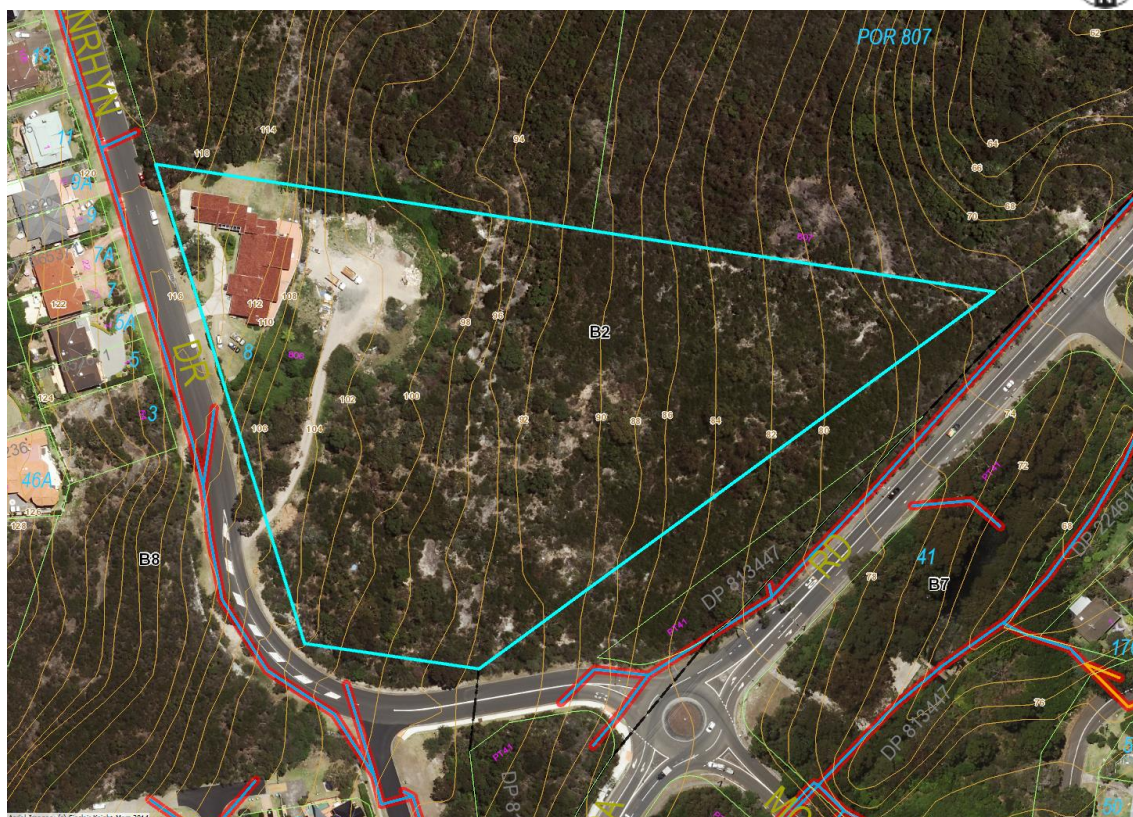




DEVELOPMENT ASSESSMENT REPORT

Planner:	Nick England
Address / Property Description:	Lot 806 DP 752038 8 Lady Penrhyn Drive BEACON HILL Alterations and Additions to a dwelling house
Development Application No:	DA2018/0040
Application Lodged:	15/01/2018
Plans Reference:	S001 Rev 3, S001-1 Rev 3, S004 Rev 3, S005 Rev 3, S006 Rev 2, S101 Rev 1, S102 Rev 3, S103 Rev 3, S201 Rev 3, S202 Rev 3, S301 Rev 3, S401 Rev 1
Amended Plans:	
Applicant:	Vigor Master Pty Ltd
Owner:	J Niu
Locality:	B2 Oxford Falls Valley
Category:	2
Variations to Controls (CI.20/CI.18(3)):	Front Setback; Rear Setback
Referred to DDP:	No
Referred to NBLPP:	No
Land and Environment Court Action:	No
SUMMARY	
Submissions:	Five (5)
Submission Issues:	View loss; Visual Impact
Assessment Issues:	Housing Density; Front Setback; Rear Setback
Recommendation:	Approval
Attachments:	Nil



Public Exhibition: The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan 2011. As a result, the application was firstly notified to a total of 41 adjoining land owners and occupiers for a period of 14 calendar days commencing on 23 January 2018 and being finalised on 8 February 2018.

Upon receipt of amended plans, the application was firstly notified to a total of 45 adjoining land owners and occupiers for a period of 14 calendar days commencing on 10 August 2018 and being finalised on 28 August 2018.

SITE DESCRIPTION

The subject site is located on land at Lot 806 in DP 752038, commonly known as No.8 Lady Penrhyn Drive, Beacon Hill.

The site slopes from west to east and incorporates a number of naturally formed sandstone terraces at intervals across the site and native trees interspersed amongst heath across native heath.

The site has an area of 2.6 hectares and is bounded by Lady Penrhyn Drive to the south and west; Willandra Road to the east and; Lot 807 DP 752038 and Lot 808 DP 752038 to the north, which are both undeveloped, with topography and vegetation similar to the site.

A brick and tile dwelling is situated at the north-west corner of the site, addressing Lady Penrhyn Drive. The curtilage of this dwelling is above the adjacent escarpment, and a significant area below the escarpment has been almost entirely cleared of natural vegetation.

The eastern portion of the site is currently in the state of being development for an approved senior's living development.

To the east the site adjoins the rear boundaries of 4 lots, each with a frontage to Willandra Road. These lots are currently vacant and are densely vegetated.

SITE HISTORY

Site history relevant to the application includes:

BA5000/0716: Consent for the existing dwelling issued on 3 January 1989.

DA2009/0800: Consent issued for seniors living development and Torrens subdivision by the NSW Land & Environment Court on 30 December 2010.

PROPOSED DEVELOPMENT

The application consists of alterations and additions to an existing dwelling house.

In detail, the works consist of a 1st floor addition to the existing single storey dwelling. The ground floor will remain un-modified with the exception of internal stairs to access the proposed upper level.

AMENDMENTS TO THE SUBJECT APPLICATION

On 20 March 2018, the applicant provided amended plans, in response to submissions made by adjoining properties in respect to view loss. The amendments consisted of removing the proposed gable roof and replacing with a flat roof. In detail these amendments:

- Reduced the overall height of the original proposal by approximately 1.42m; and

- At a maximum height of RL121.06m AHD, be below the highest point of the existing dwelling (121.11m) by approximately 50mm.

Following a meeting with the applicant on 1 August 2018, where the visual impact of the amended flat roof was discussed, a 2nd set of amended plans were provided by the applicant on 9 August 2018. These provided variations in the pitch of the roof and a total height of RL121.29m AHD, which is approximately 18 mm above the highest point of the existing dwelling.

STATUTORY CONTROLS

- Environmental Planning and Assessment Act 1979 (EPA Act 1979); and
- Environmental Planning and Assessment Regulations 2000
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy – BASIX
- State Environmental Planning Policy - Infrastructure

PUBLIC EXHIBITION

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Upon receipt of amended plans on 9 August 2018, the application was notified to a total of 45 adjoining land owners and occupiers for a period of 14 calendar days commencing on 10 August 2018 and being finalised on 28 August 2018.

As a result of the first public exhibition process, a total of five (5) submissions were received. No submissions were received during the second period of notification. Details of all submitter's are provided below:

Name	Address
Ronald Charles Newell	7A Lady Penrhyn Drive, BEACON HILL
Heikki Karjalainen	7 Lady Penrhyn Drive, BEACON HILL
Tom Falvo	46A Golden Grove BEACON HILL
Yifei Huang	46 Golden Grove BEACON HILL
Marcus Millgate	5A Lady Penrhyn Drive, BEACON HILL

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Manly NSW 2095
f 02 9976 1400

Dee Why Office:
725 Pittwater Road
Dee Why NSW 2099
f 02 9971 4522

Mona Vale Office:
1 Park Street
Mona Vale NSW 2103
f 02 9970 1200

ABN 57 284 295 198

The matters raised within the submissions are summarised and addressed hereunder:

The application will result in an adverse loss of views from all of the properties where submissions were received.

Comment: All properties which raised concern with potential view loss have been inspected as part of this assessment. A more detailed assessment on view loss is provided under the “General Principles of Development Control” section of this report. In summary, there will be no adverse view loss as a result of the amended proposal.

A pole should be installed to demonstrate the potential loss of views caused by the proposed development.

Comment: Sufficient information was provided with the application to adequately demonstrate the height of the proposed works and the level of view loss likely as a result of the proposal. The development is also consistent with the building height built form control. Therefore, it is not considered reasonable to expect the applicant to erect a height pole.

The proposed development will have an adverse visual impact on the adjoining streetscape.

Comment: The proposed works are consistent with the built form of similar residential development on Lady Penrhyn Drive and has demonstrated compliance with the relevant standards and objectives of the built form control. In this respect, no adverse visual impact is caused as a result of the proposed development.

The proposal will result in increased traffic movements on the adjoining road network.

Comment: The existing 2 spaces will be retained for the existing dwelling. In effect, there is no increase in dwellings on the site and in this respect no adverse impact on the adjoining road network is likely.

A condition should be applied to prevent more than one kitchen in the dwelling.

Comment: The layout of the proposed works for the first floor, in conjunction with the existing ground floor, will not result in any additional dwellings on the site. In modern dwellings, the existence of more than one kitchen is not in itself likely to result in additional dwellings existing in the building. Hence, this condition is not considered necessary, however a condition will be imposed to the effect that only one dwelling is approved under the consent.

MEDIATION

Has mediation been requested by the objectors? No

Has the applicant agreed to mediation? No

Has mediation been conducted?

No

LAND AND ENVIRONMENT COURT ACTION

REFERRALS

The application was referred to the following agencies for comment:

NSW Rural Fire Service

The site is located in a bushfire prone area and a report (prepared by Travers Bushfire & Ecology) was provided with the application. As the works are located in a flame zone (BAL-FZ) an alternate solution to the current standards were recommended in this report. Hence, the application was referred to the NSW Rural Fire Service (RFS) for comment.

The RFS have advised that they have no objection to the proposed development subject to conditions of consent.

Aboriginal Heritage Office

The site is located in an area that was once identified as being potentially subject to Aboriginal Heritage. The site was inspected in the presence of officers of the Aboriginal Heritage Office (AHO).

The AHO have subsequently advised that they have no objection to the proposed development.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	See discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the regulations	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been address via a condition of consent.

Section 79C 'Matters for Consideration'	Comments
	Clause 92 of the EPA Regulations 2000 requires the consent authority to consider AS 2601 - 1991: <i>The Demolition of Structures</i>. This matter has been address via a condition of consent. Clause 93 of the EPA Regulation 2000 requires the consent authority to consider the fire safety upgrade of development. This clause is not relevant to the proposed development. Clause 50(1A) of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to the proposed development. Clause 54 and 109 of the EPA Regulations 2000, permits Council to requested additional information. However, no additional was requested. Clause 143A of the EPA Regulations 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a CC. This clause is not relevant to the proposed development.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen that would justify the

Section 79C 'Matters for Consideration'	Comments
	refusal of the application in the public interest.

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to any conditions contained within the Recommendation.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

There are no draft environmental planning instruments relevant to the proposal.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

State Environmental Planning Policy - BASIX

A BASIX certificate has been submitted with the application. All required BASIX commitments have been noted on the application plans. Furthermore a condition of consent has been imposed requiring compliance with the requirements of the applicable BASIX certificate.

State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

Local Environment Plans (LEPs)

Warringah Local Environment Plan 2000 (WLEP 2000)

Desired Future Character (DFC)

The subject site is located in the B2 Oxford Falls Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is as follows:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”

The proposed development is defined as “housing” under the WLEP 2000 dictionary. “Housing” is identified as Category 2 development in this locality.

Clause 12(3)(b) of WLEP 2000 requires the consent authority to be satisfied that the proposed development is consistent with the Locality’s DFC statement.

Accordingly, an assessment of consistency of the proposed development against the locality’s DFC is provided hereunder:

“The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows”

Comment: The proposed alterations and additions will not change the existing land use on the site and in context not change the character of the locality.

“Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.”

Comment: The proposed works relate to an existing detached residential dwelling on the land. The property is not visible from Narrabeen Lagoon or Wakehurst Parkway. The proposal is hence consistent with this requirement of the DFC.

“The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.”

Comment: The proposal will result in no loss in the existing provision of landscaped open space or vegetation on the site. The proposed materials and finishes of the dwelling will be consistent with the natural landscape. The development is hence consistent with this requirement of the DFC.

“A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.”

Comment: This requirement is not applicable to the proposed development.

“Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.”

Comment: The extent of the proposed works will not modify the existing level of stormwater runoff on the site; hence the application will be consistent with this requirement.

As detailed above the proposed development is considered to be consistent with the Locality’s DFC statement.

Built Form Controls (Development Standards)

The following table outlines compliance with the Built form Control of the above locality statement:

Built Form Compliance Table				
Built Form Standard	Required	Proposed	Existing development	Compliance
Housing Density	1 dwelling per 20 hectare	34 (housing for older people) 1 dwelling	No change	N/A
Building Height	8.5m	7.5m	The proposed works will be approximately 18mm higher than the existing dwelling at its highest point (roof ridge).	Yes
Front Building Setback	20m	9m at closest point	6.884m (ground floor)	No – 55% variation proposed.
Rear Setback	10m	2.5m	2.5m	No – 75% variation proposed.
Side Setback	10m	9.5m (west) 26m (east)	7.5m 26m	No – 5% variation proposed.
Landscaped Open Space	30%	52%	52%	Yes

The proposed development is considered to satisfy the Locality's Front Setback, Rear and Side Setback and Landscaped Open Space Built Form Controls, accordingly, further assessment is provided against the provisions of Clause 20(1) hereunder.

Clause 20(1) stipulates:

“Notwithstanding clause 12 (2) (b), consent may be granted to proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the general principles of development control, the desired future character of the locality and any relevant State environmental planning policy.”

In determining whether the proposal qualifies for a variation under Clause 20(1) of WLEP 2000, consideration must be given to the following:

(i) General Principles of Development Control

The proposal is generally consistent with the General Principles of Development Control and accordingly, qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1) (See discussion on “General Principles of Development Control” in this report for a detailed assessment of consistency).

(ii) Desired Future Character of the Locality

The proposal is consistent with the Locality's Desired Future Character Statement and accordingly, qualifies to be considered for a variation to the

development standards, under the provisions of Clause 20(1) (See discussion on “Desired Future Character” in this report for a detailed assessment of consistency).

(iii) Relevant State Environmental Planning Policies

The proposal has been considered consistent with all applicable State Environmental Planning Policies (Refer to earlier discussion under ‘State Environmental Planning Policies’). Accordingly the proposal qualifies to be considered for a variation to the development standards, under the provisions of Clause 20(1).

Description of variations sought and reasons provided:

Front Setback Built Form Control

Required: 20m

Proposed: 9.5m

Response:

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Front Building Setback Built Form Control, as outlined in the Warringah Design Guidelines, 2001. Accordingly, compliance with the objectives is addressed below:

Objective: *Create a sense of openness.*

Comment: The subject dwelling is isolated from other residential dwellings in the area, which on the opposite side of Lady Penrhyn Drive are subject to the Warringah Development Control Plan 2011, which specifies a minimum front setback of 6.5m. The proposed setback of the 1st floor additions are consistent with the setback of the existing dwelling and similar dwellings on the southern side of Lady Penrhyn Drive. The proposed development hence provides an adequate sense of openness.

Objective: *Provide opportunities for landscaping.*

Comment: There will be no loss of the existing provision of landscaping on the site, hence this objective is achieved.

Objective: *Minimise the impact of development on the streetscape.*

Comment: The proposed 1st floor additions are consistent with the setbacks of the existing ground floor and on the western edge of the building are behind the existing setback. A flat roof is proposed. In this regard, this objective is achieved.

Objective: *Maintain the visual continuity and pattern of buildings, front gardens and landscape elements.*

Comment: As stated previously, there are no dwellings on the northern side of Lady Penrhyn Drive, resulting in no specific visual continuity on this side of the road. The setback of the proposed 1st floor additions are consistent with the setbacks of adjoining dwellings on the opposite side of the road and will result in no effective change in the existing front setback of structures on the site.

As detailed above the proposed development is considered to satisfy the underlying objectives of the Front Setback Built Form Control. It is for these reasons that the variation pursuant to Clause 20(1) is supported.

Rear and Side Setback Built Form Control

Required: 10m

Proposed: 9.5m (side western boundary) and 2.5m (rear eastern boundary)

Response:

In assessing this non-compliant element of the proposal, it is necessary to consider the objectives of the Rear and Side Built Form Control. Accordingly, compliance with the objectives is addressed below:

Objective: *Create a sense of openness in rear yards.*

Comment: The existing dwelling is located close to the rear boundary of the site, which is a natural topological barrier i.e. cliff and the proposed 1st floor additions will not modify this rear yard dimensions. In this regard, this objective is met.

Objective: *Preserve the amenity of adjacent land.*

Comment: The dwelling is not in close proximity to any other dwelling and the non-compliance does not compromise this objective.

Objective: *The rear and side setback areas are to be landscaped and free of any structures carparking or site facilities other than driveways and fences.*

Comment: As the works are located on the 1st floor, there will be no new structures within the side and rear setbacks.

Objective: *Provide opportunities to maintain privacy between dwellings.*

Comment: The dwelling is not in close proximity to any other dwelling and the non-compliance does not compromise the privacy of any adjoining dwelling and is hence consistent with this objective.

As detailed above the proposed development is considered to satisfy the requirements to qualify for consideration under Clause 20(1), in addition the proposal is considered to be consistent / inconsistent with the underlying objectives of the Rear and Side Built Form Control. It is for these reasons that the variation to the Rear and Side Built Form Control (Development Standard) pursuant to Clause 20(1) is supported.

General Principles of Development Control

The following relevant General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are applicable to the proposed development:

General Principles	Applies	Comments	Complies
CL42 Construction Sites	Yes	Condition to apply.	Yes
CL48 Potentially Contaminated Land	Yes	The land has been used for residential purposes for a significant period of time with no prior land uses. Hence, it is not likely that there will be any potential risk of contamination on the land.	Yes
CL50 Safety & Security	Yes	The proposed 1 st floor additions will improve the level of passive and active surveillance of the adjoining street, consistent with this principle.	Yes
CL54 Provision and Location of Utility Services	Yes	The existing dwelling is adequately serviced by utility services.	Yes
CL56 Retaining Unique Environmental Features on Site	Yes	The proposed works will have no effect on the existing features of the site.	Yes
CL57 Development on Sloping Land	Yes	The site is subject to this Principle, given the topography of the site. However, as the works will involve no excavation, then no further assessment is necessary.	Yes
CL58 Protection of Existing Flora	Yes	No impact on existing flora is likely.	Yes
CL59 Koala Habitat Protection	Yes	Whilst the land is currently greater than 1 hectare in area, it has already been established that the land is not potential koala habitat.	Yes
CL60 Watercourses & Aquatic Habitats	Yes	The works will have no adverse impact on adjoining watercourses and aquatic habitat.	Yes
CL61 Views		Clause 61 stipulates that 'Development is to allow for the reasonable sharing of views'. Council has received objections from the occupant / owner of the following properties in regard to the potential loss of views: • 7A Lady Penrhyn Drive, BEACON HILL • 7 Lady Penrhyn Drive, BEACON HILL • 46A Golden Grove BEACON HILL • 46 Golden Grove BEACON HILL • 5A Lady Penrhyn Drive, BEACON HILL A site inspection of these properties was conducted on 5 March, 7 March and 17 April 2018.	

General Principles	Applies	Comments	Complies
		In regard to the properties at No.46 and 46A Golden Grove, it was readily determined that there would be a negligible impact on the views currently enjoyed from these properties, given the elevation of these properties well above the subject site and the amendments made to the proposal to provide a flat roof. The potential for view loss was more apparent on the adjoining properties on Lady Penrhyn Drive (Nos. 5, 7 and 7A). In determining significant view loss to these properties, the principles outlined within the Land and Environment Court Case <i>Tenacity Consulting Pty Ltd Vs Northern Beaches Council (2004) NSWLEC 140</i>, have been used. In <i>Tenacity Consulting Pty Ltd Vs Northern Beaches Council (2004) NSWLEC 140</i> the Land and Environment Court provided a four (4) planning principles to be used in the assessment of view loss. These principles and an assessment of the proposed development against the principles are outlined as follows: <u>Existing Views</u> › <i>The first step is to assess the nature of the views to be affected, water views are valued more highly than land views, iconic views (such as of the Opera House, the Sydney Harbour Bridge or North Head) are valued more highly than views without those icons, and whole views are valued more highly than partial views. For example, a water view in which the interface between the water and the land is visible is more valuable than one in which it is obscured.</i> Comment: A summary of the existing views that are currently enjoyed by all these dwellings includes: the Tasman Sea, district views of Narraweena, the south-eastern foot slopes of Collaroy Plateau, Collaroy Plateau and the northern foot slopes of the Beacon Hill. No.7 enjoys partial glimpses of Long Reef, obscured by vegetation. <u>Where Views Are Obtained From</u> › <i>The second step is to consider from what part of the property affected the views are obtained. In this regard it is more difficult to protect views obtained across side boundaries than the protection of views from front and rear boundaries. Also, whether the view is obtained from a standing or sitting position may also be relevant. Sitting views being more difficult to</i>	

General Principles	Applies	Comments	Complies
		<i>protect. The Senior Commissioner noted that the expectation to retain side or sitting views is often unrealistic.</i> Comment: A summary of the parts of the properties potentially effected, consistent with the Principle, is as follows: No.5A: First floor terrace (standing and sitting); living room (standing and sitting) and dining room (standing and sitting). No.7: First floor terrace (standing and sitting); living room (standing and sitting) and part of the rear yard (standing and sitting). No.7A: First floor terrace (standing and sitting) and living room (standing and sitting). <u>Extent Of The Impact</u> <i>The third step is to assess the extent of the impact. This needs to be done for the whole of the property, and not just to that part of it from where the views are affected. The views from living areas (including kitchen areas) are more significant than from bedrooms or service areas. Whilst the impact could be assessed quantitatively, it is more useful to look at the issue in a qualitative sense and ask whether the view loss is negligible, minor, moderate, severe or devastating.</i> Comment: The extent of the impact is summarised with respect to each of the properties as follows: No.5A: The extent of the works will result in the loss of a minor part of the district views of Narraweena and a major part of the Collaroy Plateau foot slopes view from both the dining room and the sitting room in a seated position. All other standing views from the effected rooms will be maintained. No loss of the ocean views, Collaroy Plateau or the north slope of Beacon Hill will be lost, in either a seated or standing position. In this respect, the loss of the overall views from this property is considered to be minor. No.7: The extent of the works will result in the loss of a minor part of the district views of Narraweena and a major part of the Collaroy Plateau foot slopes view from both the dining room and the sitting room in a seated position. All other standing views from the effected rooms and the rear yard will be maintained. No loss of the ocean views, Collaroy Plateau, Long Reef or the north slope of Beacon Hill will be lost, in either a seated or standing position. In this respect, the loss of the overall views from this property is considered to be minor.	

General Principles	Applies	Comments	Complies
		No.7A: The extent of the works will result in the loss of a minor part of the district views of Narraweena and a major part of the Collaroy Plateau foot slopes view from both the terrace and living room in a seated position. All other standing views from the effected rooms will be maintained. No loss of the ocean views, Collaroy Plateau, or the north slope of Beacon Hill will be lost, in either a seated or standing position. In this respect, the loss of the overall views from this property is considered to be minor. <u>Reasonableness of Impact</u> <i>The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all relevant planning controls would be considered more reasonable than one that breaches them. Importantly, the Senior Commissioner said that “where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable”. Where a development complies with the planning controls, the question is whether a more skilfully designed proposal could provide the same development potential whilst reducing the impact to neighbours. In that situation the view impact of a complying development would probably be considered acceptable, and the view sharing reasonable.</i> Comment: In regard to all of the views enjoyed by the effected properties, the primary view to the ocean will not be affected in any manner. All other losses commonly relate to the district views of Narraweena and Collaroy foot slopes. Neither of these views will be totally lost. The revised design will ensure that the overall extent of view loss is likely to be minor. The non-compliances with the front and side setback control have no relevance under the circumstances as they relate to the existing setbacks of the dwelling and make no appreciable contribution to the extent of the view loss. In summary, the extent of the view loss caused as a result of the amended proposal is generally considered minor and under the circumstances does not warrant the refusal of the application.	
CL62 Access to sunlight	Yes	No adverse impact in regard to overshadowing is likely as a result of the proposed 1 st floor additions.	Yes
CL63 Landscaped Open Space	Yes	The proposal will comply with the objectives and controls in relation to landscaped open space.	Yes
CL63A Rear Building Setback	Yes	A consideration of the non-compliance with the minimum rear setback control is provided elsewhere in this report.	Yes

General Principles	Applies	Comments	Complies
CL64 Private open space	Yes	The dwelling currently provides in excess of 60m ² of private open space, consistent with this requirement.	Yes
CL65 Privacy	Yes	The proposed works are located at a significant distance from surrounding residential dwellings and as such are unlikely to result in an adverse impact on the acoustic and visual privacy of adjoining dwellings.	Yes
CL66 Building bulk	Yes	The building bulk is acceptable in the context of the immediate area, which has large residential dwellings to the south and a seniors living development (currently under construction) to the north and east.	Yes
CL67 Roofs	Yes	A flat roof is proposed. This element is consistent with the character of the surrounding area.	Yes
CL74 Provision of Carparking	Yes	The existing two (2) car spaces will be retained, complying with this requirement.	Yes
CL76 Management of Stormwater	Yes	The proposed works are able to rely on the existing stormwater management regime as there is no modification to the ground floor and site structures.	Yes
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	Yes	The site was inspected by the Aboriginal Heritage Office (AHO), and no objection is raised to the proposed works.	Yes
CL83 Development of Known or Potential Archaeological Sites	Yes	The AHO have advised that there are no known or potential archaeological sites on the land.	Yes

Other Relevant WLEP 2000 Clauses / Schedules

Schedule 5 - State Policies

State Environmental Planning Policy No 44 - Koala Habitat Protection

The subject site exceeds 1 hectare in area, hence the provisions of this policy apply. As the proposed works will result in no loss of existing landscaped open space / vegetation then the objectives and requirements of this policy are considered to have been achieved.

Schedule 8 - Site analysis

Site Analysis	A site analysis was provided.
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Schedule 17 - Carparking Provision

Carparking Provision	Two (2) car spaces are provided, consistent with this Schedule.
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POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan adopted by Council on 13 June 2006 and became effective on 17 July 2006. The following monetary contributions are applicable:

<i>Northern Beaches Council Section 94 Development Contributions Plan</i>		
<i>Contribution based on a total development cost of \$ 580,000.00</i>		
Contributions	Levy Rate	Payable
Total Section 94A Levy	0.95%	\$ 5,510.00
Section 94A Planning and Administration	0.05%	\$ 290.00
Total	1%	\$ 5,800.00

CONCLUSION

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions received during the notification period.

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, the provisions relevant Environmental Planning Instruments including Warringah Local Environment Plan 2000 and the relevant codes and policies of Council.

The amended proposal, which provides a flat roof, has minimised the extent of the view loss to adjoining properties and will result in no adverse loss of any significant views enjoyed. The non-compliances with the front and rear setback controls are under the circumstances acceptable, in the context of the existing dwelling on the site, which result in no effective increase in those non-compliances that already exist on the site.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION -

APPROVAL

THAT Council as the consent authority grant Development Consent to DADA2018/0040 for Alterations and Additions, Dwelling House on land at 8 Lady Penrhyn Drive BEACON HILL subject to the conditions listed in the "Draft Conditions" document.

"I am aware of Council's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest"



Date: 6 September 2018

Nick England, Planner



Date: 20 September 2018

Steven Findlay, Planning Assessment Manager

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