
DEVELOPMENT APPLICATION:

Demolition of Existing Dwelling and Construction of Two (2) Storey Dwelling

**Lot 21 in DP 11449 No 35 Boomerang Road, COLLAROY
PLATEAU**



Prepared For



Prepared By:



July 2021

Preparation, Review and Authorisation

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
1	20/05/21	MB	MB	MB
2	05/07/21	MB	MB	MB
3	28/07/21	MB	MB	MB

Document Certification

This report has been developed based on agreed requirements as understood by Michael Brown Planning Strategies Pty Ltd at the time of investigation. It applies only to a specific task on the lands nominated. Other interpretations should not be made, including changes in scale or application to other projects.

Any recommendations contained in this report are based on an honest appraisal of the opportunities and constraints that existed at the site at the time of investigation, subject to the limited scope and resources available. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.

SIGNED:



Position: Town Planner

Date: 28/07/21

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Annexures

A: Architectural Plans – Accurate Design & Drafting

Executive Summary

This Statement of Environmental Effects (SoEE) forms a component of a development application that proposes the construction of a two (2) storey dwelling at No 35 Boomerang Road, COLLAROY PLATEAU. The demolition of the existing dwelling has been addressed by a separate application. This SoEE will only assess the application to construct the two-storey dwelling.

There is a non-compliance with the dwelling in terms of the building envelope under Part B3, which will require a variation to the Development Control Plan (DCP) 2011. The area of non-compliance is the eaves on the southern elevation of the proposed dwelling. The northern side is compliant, as the proposed dwelling is part single storey on that side (garage), as shown on the submitted plans at **Annexure A**.

It is our understanding under the DCP that minor encroachments into the building envelope can be permitted. However, a request to vary the controls must be submitted demonstrating the circumstances to permit an encroachment. It would be noted from the plans that the property is 12.19m wide and a cross fall of approximately 500mm from north to south. When combined with the other controls of Local Environmental Plan (LEP) 2011 and DCP 2011, the proposed dwelling slightly encroaches within the building envelope control on that side of the proposed dwelling. The subject property is zoned R2 Low Density Residential under LEP 2011, and the proposed dwelling is permissible with development consent, as detailed in this report and addressed in Section 4.6.2.1.

The application was lodged through the Planning Portal and was rejected on the 22 July 2021 for two (2) reasons:

1. **Preliminary Geotechnical Report - Landslip Area “D” (WLEP 2011).** A Preliminary Geotechnical Report (Preliminary Assessment of Site Conditions) as the land is located in Landslip Risk Area “D” under Council’s Landslip Risk Map. The report is to be prepared by a suitably qualified geotechnical consultant.
2. **Shadow Diagrams** Shadow Diagrams for the proposed development in accordance with Council's Lodgement Requirements. The submitted Shadow Diagrams do not include adequate detail for the assessment of the overshadowing impacts to the adjoining property, as the adjoining development and lot boundaries are not shown. Elevational shadow diagrams should also be provided.

These matters are addressed in this revised report at Section 4.5.7 & Section 5.3.4, respectively.

This SoEE has been prepared on behalf of Icon Homes. Michael Brown Planning Strategies Pty Ltd has prepared this report and should be read in conjunction with development plans prepared by **Accurate Design & Drafting** and supporting documentation (refer to **Table 1**).

The SoEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments. This Statement demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979, as amended.

- The Environmental Planning and Assessment Regulation.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.
- Various State Environmental Planning Policies.

It would be noted that Warringah Council has amalgamated with Manly & Pittwater Councils and is now known as Northern Beaches Council. As this amalgamation has occurred, the provisions of Warringah LEP 2011 and DCP 2011 are the current planning instruments for assessing applications. These local planning provisions are addressed in Sections 4.5 and 4.6 of this report.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with the area.

This SoEE provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979, as amended.

This report request that Council vary Part B3 of the DCP in respect of the encroachment of the eaves for the reasons espoused at Section 4.6.2.1 of this report.

In light of the above planning merits of the proposed development, the proposal succeeds when assessed against the Heads of Consideration pursuant under Section 4.15, and we recommend that Council grant consent to the development, subject to appropriate conditions.

1 Introduction

1.1 GENERAL

This Planning Report has been prepared to accompany the submission of a Development Application which seeks approval to construct a two-storey dwelling at No 35 Boomerang Road, COLLAROY PLATEAU, as described in Section 3 of this SoEE. Reduced plans prepared by **Accurate Design & Drafting** are attached as **Annexure A**.

Demolition of the existing dwelling has dealt with under separate application. This SoEE will only address the proposed dwelling. The existing fence and landscape planting across the front will be retained, as can be seen from **Plate 1**. There is a non-compliance with the dwelling in terms of the building envelope, which will require a variation to the Development Control Plan (DCP) 2011. The area of non-compliance is the eaves on the southern side of the proposed dwelling.

It is our understanding under the DCP that minor encroachments into the building envelope can be permitted. However, a request to vary the control must be submitted demonstrating the circumstances to permit an encroachment. It would be noted from the plans that the property is 12.19m wide and has a cross fall of approximately 500mm from north to south.

When combined with the other controls of Local Environmental Plan 2011 and DCP 2011, the proposed dwelling slightly encroaches within the building envelope. A request to vary the control under Part B3 is provided at Section 4.6.2.1 of this report.

1.2 SCOPE OF REPORT

This document has been prepared pursuant to the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*, and the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*.

The Report describes the nature of the site and its immediate context. It proceeds to document the proposal and concludes with an assessment against the prevailing planning regulations and a request for approval of the application subject to conditions.

1.3 PROJECT TEAM

Michael Brown Planning Strategies Pty Ltd, in preparing this SoEE has relied on relevant inputs from the following as detailed in **Table 1** below:

TABLE 1 – PROJECT TEAM

The Project Team	
Architectural Plans	Accurate Design & Drafting – (Annexure A)

1.4 BACKGROUND

The application was lodged through the Planning Portal and was rejected on the 22 July 2021 for two (2) reasons:

1. **Preliminary Geotechnical Report - Landslip Area “D” (WLEP 2011).** A Preliminary Geotechnical Report (Preliminary Assessment of Site Conditions) as the land is located in Landslip Risk Area “D” under Council’s Landslip Risk Map. The report is to be prepared by a suitably qualified geotechnical consultant.
2. **Shadow Diagrams** Shadow Diagrams for the proposed development in accordance with Council's Lodgement Requirements. The submitted Shadow Diagrams do not include adequate detail for the assessment of the overshadowing impacts to the adjoining property, as the adjoining development and lot boundaries are not shown. Elevational shadow diagrams should also be provided.

These matters are addressed in this revised report at **Section 4.5.7** & **Section 5.3.4**, respectively.

1.5 REPORT STRUCTURE

This SoEE is structured in the following manner:

Section 2 – Describes the Site and provides a detailed description of the site and the nature of surrounding development.

Section 3 – Details the Proposed Development and other relevant information.

Section 4 – Details the Statutory Controls that apply to the Development Site.

Section 5 – Details the Environmental Assessment of the proposed Development.

Section 6 – Provides a Conclusion.

The following commentary and assessment is provided in respect of the above.

2 The Site

The subject property is known as Lot 21 in DP 11449, No 35 Boomerang Road, COLLAROY PLATEAU (refer to aerial photograph below at **Figure 1**, which shows the context of the immediate area).

The subject property is occupied by an existing dwelling and structures and is located on the eastern side of Boomerang Road, between Hall Avenue & Emu Street. The property has an area of 514.4m² and is generally regular in shape.

FIGURE 1 – AERIAL



The surrounding development is residential in nature. There is a mixture of single and two storey dwellings. There is also a variety of building designs and materials. As such there is not one dominant form of development and is therefore an eclectic mix of residential accommodation. Pitched roofs is the dominant form of built form development. The avenue of street tree planting also adds to the character of the street.

PLATE 1 – STREET VIEW



3 The Development Proposal

3.1 DEVELOPMENT DETAILS

The development proposal is as generally shown on the submitted plans. The proposal involves the construction of a two-storey dwelling with details provided below in **Table 2**. The existing front, side and rear hedging will be retained.

TABLE 2 – DEVELOPMENT DETAILS

Details	Floor Area M ²¹	OS M ²
Double garage, guest, study, kitchen, family/ dining and alfresco at ground floor level and three (3) bedrooms and sitting area on upper floor level and rear balcony (refer to Sheets 3 & 4 of Annexure A for details of floor areas).	205.52	229.91 or 44.7%

Total floor space ratio is 0.39.95:1, which excludes garage, balcony and alfresco area. Total landscape provision is 273.75m² or 53.22%. The proposed dwelling provides a palette of materials to provide variety and interest, as shown on the plans. It is proposed that the dwelling be constructed with brickwork and rendered on the ground floor, with cladding on the first floor and metal roof.

The garage is recessed under the balcony and setback behind front façade. The entry to the dwelling is visible from the street with a porch entrance. This area is protected from weather with the first floor projected over. The cladding is lightweight construction and therefore not out of character with built forms in the area, which have brick, cladding and rendered dwellings.

Refer to **Figure 2** below. The first-floor balconies will require the sides to be screened to provide privacy to adjoining neighbours at Nos 33 & 37 Boomerang Street. The rear balcony is setback 18.1m and is considered not to be a privacy issue given the distance & separation between dwelling at the rear, which will assist in minimising impact to the rear neighbour.

¹ Excludes garage, porch, balcony and alfresco.

FIGURE 2 – BUILT FORM



3.1 ACCOMPANYING PLANS

The proposed development is as generally shown on the submitted plans referred to in Table 3.

TABLE 3 – SUBMITTED PLANS

Plan No	Sheet	Issue	Plan title	Prepared by
21010-11	01	L	Perspective View	Accurate Design & Drafting
21010-11	02	L	Cover Page	Accurate Design & Drafting
21010-11	03	L	Ground Floor Plan	Accurate Design & Drafting
21010-11	04	L	Upper Floor Plan	Accurate Design & Drafting
21010-11	05	L	Front & Rear Elevations	Accurate Design & Drafting
21010-11	06	L	Side Elevations	Accurate Design & Drafting

Plan No	Sheet	Issue	Plan title	Prepared by
21010-11	07	L	Section & Details	Accurate Design & Drafting
21010-11	08	L	Site Plan	Accurate Design & Drafting
21010-11	09	L	Landscape Plan	Accurate Design & Drafting
21010-11	10	L	Slab Detail	Accurate Design & Drafting
21010-11	11	L	Electrical Plan	Accurate Design & Drafting
21010-11	12	L	Upper Floor Electrical Plan	Accurate Design & Drafting
21010-11	13	L	Shadow Diagrams 21 June	Accurate Design & Drafting
21010-11	14	L	BASIX	Accurate Design & Drafting
21010-11	15	L	Site Plan/Demolition Plan	Accurate Design & Drafting

3.2 AVAILABILITY OF SERVICES

The site is within a developed urban area surrounded by existing dwellings (refer to **Figure 1** above). As such all urban utility infrastructure to the area is provided.

3.3 TOPOGRAPHY AND LANDFORM

The subject land falls from the north (89.84m AHD) to 88.14m AHD (700mm) to the south. The fall of the land is not a constraint to the development, as the dwelling has been designed to take into account this fall with employing a drop edged beam along the southern side to reduce the use of retaining walls. As such, the dwelling is raised at the front, including the garage. A driveway profile is shown on **Sheet 08**. The height at the front does not raise any privacy issues for adjoining neighbours.

3.4 STORMWATER DRAINAGE

Stormwater from the development can be drained to Boomerang Road via existing system, as shown on **Sheet 08** of **Annexure A**.

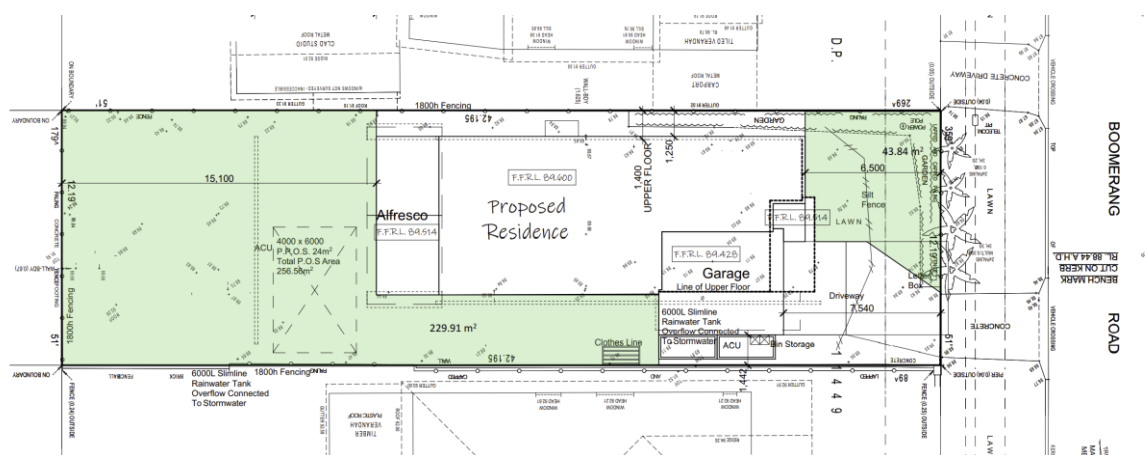
3.5 SETBACKS AND BUILDING SEPARATION

The building setback is 6.5m (guest room) to the street and 7.54m to the garage. The lower floor is setback on the northern side 1.442m (garage) and the upper floor is 3.372m. The southern side 1.250m at ground floor and 1.40m at first floor, with the rear setback 15.1m at ground floor and 18.1m at first floor, as shown on **Figure 3** below. As such, the dwelling is offset to the adjoining boundaries to reduce any impact on adjoining neighbours, as shown on **Sheet 08** of **Annexure A**.

The development has been designed to take into consideration providing reasonable separation with the adjoining dwelling to the north, ensuring visual and acoustic privacy, with the first-floor setback, such that the development presents a single storey element to No 37 and using highlight windows on the ground floor side elevation.

A standard window has been provided on the first-floor southern side for the sitting area and this could be amended to a highlight window given the use of this room. The first-floor front balcony could have a privacy screen to maximise privacy to the northern neighbour. But this balcony overlooks the front yard area of No 37 and not considered a privacy issue. The first-floor has highlight windows to bedrooms and an opaque bathroom windows. The rear has a bedroom and sitting room and a rear balcony; however, the setback is 18.1m, it is not to be considered a privacy issue. As such the development is designed to minimise impacts external to the site.

FIGURE 3 – BUILDING SEPARATION



3.6 CONSTRUCTION

The construction will be in accordance with the requirements as set out under the Australia Standards (refer to Notes on **Sheet 02**).

3.6.1 SEDIMENT AND EROSION CONTROL

Sediment and erosion control measures should be more fully developed in consultation with the contractor and incorporated into a Soil and Water Management Plan in accordance with NSW Department of Housing (1998) *Managing urban stormwater: soils and construction*. The controls outlined in the plan should be put in place prior to any works commencing (**Sheet 06**).

3.6.2 NOISE CONTROL

Noise producing machinery and equipment should only be operated between the hours of 7.00 am and 5.00 pm Monday to Friday and 7.00am to 4.00pm on Saturdays, unless requested otherwise by Council.

No work will be undertaken on Sundays or public holidays. If it is necessary to work outside these hours, special permission must be obtained from Council and local residents should be notified.

3.6.3 WORKPLACE HEALTH AND SAFETY

Prior to the commencement of works the principal contractor should prepare and maintain a site-specific Workplace Health and Safety, and Protection of the Environment Plan (OHS&E plan) which complies with the requirements of clause 14 of the Regulations.

4 Assessment of Relevant Controls and Policies

4.1 RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following documents are relevant to the proposed development:

- State Environmental Planning Policy BASIX;
- State Environmental Planning Policy 55 – Remediation of Land;
- Warringah Local Environmental Plan 2011 (WLEP); and
- Warringah Development Control Plan, 2011 (WDCP).

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT SECTION 4.15 (1) – MATTERS FOR CONSIDERATION

Under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified, and*
 - (iii) *any development control plan, and*
 - (iv) *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*
 - (v) *any matters prescribed by the regulations that applied to the land to which the development relates, and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979).*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The proposal accords with the objects because it promotes the economic use of zoned residential land.

The key relevant planning instruments for this proposal are as follows.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

BASIX is the Building Sustainability Index, the State Government's web-based planning tool designed to assess the potential performance homes against a range of sustainability indices.

The BASIX assessment accompanies this application **Sheet 15** of **Annexure A**. A 12,000L rainwater tank is also provided on the southern side of the dwelling as shown on **Sheet 08**.

4.4 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The proposed development is subject to the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

Depending on the level of contamination, remediation may be required with the consent (Category 1) or without the consent (Category 2) of the consent authority. The State Government publication *Managing Land Contamination: Planning Guidelines* sets out the process for consideration of land contamination. Based on an initial consideration of known historical land uses, the guidelines may require, in certain circumstances, one or more of the following steps:

- A Preliminary Investigation – where contamination is likely to be an issue;
- A Detailed investigation – where a Preliminary Investigation highlights the need for further detailed investigations or where it is known that the land is likely to be contaminated and/or that the proposed use would increase the risk of contamination;
- A Remedial Action Plan (RAP) – to set the objectives and process for remediation;
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

The land has been used for residential purposes for a number of years and there is no evidence of filling on the land. It is unlikely that the land would be contaminated from past uses. As such, Council is requested to use its discretion under Clause 7 not to require a Preliminary Site Investigation (PSI), as this is considered to be unnecessary under the circumstances.

If, however, contamination was detected during the construction phase, work will cease and appropriate action taken to remediate the land.

4.5 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The LEP provides a number of generic objectives which apply to development generally but has more specific objectives applying to the zone. The subject property is zoned R2 – Low Density Residential under the provisions of Warringah Local Environmental Plan 2011 (refer to **Figure 4** below).

FIGURE 4 – ZONE MAP



The zone and the controls will be addressed below. Clause 2.3 provides the zonal objectives. The objectives are:

- 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.

The objectives allow residential landuses provided such landuses are consistent with these objectives. It is considered that proposed replacement development on the subject site would be able to meet these objectives, particularly as the proposal is for a single dwelling (first objective).

The second objective is not applicable and the proposed dwelling is designed within a landscape setting that is similar to that provided in surrounding development, with the existing front, northern side and rear hedge being retained and therefore satisfying the third objective.

The following landuses are permissible:

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Veterinary hospitals*

The proposal is defined as a dwelling house and is permissible under the zone.

The LEP is set out in a number of parts dealing with certain aspects to achieve development outcomes. The relevant matters are addressed in the following sections.

4.5.1 CLAUSE 2.7 – DEMOLITION

Clause 2.7 of the LEP requires consent to demolish structures. The proposed development seeks consent to demolish the existing dwelling.

4.5.2 CLAUSE 4.1 – MINIMUM LOT SIZE

Under Clause 4.1 of the LEP, the minimum lot size for subdivision is 450m². It is not proposed to subdivide the land, particularly as the existing property has an area of 514.4m² and cannot be subdivided and therefore this clause is not applicable (refer to **Figure 5** below).

FIGURE 5 – MINIMUM LOT SIZE MAP



4.5.3 CLAUSE 4.3 – HEIGHTS OF BUILDINGS

Clause 4.3 sets maximum height requirements for dwellings. The Height of Buildings Map as shown below in **Figure 6** provides a maximum height of 8.5m. The proposed dwelling is 7.584m high to top of ridge above natural ground level in the centre of the proposed dwelling and therefore compliant (**Figure 7** below).

FIGURE 6 - HEIGHTS OF BUILDING MAP

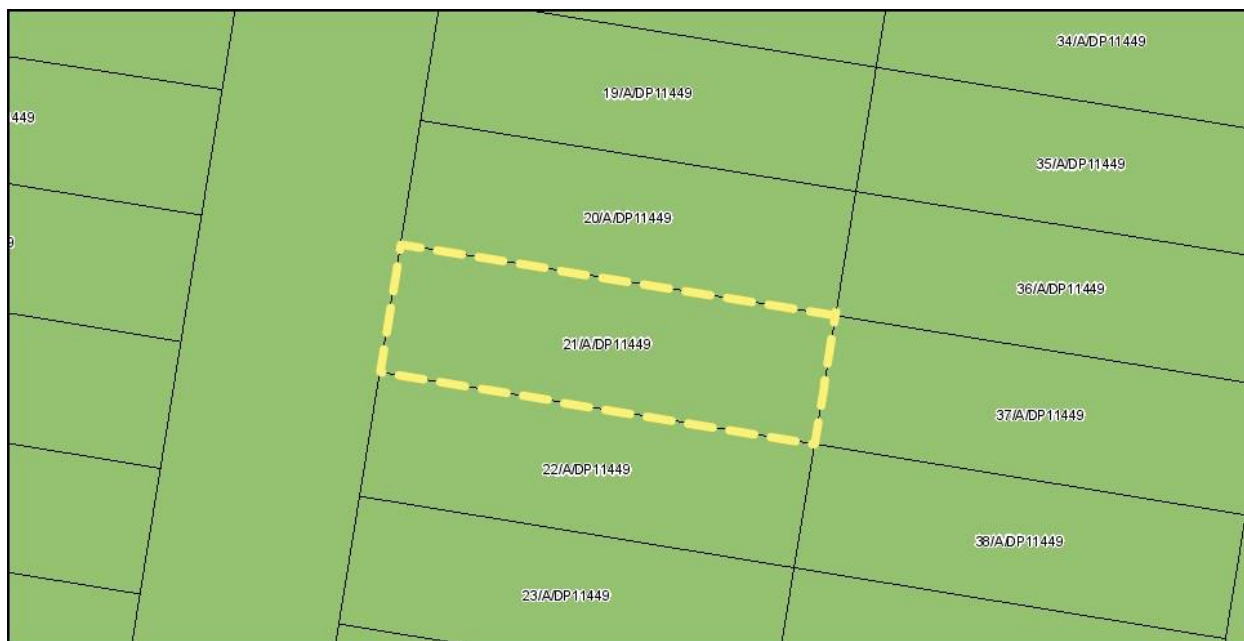
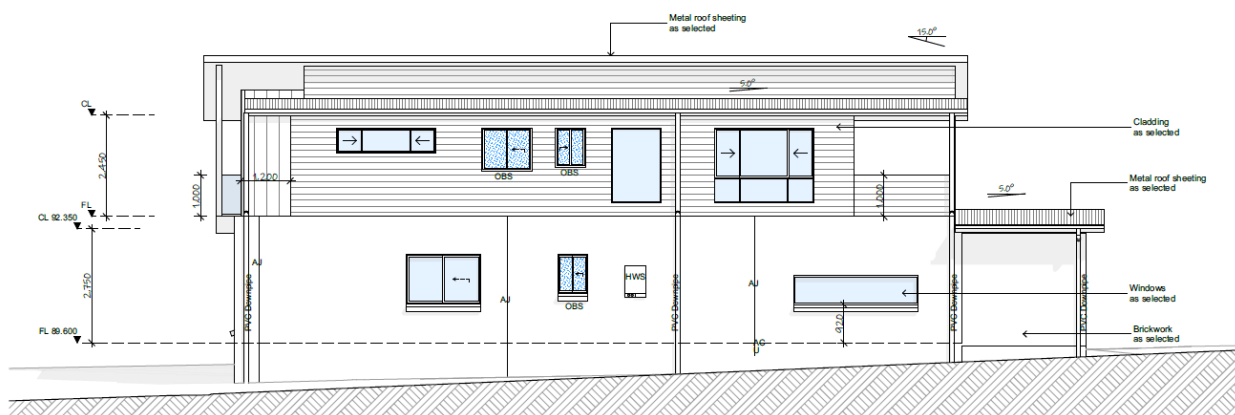


FIGURE 7 - COMPLIANCE WITH HEIGHT MAP



4.5.4 CLAUSE 5.10 – HERITAGE CONSERVATION

The subject property is not listed as a heritage item or in the vicinity of a conservation area on Council's Map.

4.5.5 CLAUSE 6.1 – ACID SULFATE SOILS

The subject land is not shown on the Acid Sulfate Soils Map as being affected by this clause.

4.5.6 CLAUSE 6.3 – FLOOD PLANNING

Clause 6.3 relates to flood planning. The subject property is not affected by flooding.

4.5.7 CLAUSE 6.4 – DEVELOPMENT ON SLOPING LAND

Clause 6.4 addresses development on sloping land and includes land identified as being within Area A (< 5%) on the Landslip Risk Map, in which the subject site is located.

The clause requires Council to be satisfied that the development has been assessed for risk associated with landslides, will not cause significant detrimental impacts because of stormwater discharge and will not impact on existing subsurface flow conditions (refer to **Figure 8** below). The proposal does not involve excavating the land and can drain to the street and therefore Council can be satisfied that the proposed dwelling will have negligible impact on adjoining properties.

FIGURE 8 – LANDSLIP RISK MAP – AREA A

➡ Warringah LEP2011 - Land Slip Risk Map-Area D

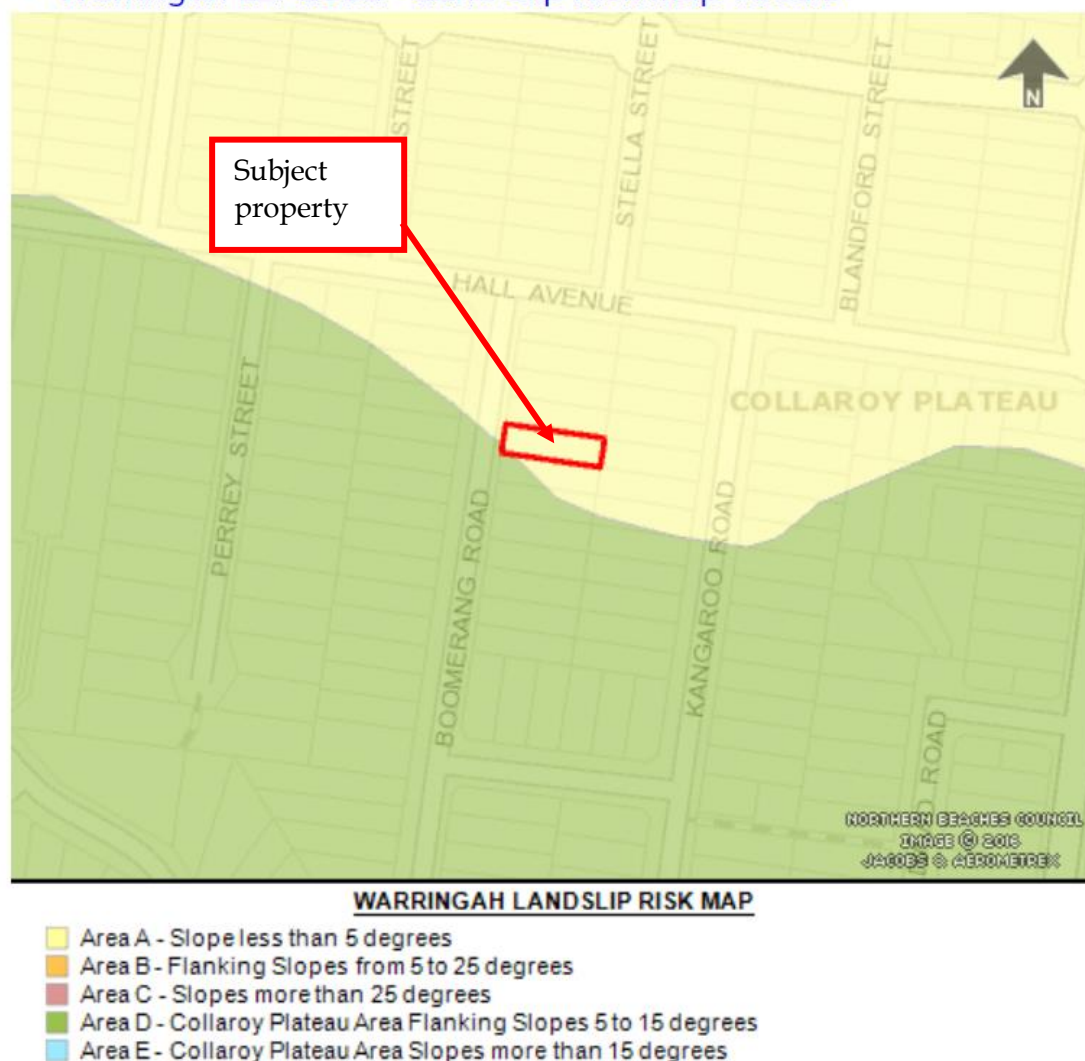
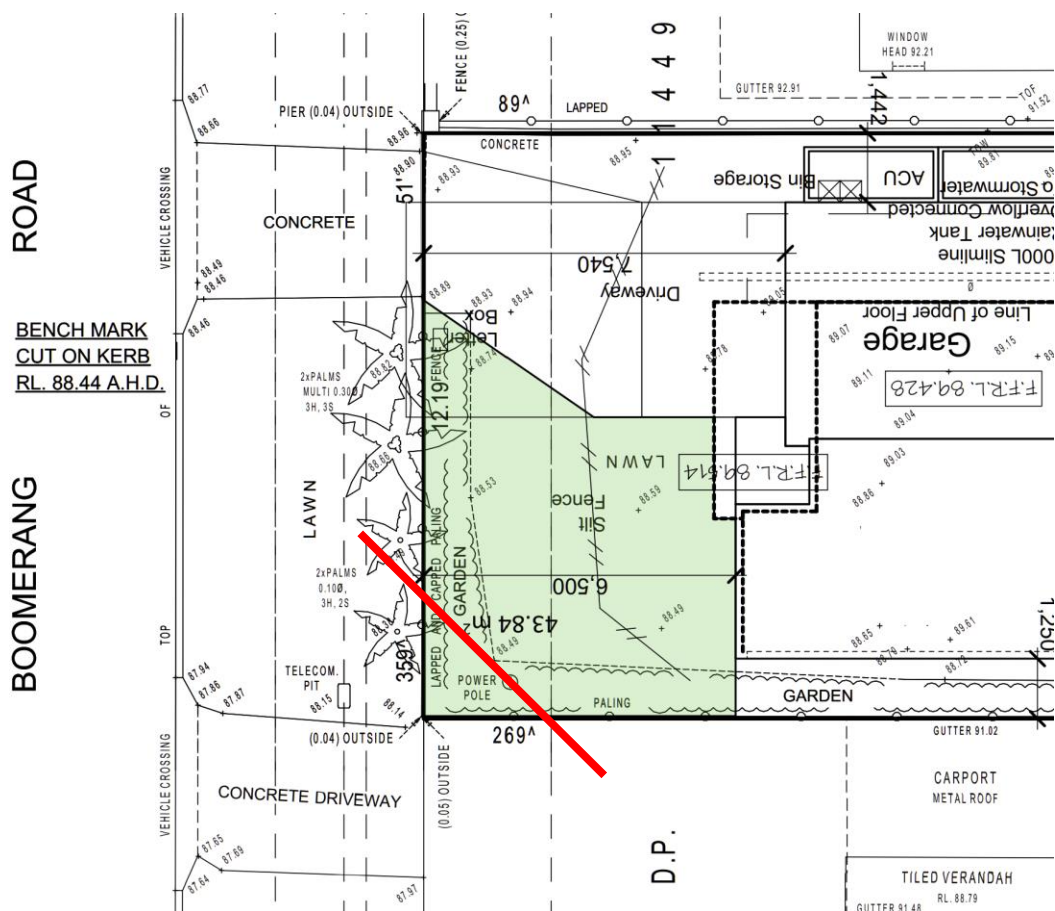


Figure 9 below shows a closer plan of the location of the Area A, as compared to Area D, which is the council requirement for requiring a geotechnical report. This is simply overlaid on the site plan at **Figure 10** showing the area of the property has a very small section, which is the front landscape setback area for the property and **Plate 1** shows the streetscape view. Importantly, a review of the spot levels taken at the front section where the line between **Area A** and **Area D** is located on the Council map, there is a level of RL 88.49m near the proposed location of the dwelling and at the corner of the front boundary of the property is RL88.14m. This equates to a fall of .35mm and clearly not slopes between 5 to 15 degrees. On the basis of the above, we respectfully request that Council not require a geotechnical report for minor area of the land that is shown within Area A.

FIGURE 9 - LANDSLIP RISK MAP SHOWING LINE



FIGURE 10 – AREA IMPACTED BY MAP



4.5.8 CLAUSE 6.5 COASTAL HAZARDS

The subject property is not identified as being subject to coastal hazards.

There are no further clauses applicable to the proposed development. Having regard to the assessment undertaken above, the proposed dwelling is compliant with the various clauses of the LEP.

4.6 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The subject Development Control Plan provides a compendium of development controls for the Warringah Local Government Area. Some controls are land use based and generic, whilst others are detailed and sometimes site specific.

It is considered that the proposed dwelling is consistent with the requirements of the DCP, and the following is provided.

4.6.1 PART A – INTRODUCTION

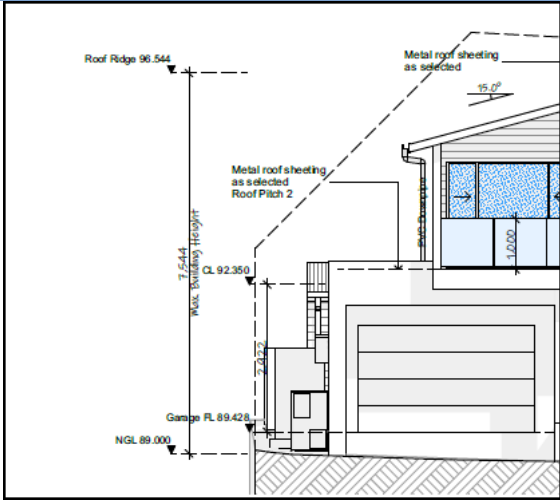
Part A is essentially the administrative provisions of the DCP. Council will notify the application in accordance with the subject requirements of the notification policy.

4.6.2 PART B – BUILT FORM CONTROLS

This section of the DCP provides the context of the DCP and contains several controls, which are applicable to the subject application, which are addressed in **Table 4** below.

TABLE 4 – RESIDENTIAL CONTROLS – COMPLIANCE TABLE

DCP	Proposed	Complies
B1 Wall Heights		
A wall height must not exceed 7.2m.	The proposed dwelling is 7.584m to the top of the roof ridge. It should be noted that the majority of the wall is below the 7.2m height requirement, particularly the northern side which has a single storey element at the ground floor (garage), with the first-floor setback 3.372m. It is noted that the roof complies with the height control of the LEP.	Yes.

DCP	Proposed	Complies
	 It is also noted that the proposal is consistent with the objectives of the wall height requirement, in that it does not impact on views from adjoining properties, and therefore minimal impact; allows for view sharing, where applicable; and provides sufficient innovation in the built form and maximises privacy to adjoining neighbours.	
B2 Number of Storeys		
Compliance with the Heights of Building Map.	This aspect was addressed above in Section 4.5.3. It is noted that the dwelling is below the 8.5m height requirement, at 7.584m.	Yes
B3 Side Boundary Envelope		
Part B3 addresses the side boundary envelope and requires that buildings be sited within an envelope determined by projecting planes at 45° from a height of 5m above ground level at the side boundaries.	The clause permits variations to the side boundary envelope for fascia's, gutters, downpipes, eaves and chimneys up to 0.675m from the boundary. The relevant side boundary envelope has been shown on the architectural plans which show that the proposed dwelling does not comply with the control on the southern side only (refer to Figure 9 below).	No, refer to Section 4.6.2.1 below.
B4 Site Coverage		
The total building footprint(s) must not cover more than 33.3% of the site area.	The development provides 164.77m ² of site coverage or 32.03%. and therefore compliant.	Yes.

DCP	Proposed	Complies
B5 – Side Boundary Setbacks		
Part B5 addresses the side boundary setbacks and sets a minimum setback of 900mm for the subject site.	The building setback is 6.5m (porch) to the street and 7.54m to the garage. Building setbacks were addressed in Section 3.5 above and compliant.	Yes
B7 – Front Setbacks		
Part B7 addresses the front boundary setbacks and sets a minimum setback of 6.5m for the subject site.	The proposed dwelling has a minimum front setback of 6.5m, complying with the control.	Yes
B9 Rear Boundary Setbacks		
Part B9 addresses the rear boundary setbacks and sets a minimum setback of 6m for the subject site.	The proposed dwelling has a minimum rear setback of 15.1m at the ground and 18.1m at first-floor level, complying with the control.	Yes

4.6.2.1 VARIATION TO BUILDING ENVELOPE CONTROL AND SITE COVERAGE

The proposed dwelling is compliant with the building envelope control for the lower and ground floor levels. At the upper floor level, the eaves encroach into the building envelope as shown below in **Figure 9**. The objectives of the boundary envelope control are:

- 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.

In respect of the objectives, that part of the dwelling that is encroaching are the eaves located on the southern side only, with the northern side fully compliant. The majority of the dwelling is located well within the envelope control as shown on **Figure 11** below. The DCP provides exceptions for dwellings located in an R2 zone, with fascias, gutters, downpipes, eaves, and other elements to encroach up to 0.675m from the boundary. It is clear from the plans that the eaves do encroach than that permitted, but as stated, the northern side is fully compliant.

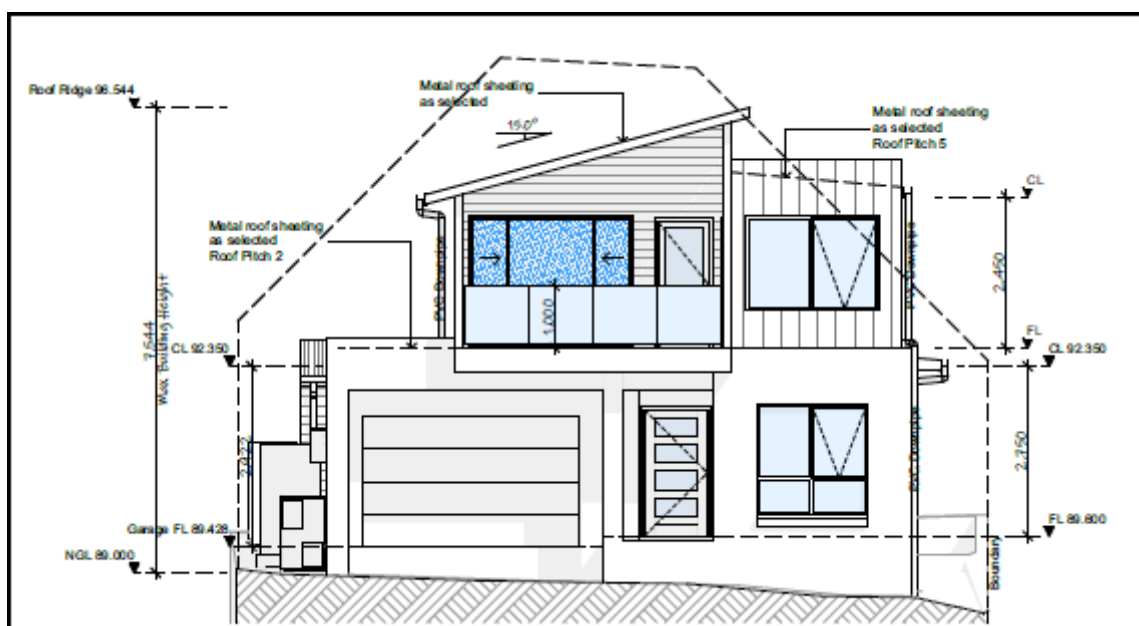
It is noted that the subject property has a frontage of 12.19m and the proposed dwelling is 9.5m wide for the front garage portion and then 7.57m for the remainder of the dwelling, with a combined setback of 2.692m and 4.622m, respectively at ground level. At first-floor level, the combined setback is 4.772m.

The width of the dwelling and the cross fall to some extent requires the dwelling to be higher, but still compliant with Clause 4.3 of the LEP. It would be noted that the ground floor ceiling height is 2.75m. The ceiling height of the first-floor is 2.45m to minimise the encroachment into the building height plane.

It is considered that the encroachment is minor and is consistent with the objectives of minimising building bulk and height (first objective); does not impact on solar access or privacy (second objective) and responds to the topography of the land (third objective). Therefore, it is considered that the proposal is consistent with the objectives for the building height plane.

The variation is relatively minor in the overall context of the dwelling given the design aspects with building setbacks. The minor non-compliance is not foreseen to contribute any adverse amenity impacts to adjoining properties in respect to privacy or overshadowing or building bulk and on this basis the variation should be supported. Accordingly, Council is requested to vary this control.

FIGURE 11 – BUILDING ENVELOPE



4.6.3 PART C – SITING FACTORS

Part C contains several controls which are applicable to the subject application, each of which is addressed in the following **Table 5**.

TABLE 5 – SITING FACTORS – COMPLIANCE TABLE

DCP	Proposed	Complies
C3 – Parking Facilities		
Garage doors to be integrated into the house design and to not dominate the façade;	The proposal is generally consistent with the criteria with the garage being integrated into the design of the dwelling being setback 7.54m and recessed under the first-floor area, and therefore provides 'depth' to the design. As noted above, the property has a width of 12.19m. The proposed dwelling is 9.5m wide and the garage door is 3.5m wide or 36.8% of the width. The garage is located below the upper floor to allow clear view of the street	Yes.

DCP	Proposed	Complies
- Parking to be located so that views of the street from front windows are not obscured; - Garage openings to not exceed 6m or 50% of the building width; - Parking be provided at a rate of 2 spaces per dwelling.	and open space from windows and balcony to comply with CPTED principles (refer to Section 5.4). The garage door opening has a width of 3.5m or 36.8%. The proposal provides 2 parking spaces for the dwelling.	Yes. Yes. Yes.
C4 - Stormwater		
- 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. - Stormwater runoff is to discharge to a drainage system approved by Council.	Refer to Sheet 09 of Annexure A .	Yes
C5 – Erosion & Sedimentation		
- Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur. - Any erosion and sedimentation is to be managed at the source.	Erosion controls shown on Sheet 09, with detailed ESCP to be submitted with the Construction Certificate. Will be detailed on the Construction Certificate.	Yes Yes
C6 – Building near Council Drainage Easements		
When a building is to be constructed on land burdened by a Council stormwater drainage system and or easement the construction of the building is to be in accordance with Councils policy.	No drainage easements.	N/A.
C7 – Excavation and Fill		
Part C7 addresses excavation and landfill.	The proposed development does not involve excavation and follows the natural contours, as shown on the plans and the use of a drop edged beam.	Yes.

4.6.4 PART D – DESIGN

Part D contains several controls which are applicable to the subject application, each of which is addressed following, which is addressed in **Table 6**.

TABLE 6 – DESIGN – COMPLIANCE TABLE

DCP	Proposed	Complies
D1 – Landscape Open Space		
Part D1 addresses landscaped open space and requires that 40% of the site be landscaped. Landscaped area excludes driveways, paved areas, roofed areas, decks and areas with dimensions of less than 2m and must have a minimum soil depth of 1m (for landscaping over basement structures). Landscaped open space must be at ground level and can include the water surface of swimming pools and rock outcrops.	The proposal complies with the control (refer to Sheet 09 of Annexure A – landscape plans), with 53.22% available for landscape area.	Yes.
D2 – Private Open Space		
Part D2 addresses private open space and requires that a minimum 60m² area of private open space be provided for a dwelling with 3 or more bedrooms, with minimum dimension of 5m. Private open space is required to be directly accessible from a living area of the dwelling and be designed to be private, with maximum solar access.	The proposal provides private open space, including the alfresco to the western side. The rear yard area satisfies the dimensional requirement, and the size of this area is greater than 60m², complying with the area control. The space is directly accessible from the ground floor area of the dwelling via the alfresco and will receive a reasonable level of solar access given the orientation of the site with a northerly rear aspect. The POS is accessible from the family/meals area.	Yes
D6 – Access to Sunlight		
Part D6 addresses access to sunlight and requires that development avoid shadowing solar collectors or public open spaces. Solar access is to be maintained to a minimum of 50% of the private open space on the adjoining dwellings and the required private open space on the subject site for 3 hours at	Given the orientation of the property, and the location of dwelling, there is some impact on adjoining property to the south. Refer to comments in Section 5.3.4 of this report. Refer to Sheet 09 at Annexure A, which shows the location of the adjoining dwellings, with window location and height of the dwellings. It would be noted	Yes

DCP	Proposed	Complies
midwinter. Further, solar access is to be maintained to the principal living areas of the dwelling on the subject site and the adjoining properties for 3 hours at midwinter, with a target of 50% of the window surface for achieving suitable solar access.	that the northern and southern elevations minimal windows on those elevations, with highlight windows or opaque windows to maximise privacy to adjoining residences.	
D7 – Views		
Part D7 addresses views and requires all development to be designed having regard to the principles of reasonable view sharing.	It is considered that the proposal satisfies the view sharing requirements, as the dwelling is located within the building envelope and replaces an existing dwelling in the same location.	Yes
D8 – Privacy		
Part D8 addresses privacy and requires all development to be designed to optimise privacy within the site and for adjoining properties.	The design of the proposal seeks to maximise privacy between properties. The proposal provides highlight windows for main areas that have the potential to overlook into the adjoining properties to the north and south; whilst the rear balcony could have privacy screens on the northern & southern sides. The first-floor sitting room on the southern side should have a highlight window to reduce any privacy issues for No 33 Boomerang Street given the use of this room.	Yes.
D9 – Building Bulk		
Part D9 addresses building bulk and requires that side and rear setbacks are progressively increased with wall height, large continuous wall planes are avoided, cut and fill is minimised, design relates to the topography and site conditions, orientation is to address the street, colour, materials and treatments are used to reduce bulk, landscaping provides visual relief and walls are articulated to reduce building mass.	The design of the proposal satisfies all of the above requirements for reducing bulk and scale, as addressed above. The elevation details provide significant levels of articulation, with stepping both horizontally and vertically. The increased side setbacks at ground and upper floor levels and the variations in materials also ensure that walls are further articulated, reducing visual bulk effectively.	Yes.

DCP	Proposed	Complies
D10 – Building Colours and Materials		
Part D10 addresses colours and materials and requires the visibility of new development in highly visible areas to be minimised by appropriate use of colours and materials, which are to blend into the natural landscape.	It is considered that the materials and colours proposed are appropriate to the design and character of the dwelling (refer to attached colour scheme).	Yes.
D11 – Roofs		
Part D11 addresses roofs and requires roofs to complement the pitch and form of roofs in the streetscape, to be articulated, to incorporate eaves for shadowing and not to cause excessive glare and reflection.	The proposed dwelling has an appropriate roof form that is compatible with the pitched roofs in the street.	Yes.
D13 – Front Fences and Walls		
Part D13 addresses front fences and front to complement the streetscape character and the architectural character of the dwelling, with gates not to encroach over the property boundary when opened.	The existing front fence and landscaping is to be retained and maintains the existing character of the street, which contain front fences and add to the character of the street, including the avenue of street tree planting, which provides a certain landscape setting for the street and the immediate neighbourhood.	Yes.
D14 – Site Facilities		
Part D14 addresses site facilities and requires provision to be made for bin storage and clothes drying facilities and for mail boxes to be incorporated into the front fence.	The plans show the location of these required facilities located at the front property boundary.	Yes.
D15 – Side and Rear Fences		
Part D15 generally requires side and rear fencing to be 1.8m high.	Existing boundary fencing is 1.8m. This provides privacy and security and includes the existing planting on the southern and front boundaries.	Yes.
D16 – Swimming Pools		
Part D16 addresses swimming pools and requires that pools not be located in the front yard and be setback from trees.	Existing spa to be removed under separate application.	N/A.

DCP	Proposed	Complies
D20 – Safety and Security		
Part D20 addresses safety and security and requires buildings to overlook the street with a clearly defined and well lit entrance.	The proposed dwelling provides for improved overlooking of Boomerang Road with balcony and windows facing the street and front setback area.	Yes.

Having regard to the above assessment, the proposed dwelling is compliant with the DCP except for the building envelope. In this regard, a request to vary the controls was provided at Section 4.6.2.1 above on the basis of eaves extending into the envelope given the width and cross fall of the property, noting the DCP allows variations, provided the objectives have been satisfied. It is considered that the objectives in this instance have been satisfied, as detailed in this section of the SoEE.

5 Assessment of Environmental Impacts

5.1 GENERAL

An overview assessment of the environmental effects as proposed in the manner previously described in this report is provided below. This assessment has had regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act (as amended).

5.2 SECTION 4.15 (1) (a) – (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iv) THE REGULATIONS.

The relevant matters for consideration include the provisions of WLEP and WDCP 2011, all of which have been considered in Section 4 of this Report.

5.3 SECTION 4.15 (1) (b) – IMPACT OF THE DEVELOPMENT

5.3.1 SOCIAL AND ECONOMIC IMPACT

The proposed development would be consistent with providing replacement residential accommodation for the family in a modern home. The proposal will deliver social benefits at a local level. The development offers accommodation to facilitate needs of the family with modern living. The following provides a summary of the social benefits:

- The proposal provides positive benefits through the provision of replacement housing to meet the family needs;
- The proposal generates positive changes to the character and amenity of the local area; and
- The proposal is designed to effectively integrate the new replacement dwelling into the area and streetscape, as described in this report.

The family will not place unreasonable demands or requirements on existing local services and infrastructure available, as it replaces an existing dwelling. The proposed development is integrated with the surrounding road network and the nature of the residential locality and the character of the street. The development does not pose adverse social impacts.

It is an orderly and economic use of residential land, replacing an existing dwelling that no longer meets the needs of the family with a modern dwelling. The proposal achieves the highest and best use for the site and delivers social, environmental and economic benefits. The likely impacts of the development are positive, and the proposed development satisfies the statutory requirements under both state and local planning frameworks, as discussed above.

5.3.2 PRIVACY

There is no overlooking of adjoining properties, as discussed above, with highlight windows provided on the elevations to minimise any privacy concerns, although the sitting room on the first-floor should have a highlight window given the use of this room. The rear balcony should have a privacy screen located on the northern & southern sides to provide privacy to the adjoining dwellings at Nos 33 & 37 to maximise privacy to these properties. The rear balcony is setback 18.1m from the rear neighbour and the separation distance between the dwellings does not warrant a rear privacy screen and is more than compliant with the setback controls in the DCP.

5.3.3 DRAINAGE

In terms of drainage, the plan indicates that the site can be drained to Council's system (refer to **Sheet 09 of Annexure A**).

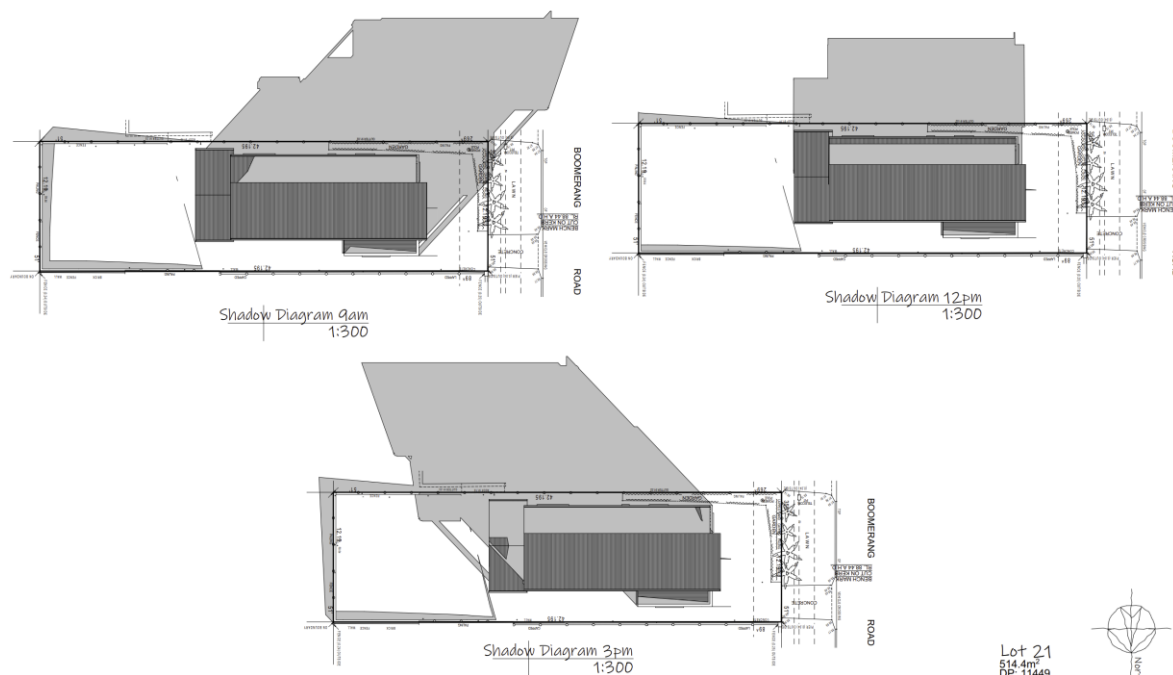
5.3.4 OVERSHADOWING

Shadow diagrams have been provided with this development proposal. **Figure 12** below shows the impact of overshadowing will have on adjoining properties. The plans show the shadows cast by the proposed development on the dwelling to the south, which will be impacted, noting that there is existing impact from the dwelling on the subject property (No 33).

It would be noted that there is impact during the winter solstice on the adjoining property to the south (No 33). There is overshadowing, with the main impact on the roof of this dwelling and the rear private open space from approximately 1.00pm to 3.00pm.

It is our opinion that given the orientation and the height control map to permit dwellings to 8.5m that it is unlikely that overshadowing of this property would be reasons for refusal of the application, as there are existing impacts to the dwelling to the south.

FIGURE 12 – SHADOW DIAGRAMS



5.4 SAFETY AND SECURITY

The proposed development adopts the principles of “Safer by Design” to ensure that the development will create an environment, which feels safe and is safe for residents and visitors.

5.4.1 SAFER BY DESIGN PRINCIPLES

There are four (4) principles, which form the basis of crime risk assessment as it relates to Development Applications.

5.4.1.1 SURVEILLANCE

Surveillance is providing human observation of public space. It can be assisted by providing unobstructed views. Surveillance is an excellent crime deterrent as offenders are more likely to be seen and therefore less likely to actually commit an offence.

We consider that the proposed site layout and design of the dwelling offers good and clear sightlines from the dwelling to all shared areas on the site, with casual surveillance provided from windows and balcony to the front and along the driveway. The dwelling entrance is clearly defined, clearly visible and residents would be able to see any visitor to the property from windows and front balcony.

5.4.1.2 ACCESS CONTROL

The private open space areas will be fenced to discourage illegal entry and activity in the area.

5.4.1.3 TERRITORIAL REINFORCEMENT

Areas that are well protected and look as if they are owned and cared for, give the impression that it is harder to conduct anti-social behaviour. The development, through the design of the building, provides a clear distinction between public and private property. All side and rear fencing will be 1.800 metres high and compatible with both the building design and Council's policies to restrict access. The front fence also restricts access.

5.4.2 CONCLUSION

Having regard to the safer by design principles referred to above we are of the opinion that the proposed development, through the building and access design and incorporated safety features described above, provides a satisfactory response in minimising crime risk. Casual surveillance is provided from the windows and front balcony area.

5.5 SECTION 4.15 (1) (c) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject property is located in a residential area that contains single to two-storey dwellings and therefore is suitable to the site. The proposed dwelling maintains the existing streetscape character and therefore is a suitable replacement dwelling.

5.6 SECTION 4.15 (1) (d) – SUBMISSIONS

This cannot be dealt with as part of this Statement. Any submissions received will need to be considered having regard to Section 4.15 of the Act.

5.7 SECTION 4.15 (1) (e) – THE PUBLIC INTEREST

The public interest is an overarching concept. The proposal could be considered to be in the public interest if pursued in accordance with the approval sought. The subject property is zoned R2 Low Density Residential, which permits dwelling houses. The dwelling replaces an existing dwelling and apart from the non-compliance with the boundary height plane of DCP 2011, the proposed development is compliant with both the LEP and the DCP. With respect to the non-compliance, a request to vary the control was provided at Section 4.6.2.1 above.

6 Conclusion

The proposal is for a new replacement family dwelling of more appropriate size to the character of the area and the needs of the family. The development will ensure the dwelling on the subject site provides a streetscape presentation in an appropriate landscape setting suited to the streetscape character of Boomerang Road. The impacts on the street system are minimal and are well within the capacity of the system. Onsite parking is available for the family and visitors.

The design has had due regard to view sharing, and the design has maximised solar access to the private open space, alfresco and the indoor habitable rooms. The latter are designed to be an extension of the outdoor space, which is desirable for modern living.

It is therefore considered that the proposal is well designed, having due regard to the constraints of the site and provides for a family dwelling that will provide a good level of amenity for the owners whilst maintaining a good level of amenity for the neighbours.

In summary, the proposed development is acceptable in the following aspects:

- The proposal is consistent with Council's policies for the subject site and its surrounds. The proposal is also consistent with the principal objectives and controls of Warringah DCP 2011. There is an encroachment into the building envelope plane, but the encroachment is minor and Council is respectfully requested to vary the DCP to allow the proposed dwelling for reasons espoused in this report at Section 4.6.2.1 above.
- The proposal also achieves compliance with WLEP 2011.
- The proposal is unlikely to result in any adverse impact on local amenity or detrimental change in the character of the area.
- Adequate onsite carparking is available for residents and visitors and the proposed home is unlikely to generate traffic that will impact on the local street system and the traffic generated is essentially the same as currently generated.

Council is accordingly requested to grant a pragmatic approval in an expedient manner.

Annexure "A"

Reduced Plans