security and safety of the community.

#### **Requirements**

1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.
2. Service areas and access ways are to be either secured or designed to allow casual surveillance.
3. There is to be adequate lighting of entrances and pedestrian areas.
4. After hours land use activities are to be given priority along primary pedestrian routes to increase safety.
5. Entrances to buildings are to be from public streets wherever possible.
6. For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).
7. Buildings are to be designed to allow casual surveillance of the street, for example by:
  - a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;
  - b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;
  - c) Locating high use rooms to maximise casual surveillance;
  - d) Clearly displaying the street number on the front of the building in pedestrian view; and
  - e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.
8. Casual surveillance of loading areas is to be improved by:

- a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and*
- b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.*
- 9. Design entrances to buildings from public streets so that:*
  - a) Building entrances are clearly identifiable, defined, lit and visible;*
  - b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;*
  - c) Main entrances are clearly identifiable;*
  - d) Pavement surfaces and signage direct pedestrian movements; and*
  - e) Potential conflict between pedestrians and vehicles is avoided.*

### **Exceptions**

*Reference should be made to Part G4 Warringah Mall for site specific requirements.*

### **Comments:**

Complies – the proposed dual occupancy (attached) includes adequate casual surveillance opportunities facing Moore Road to allow for passive surveillance of the street. The proposal meets the relevant objectives of D20 Safety and Security.

## **D21 Provision and Location of Utility Services**

### **Objectives**

- To encourage innovative design solutions to improve the urban environment.*
- To ensure that adequate utility services are provided to land being developed.*

### **Requirements**

- 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.*
- 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.*
- 3. Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:*
  - a) A reduction in the number of trenches required;*
  - b) An accurate location of services for maintenance;*
  - c) Minimising the conflict between services;*
  - d) Minimising land required and cost;*
- 4. The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.*
- 5. Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.*
- 6. Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.*
- 7. Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.*
- 8. On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects.*

**Comments:**

Complies - the site is adequately serviced by the essential utilities (i.e. water, electricity, sewer).

**D22 Conservation of Energy and Water**

**Objectives**

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure energy and water use is minimised.*

**Requirements**

1. *The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.*
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.*
3. *Buildings are to be designed to minimize energy and water consumption.*
4. *Landscape design is to assist in the conservation of energy and water.*
5. *Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.*
6. *All development must comply with Council's Water Management Policy.*

**Comments:**

Complies – the proposal is supported by a BASIX and NatHERS assessment and certificate. In line with passive design principles, the orientation, roof forms, glazing and spatial planning have been carefully designed to minimise energy consumption over the life of the dwelling. The proposal meets the relevant objectives of D22 Conservation of Energy and Water.

**D23 Signs**

**Objectives**

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

**Comments:**

Not applicable.

**Part E – The Natural Environment**

**E1 Preservation of Trees or Bushland Vegetation**

**Objectives**

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*



- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

**Comments:**

Complies – the proposal includes the removal of ten (10) trees on-site of low-retention value (z category). The application is supported by an Arboricultural Impact Assessment prepared by Hugh the Arborist. It is our opinion that the proposal is consistent with the objectives of the Clause to retain, protect and enhance the urban forest bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities. The proposal additionally preserves the scenic value and character that trees and/or bushland vegetation provide.

**E2 Prescribed Vegetation**

**Objectives**

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

**Requirements**

1. The following is prescribed for the purposes of clause 5.9(2) of Part 2 of the Vegetation SEPP:

All native vegetation identified on:

a) DCP Map Threatened and High Conservation Habitat

b) DCP Map Wildlife Corridors

c) DCP Map Native Vegetation

d) known or potential habitat for threatened species, populations or ecological communities as listed under the NSW Threatened Species Conservation Act 1995 and/or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

2. Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.

**Comments:**

Not applicable – the site is not located on the DCP maps indicated above.

***E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat***

***Objectives***

- To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- To preserve and enhance the area's amenity, whilst protecting human life and property.*
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

**Comments:**

Not applicable.

***E4 Wildlife Corridors***

***Objectives***

- To preserve and enhance the area's amenity, whilst protecting human life and property.*
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.*

***Requirements***

- 1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m<sup>2</sup> or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
  - i. The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and*
  - ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.**
- 2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.*

**Comments:**

Not applicable – the site is not located within a wildlife corridor.

## ***E5 Native Vegetation***

### ***Objectives***

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.*
- *To maintain the amount, local occurrence and diversity of native vegetation in the area*

### **Comments:**

Not applicable – the site is not located within the DCP Map Native vegetation.

## ***E6 Retaining unique environmental features***

### ***Objectives***

- *To conserve those parts of land which distinguish it from its surroundings.*

### ***Requirements***

1. *Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
2. *Development should respond to these features through location of structures, outlook, design and materials.*

### **Comments:**

Complies – the site has no known environmental features such as rock outcrops or escarpments that will be adversely impacted through the proposed application.

## ***E7 Development on land adjoining public open space***

### ***Objectives***

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

### **Comments:**

Not applicable.

## ***E8 Waterways and Riparian Lands***

### ***Objectives***

- *Protect, maintain and enhance the ecology and biodiversity of waterways and riparian land.*
- *Encourage development to be located outside waterways and riparian land.*
- *Avoid impacts that will result in an adverse change in watercourse or riparian land condition.*
- *Minimise risk to life and property from stream bank erosion and flooding by incorporating appropriate controls and mitigation measures.*

- *Maintain and improve access, amenity and scenic quality of waterways and riparian lands.*
- *Development on waterways and riparian lands shall aim to return Group B and Group C creeks to a Group A standard (as described in Warringah Creek Management Study, 2004) through appropriate siting and development of development.*

**Comments:**

Not applicable.

**E9 Coastline Hazard**

**Objectives**

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*
- *To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*
- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

**Comments:**

Not applicable.

**E10 Landslip Risk**

**Objectives**

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

**Requirements**

1. *The applicant must demonstrate that:*
  - *The proposed development is justified in terms of geotechnical stability; and*
  - *The proposed development will be carried out in accordance with good engineering practice.*
2. *Development must not cause detrimental impacts because of stormwater discharge from the land.*
3. *Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.*
4. *To address Requirements 1 to 3:*
  - i) *For land identified as being in Area A:*

*Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.*

*If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.*

**Comments:**

Complies – the proposal is located within Areas A and B of the Landslip Risk Area map. A geotechnical assessment has been prepared by Ascent Geo and concludes that the proposed excavation is acceptable for the site and the proposed development will not have an adverse landslip risk.

### ***E11 Flood Prone Land***

#### ***Objectives***

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

#### **Comments:**

Not applicable.

### **Part H – Appendices**

#### **Appendix 1 Car Parking Requirements**

#### **Comments:**

Complies – the proposal provides parking for two vehicles per dwelling that meets the requirements of car parking rates for dual occupancies.

## 5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

### ***(a) The provisions of:***

#### ***(i) The provision of any Environmental Planning Instrument***

**Comment:** The proposal for demolition works and erection of a dual occupancy (attached), associated works and strata subdivision is permissible with consent and is consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 as they are reasonably applied to the proposed works.

#### ***(ii) 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and***

**Comment:** Not applicable.

#### ***(iii) Any development control plan***

**Comment:** The proposal has been reviewed and assessed under Warringah Development Control Plan 2011.

#### ***(iiia) 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, and***

**Comment:** Not applicable.

#### ***(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and***

**Comment:** Not applicable.

#### ***(v) (repealed)***

### ***(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,***

#### ***Context and Setting:***

***i. What is the relationship to the region and local context in terms of:***

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

**Comment:** The proposal for demolition works and erection of a dual occupancy (attached), associated works and strata subdivision is compatible with adjoining residential development and will not result in any unreasonable amenity impacts in terms of views, privacy or overshadowing.



*ii. What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

**Comment:** These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

***Access, transport and traffic:***

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

**Comment:** The development proposes a new shared driveway and crossover servicing two proposed garages which have been integrated into the design of the building and will not dominate the front façade of the premises.

***Public Domain***

**Comment:** The proposed development will have no adverse impact on the public domain.

***Utilities***

**Comment:** Existing utility services will connect to service the dwelling.

***Flora and Fauna***

**Comment:** The proposal does not have an adverse impact to flora or fauna.

***Waste Collection***

**Comment:** Normal domestic waste collection applies to the existing dwelling house.

***Natural hazards***

**Comment:** The site is located within Landslip Risk Areas A and B. There are no visible natural hazards to the site. The site is not identified on the flooding or bushfire maps.

***Economic Impact in the locality***

**Comment:** The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

***Site Design and Internal Design***

*i) Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*

- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

**Comment:** These matters were discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

**Comment:** The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### **Construction**

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

**Comment:** The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

#### **(c) The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

**Comment:** The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the existing use as residential accommodation to remain.

#### **(d) Any submissions received in accordance with this act or regulations**

**Comment:** No submissions are available at this time.

#### **(e) The public interest**

**Comment:** The proposed works are permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied to the proposed demolition works and erection of a

dual occupancy (attached), associated works and strata subdivision. The development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is also in the public's interest as it achieves the State Government's policy for metro councils achieving their housing targets:

*The first stage of the reforms permits dual occupancies and semi-detached homes in the R2 low-density zone across all of NSW. These changes will support metro councils to achieve their housing targets and regional councils to reach their overarching regional NSW housing target.*

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public's interest.

## 6. Summary and Conclusion

The proposal for demolition works and erection of a dual occupancy (attached), associated works and strata subdivision is permissible with consent and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, constraints and adjoining land uses.

Accordingly, the proposal for demolition works and erection of a dual occupancy (attached), associated works and strata subdivision at 35 Moore Road, Freshwater, being Lot 15 within Section 1 of Deposited Plan 7022, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.