
DEVELOPMENT APPLICATION:
Construction of a Detached Secondary Dwelling

**Lot 2 in DP 5118, No 4 Charles Street,
FRESHWATER**

Prepared For



Prepared By:



May 2021

Preparation, Review and Authorisation

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
1	10/04/21	MB	MB	MB
2	19/05/21	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: 19/05/21

Michael Brown Planning Strategies Pty Ltd

Copyright

The information, including the intellectual property contained in this document is confidential and proprietary to Michael Brown Planning Strategies Pty Ltd. It may be used by the person, company or organisation to whom it is provided for the stated purpose for which it is provided. It must not be given to any other person, company or organisation without the prior written approval of a Director of Michael Brown Planning Strategies Pty Ltd. Michael Brown Planning Strategies Pty Ltd reserves all legal rights and remedies in relation to any infringement of its rights in respect of confidential information.

Table of Contents

1	INTRODUCTION	8
1.1	GENERAL	8
1.2	SCOPE OF REPORT	8
1.3	PROJECT TEAM.....	8
	TABLE 1 – PROJECT TEAM	8
1.4	REPORT STRUCTURE.....	8
2	THE SITE.....	9
	FIGURE 1 – AERIAL	9
	PLATE 1 – STREET VIEW	10
3	THE DEVELOPMENT PROPOSAL	10
3.1	DEVELOPMENT DETAILS	10
	TABLE 2 – DEVELOPMENT DETAILS	10
	FIGURE 2 – BUILT FORM	11
3.1	ACCOMPANYING PLANS	11
	TABLE 3 – SUBMITTED PLANS	11
3.2	AVAILABILITY OF SERVICES	11
3.3	TOPOGRAPHY AND LANDFORM.....	12
3.4	STORMWATER DRAINAGE	12
3.5	SETBACKS AND BUILDING SEPARATION.....	12
	FIGURE 3 – BUILDING SEPARATION.....	12
3.6	CONSTRUCTION.....	12
3.6.1	SEDIMENT AND EROSION CONTROL.....	13
3.6.2	NOISE CONTROL	13
3.6.3	WORKPLACE HEALTH AND SAFETY	13
4	ASSESSMENT OF RELEVANT CONTROLS AND POLICIES	13
4.1	RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES	13
4.2	OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	13
4.3	STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009	14
4.3.1	AIMS	14
	TABLE 4 – STANDARDS FOR IN-FILL DEVELOPMENT	16
4.3.2	REAR LANEWAY SETBACK	23
4.3.3	CONCLUSION.....	23
4.4	STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX)	

2004	23
4.5 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND	23
4.6 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011	24
FIGURE 4 – ZONE MAP	24
4.6.1 CLAUSE 4.1 – MINIMUM LOT SIZE	25
FIGURE 5 – MINIMUM LOT SIZE MAP	25
4.6.2 CLAUSE 4.3 – HEIGHTS OF BUILDINGS	26
FIGURE 6 – HEIGHTS OF BUILDING MAP	26
4.6.3 MISCELLANEOUS CONTROLS	26
4.6.4 CLAUSE 5.10 – HERITAGE CONSERVATION	26
4.6.5 CLAUSE 6.1 – ACID SULFATE SOILS	26
4.6.6 CLAUSE 6.3 – FLOOD PLANNING	26
4.6.7 CLAUSE 6.4 – DEVELOPMENT ON SLOPING LAND	26
FIGURE 7 – LANDSLIP RISK MAP	27
4.6.8 CLAUSE 6.5 COASTAL HAZARDS	27
4.7 WARRINGAH DEVELOPMENT CONTROL PLAN 2011	27
4.7.1 PART A – INTRODUCTION	27
4.7.2 PART B – BUILT FORM CONTROLS	28
TABLE 5 – RESIDENTIAL CONTROLS – COMPLIANCE TABLE	28
4.7.3 PART C – SITING FACTORS	29
TABLE 6 – SITING FACTORS – COMPLIANCE TABLE	29
4.7.4 PART D – DESIGN	30
TABLE 7 – DESIGN – COMPLIANCE TABLE	30
5 ASSESSMENT OF ENVIRONMENTAL IMPACTS	33
5.1 GENERAL	33
5.2 SECTION 4.15 (1) (A) – (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iv) THE REGULATIONS.	33
5.3 SECTION 4.15 (1) (B) – IMPACT OF THE DEVELOPMENT	34
5.3.1 SOCIAL AND ECONOMIC IMPACT	34
5.3.2 PRIVACY	34
5.3.3 DRAINAGE	34
5.4 SAFETY AND SECURITY	34
5.4.1 SAFER BY DESIGN PRINCIPLES	34
5.4.2 CONCLUSION	35
5.5 SECTION 4.15 (1) (C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT	35
5.6 SECTION 4.15 (1) (D) – SUBMISSIONS	35
5.7 SECTION 4.15 (1) (E) – THE PUBLIC INTEREST	35
6 CONCLUSION	35

Annexures

A: Architectural Plans – Accurate Design & Drafting

Executive Summary

This planning report forms a component of a development application that proposes the construction of a detached secondary dwelling at No 4 Charles Street, FRESHWATER. The proposed secondary dwelling has pedestrian access from Moore Lane, which is a laneway located between Undercliffe Road & Moore Road. The proposed development is single storey dwelling detached from the principal dwelling. No carparking is provided to the dwelling, as provided by the Affordable Housing SEPP 2009, detailed in this report.

The subject property is zoned R2 Low Density Residential under LEP 2011 and the proposed dwelling is listed in the permissible use column in the zone. Clause 5.4(9) of the LEP applies to the development with a floor space restriction of 60m². The proposed development is, however, also permissible vide the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). The requirements of the ARHSEPP 2009 will be addressed in this report with the assessment of compliance with the Policy in Section 4.3 and in particular **Table 3**.

This Statement of Environmental Effects (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 SoEE demonstrates that the development is consistent with the aims and objectives of these instruments, in particular ARHSEPP 2009. 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.
- State Environmental Planning Policy (Affordable Rental Housing) 2009.
- 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 4.6 and 4.7 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.

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 single storey detached secondary dwelling at No 4 Charles Street, FRESHWATER., as described in Section 3 of this SoEE. Reduced plans prepared by **Accurate Design & Drafting** are attached as **Annexure A**.

The subject property is zoned R2 Low Density Residential under LEP 2011 and the proposed dwelling is listed in the permissible use column in the zone. Clause 5.4(9) of the LEP applies to the development. The proposed development is; however, also permissible vide the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The requirements of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) will be addressed in this report with the assessment of compliance with the Policy in Section 4.3 and in particular **Table 3**.

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 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 2 in DP 5118, No 4 Charles Street, FRESHWATER (refer to aerial photograph below at **Figure 1**, which shows the context of the immediate area). The subject property is occupied by an existing part single and part two-storey dwelling due to the fall of the land and is located between Undercliffe Road & Moore Road. The property has an area of 650.3m² and is generally regular in shape and has a cross-fall from south-west to north-east of approximately 2m.

FIGURE 1 – AERIAL



The surrounding development is residential in nature; however, there are a number of three-storey residential flat building developments in the immediate area, including adjoining to the north fronting Moore Road and to the north-west fronting Undercliffe Road. At No 2 Charles Street is a split-level dwelling (refer to **Sheet 5 of Annexure A**). on the corner of Charles Street and Moore Road is the Harbord Beach Hotel. This intersection is a roundabout controlled intersection. Moore Lane is a one-way street with some linemarked onstreet parking provided.

There is a mixture of residential typologies, with most properties with buildings that occupy a large proportion of the site footprint and floor space. There is also a variety of building design and materials, with weatherboard and brick buildings.

As such there is not one dominant form of development and is therefore an eclectic mix of residential accommodation, with the majority of residential accommodation constructed under the planning regulations that applied at the time.

PLATE 1 – STREET VIEW



Source Google Maps

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 single storey detached secondary dwelling with details provided below in **Table 2**. The proposed dwelling is to be constructed with cladding on a sandstone tile base, with a metal roof. The proposed dwelling has a total private open space area of 32.65m².

TABLE 2 – DEVELOPMENT DETAILS

Details	Floor Area M ²
Two (2) bedrooms, kitchen, sitting/meals, bathroom facilities and an alfresco area of 18.63m ² (refer to Sheet 3 of Annexure A for details of floor area).	60

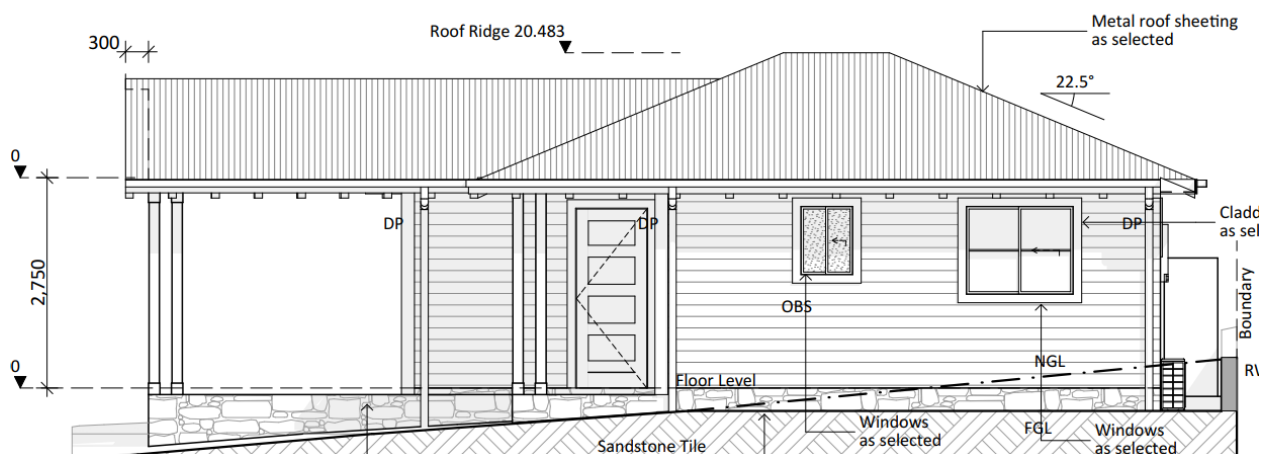
No floor space ratio applies to the subject property. Total landscape provision is 286.23m² or 43.31%. The proposed dwelling provides pedestrian access from Moore Lane and no carparking is provided in accordance with ARHSEPP 2009. It is proposed that the dwelling be constructed with vertical cladding and metal roof. The dwelling will have a sandstone tile base. The alfresco area is open with a roof over. The cladding is found with other dwellings in the area and therefore not out of character with the northern beaches-built forms.

Due to the fall of the land, the dwelling will be cut into south-western side by 700mm, with a zero cut approximately through the middle of the dwelling. The sandstone tile base will provide the drop edge beam technique that will be employed in lieu of filling the land. The dwelling will be setback 1m from the laneway, 1m from the western & eastern boundaries. Refer to **Figure 2** below.

A 2000L slimline rainwater tank will be provided to collect stormwater from the roof. The front yard area of the existing dwelling has 49.97m² of soft landscaped area, the rear private open space has 221.04m²; whilst the secondary dwelling has 15.22m² of soft landscaping (total 281.66m²).

A retaining wall will be constructed behind the proposed secondary dwelling (refer to details on Sheet 5).

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
21018-8	1	H	Cover Page	Accurate Design & Drafting
21018-8	2	H	Perspective View	Accurate Design & Drafting
21018-8	3	H	Ground Floor Plan	Accurate Design & Drafting
21018-8	4	H	Elevations	Accurate Design & Drafting
21018-8	5	H	Site Plan/Drainage Diagram	Accurate Design & Drafting
21018-8	6	H	BASIX	Accurate Design & Drafting

3.2 AVAILABILITY OF SERVICES

The site is within a developed urban area surrounded by existing residential accommodation (refer to Figure 1 above) and close to urban services available in the area. As such all urban utility infrastructure to the area is available and can be provided to the proposed development.

3.3 TOPOGRAPHY AND LANDFORM

The subject land falls from the western side (18.22m AHD) to 16.11m AHD, at the eastern boundary. 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 the use of a drop edged beam and retaining wall (refer to **Figure 2** above).

3.4 STORMWATER DRAINAGE

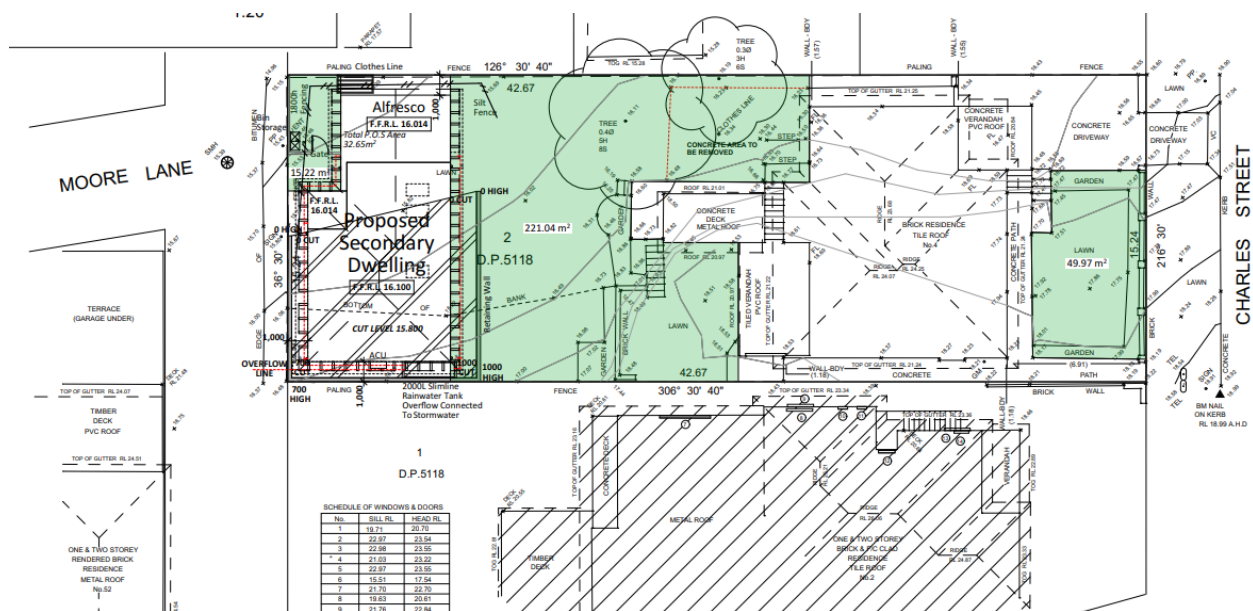
Stormwater from the development can be drained rainwater tank and to the overflow line to Moore Lane via existing system, as shown on Sheet 5 of **Annexure A**.

3.5 SETBACKS AND BUILDING SEPARATION

The building setback is 1m to the Moore Lane and to side boundaries, as shown on **Figure 3** below. As such, the dwelling is offset to the adjoining boundaries to the minimum distance under the Building Code of Australia and Council Development Control Plan, as shown on **Sheet 5** of **Annexure A**.

Highlight windows have been provided on the southern side to No 2 Charles Street. The alfresco area adjoins the garage to No 23 Moore Street. A front fence to Moore Lane is proposed for part of the dwelling to provide privacy to Bedroom 2 and private open space. The provision of windows and front door to the laneway increases the aspects of passive surveillance of the lane in respect of crime prevention (CPTED) principles, which is addressed below in Section 5.4. 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 Standard.

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 5**).

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 (Affordable Rental Housing) 2009.
- State Environmental Planning Policy BASIX.
- State Environmental Planning Policy 55 – Remediation of Land.
- Warringah Local Environmental Plan 2011 (WLEP).
- Warringah Development Control Plan, 2011 (WDCP).

4.2 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (the Act) contains the objects of the Act. These are:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and

- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
- (vii) ecologically sustainable development, and...
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

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

4.3 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The Affordable Housing SEPP fact sheet, published by the NSW Department of Planning, Infrastructure & Environment, provides the following key pieces of information regarding affordable housing and the demonstrated need for affordable housing.

The current proposal has been designed to align with the provisions of the SEPP and will provide a secondary dwelling, in an area located close to public transport in Moore Street. The subject property is readily accessible to shops in Lawrence Street to the northwest. The Centre offers convenience shopping. It would be noted that the police and nurses are some of the groups of persons that are probable target groups (key workers) for affordable housing. The property is located within walking distance of Freshwater Beach.

State Environmental Planning Policy (Affordable Rental Housing) 2009 encourages the development of new affordable rental housing. To ensure consistency of process and fairness of decisions, the Policy requires an assessment of the criteria that must be in accordance with these guidelines.

Affordable housing means housing for very low-income households, low-income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

In the case of the ARHSEPP a household is taken to be a very low-income household, low-income household or moderate income household if the household:

- a) has a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

For instance, Police Officers, particularly relocated from other areas and nurses are considered to be within this Policy qualifications, as stated above.

Broadly, the ARHSEPP provides incentives for the development of affordable housing in New South Wales – the main incentives being minimal parking requirements.

4.3.1 AIMS

The aims of this Policy as set out in clause 3 are as follows:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

In respect of these aims, the following is provided, where relevant. It is considered that the proposed development is consistent with aims (b), (f) and (g). Part 2 Division 2 of the SEPP applies to Secondary Dwellings. Schedule 1 of Division 2 of the ARHSEPP as follows (refer to **Table 4** below. Clause 19 states:

development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note. The standard instrument defines secondary dwelling as follows: secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Comment

The secondary dwelling will be established with the principal dwelling (existing dwelling as described above in Section 2).

Clause 20 requires the secondary dwelling to be developed on residential land. The land is zoned R2 Low Density Residential and therefore permissible.

Clause 22 provides:

- (1) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.
- (2) A consent authority must not consent to development to which this Division applies unless:
 - (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and
 - (b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

(3) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

(a) **site area**

if:

- (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or
- (ii) the site area is at least 450 square metres,

(b) **parking**

if no additional parking is to be provided on the site.

(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

24 No subdivision

A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.

Comment

Schedule 1 - Development Standards for Secondary Dwellings provides the following requirements (refer to **Table 4** below for compliance).

TABLE 4 - STANDARDS FOR IN-FILL DEVELOPMENT

Division 2 - Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
Part 2 Site Requirements			
2 - Lot Requirements	(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:		
	(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and	The secondary dwelling will be part of the existing principal dwelling (detached).	Yes.
	(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:	Not a battle-axe lot.	Yes.
	(i) 12 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,	Lot has an area of a minimum of 650.3m ² .	Yes.

Division 2 - Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	(ii) 15 metres, if the lot has an area of more than 900 square metres but less than 1500 square metres, (iii) 18 metres, if the lot has an area of at least 1500 square metres, and (c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway. (2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.	Not applicable. Not applicable. Not applicable. Has access to Moore Lane, a public road.	N/A. N/A. N/A. Yes.
3 - Maximum Site Coverage	(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following: (a) 50 per cent of the area of the lot, if the lot has an area of at least 450 square metres but less than 900 square metres,	Property has an area of 650.3m ² and the floor area of the dwellings are 278.5m ² or 42.8% site area.	Yes.
4 - Maximum Floor Area for Principal and Secondary Dwelling	(1) The floor area of a secondary dwelling must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area. (2) The floor area of a principal dwelling, secondary dwelling	The secondary dwelling has a floor area of 60m ² (refer to controls under Clause 5.4(9) of WLEP 2011). The floor area of both dwellings is less than 330m ² .	Yes.

Division 2 - Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following – (a) 330 square metres, if the lot has an area of at least 450 square metres but not more than 600 square metres,		
5 - Maximum Floor Area for Balconies	(1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 3 metres above ground level (existing) is 12 square metres.	No balconies proposed.	Yes.
Part 3 - Building Heights and Setbacks			
6 Building Height	Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5 metres.	Dwelling is single storey and less than 8.5m.	Yes.
7 - Setbacks from Roads	(i) 4.5 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, (5) For the purposes of this clause, if a lot has contiguous boundaries with a road or roads but is not a corner lot,	1m setback to Moore Lane, but compliant, as the primary setback is to Charles Street. Under the ARHSEPP there is no minimum requirement to a laneway. Rear setbacks are addressed below under 10.	Yes.

Division 2 – Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	the lot is taken to have a boundary only with a primary road.		
8 – Setbacks from Classified Roads	Not a classified road.	Not applicable.	N/A.
9 – Setbacks from Side Boundaries	(a) 0.9 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,	1m setbacks to side boundaries and compliant.	Yes.
10 – Setbacks from Rear Boundaries	(a) 3 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, (3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.	1m setback and not compliant on the northwestern boundary. As stated above, the setback to the rear laneway is 1m.	Yes, see below comments in Section 4.3.2.
11 – Exceptions to Side and Rear Setbacks	(a) development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3 metres from a boundary with a public reserve,	Not applicable.	N/A.
12 – Calculating Setbacks	(2) For the purpose of calculating the setback of the nearest 2 dwelling houses in clause 7 of this Schedule – (a) any ancillary development is not to be included, and	Not applicable.	N/A.

Division 2 - Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	(b) any building element within the articulation zone is not to be included.		
13 - Articulation Zone	(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.	The dwelling has a front door facing Moore Lane in accordance with Council DCP and CPTED principles.	Yes.
14 Building Elements	(1) The following building elements are permitted in an articulation zone: (a) an entry feature or portico, (b) a balcony, deck, patio, pergola, terrace or verandah, (c) a window box treatment, (d) a bay window or similar feature, (e) an awning or other feature over a window, (f) a sun shading feature.	Not applicable.	N/A.
15 - Privacy	(1) Development for the purposes of a secondary dwelling must not result in a new window in the principal or secondary dwelling without a privacy screen if: (a) it is a window in a habitable room, other than a bedroom, that has a floor level of	Bedroom windows has highlight windows facing the rear of No 2 Charles Street.	Yes.

Division 2 - Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	more than 1 metre above ground level (existing), and (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and (c) the window has a sill height of less than 1.5 metres.		
Part 4 - Landscaping			
16 Landscape Area	(a) 20 per cent, if the lot has an area of at least 450 square metres but less than 600 square metres,	Refer to Sheet 5 and 43.31%.	Yes.
17 - Principal Private Open Space	A lot on which development for the purposes of a secondary dwelling is carried out must have at least 24 square metres of principal private open space.	PPOS provided to comply at 221.04m ² .	Yes.
Part 5 - Earthworks and Drainage			
18 Excavation of Sloping Sites	(1) Excavation associated with development for the purposes of a secondary dwelling. (3) Fill Fill must not exceed a maximum height, measured from ground level (existing), of— (a) if the fill is for the purposes of a secondary dwelling—1m, (7) Retaining walls and structural supports Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that—	700mm cut proposed on southern boundary to zero in the middle of the dwelling, with drop edged beam used and a retaining wall. Not applicable, refer to above comments. Refer to above comments.	N/A. N/A. Yes.

Division 2 - Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	(a) a professional engineer has certified is structurally sound, including the ability to withstand the forces of lateral soil load, and (b) has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and (c) has adequate drainage lines connected to the stormwater drainage system for the site, and (d) does not result in a retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and (e) is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and (f) has been installed in accordance with any manufacturer's specifications, and (g) if it is an embankment or batter – must have its toe or top more than 1m from any side or rear boundary.		
19 - Repealed			
20 - Repealed			
21 - Drainage	All stormwater collecting as a result of development for the purposes of a secondary	Stormwater to be discharged to Council system in Moore Lane	Yes.

Division 2 – Development Standards for Secondary Dwellings			
Clause	Control	Proposal	Compliance
	dwelling must be conveyed by a gravity fed or charged system.	(refer to Sheet 5).	

4.3.2 REAR LANEWAY SETBACK

In respect of the laneway setback, a 1m setback is proposed at the closest point and 3m for the remainder of the dwelling. Clause 10(3) states:

- (3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.

The subject property has a width of 15.24. the dwelling has a length of 7.09m with a setback of 1m and then 3m for the remainder. The clause states that only 50% of the dwelling can abut the setback. The length of the building that is setback 1m equates to 46.5% and therefore compliant with this clause.

4.3.3 CONCLUSION

The proposed development has been assessed against the relevant standards of ARHSEPP and is considered to be an appropriate development having regard to those provisions and is generally consistent with the SEPP.

4.4 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 6 of Annexure A**.

4.5 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;

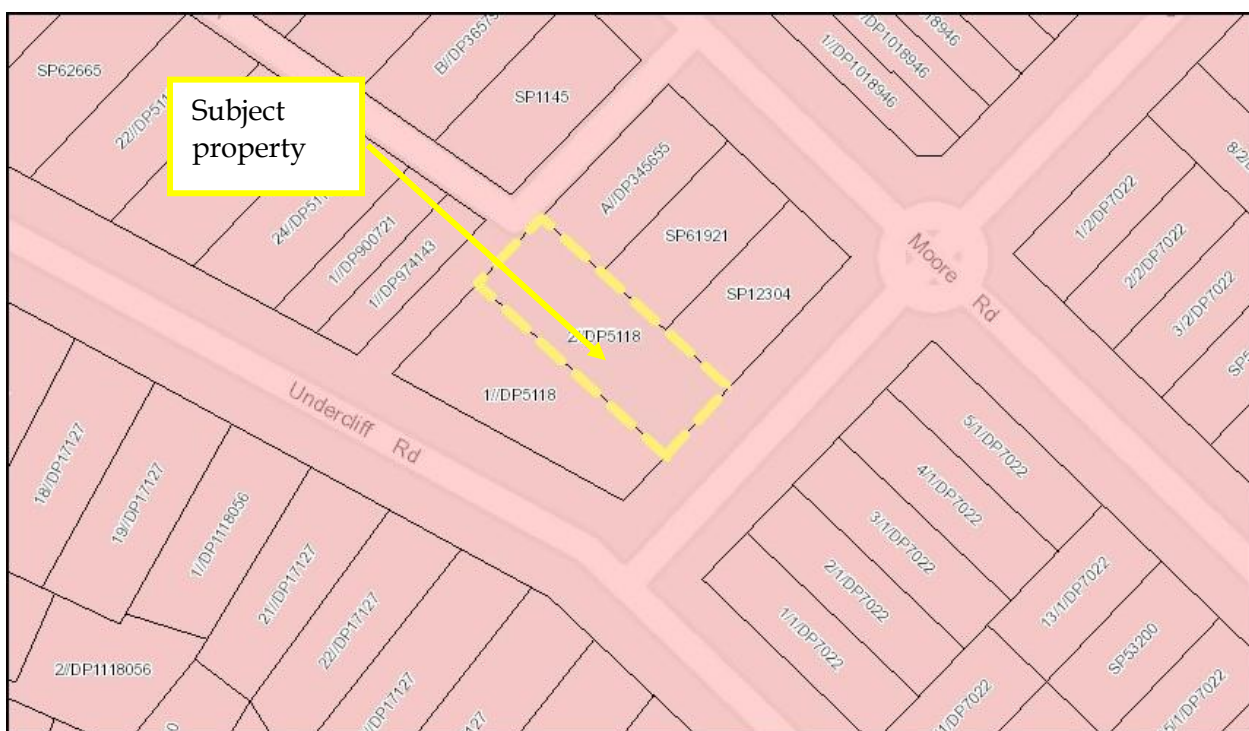
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

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.

4.6 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 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, satisfying the third objective.

The following landuses are permissible:

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

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Secondary dwelling housing is listed in the permissible use column under the LEP and is permissible with Council consent and also under the ARHSEPP 2009, which was addressed above in Section 4.3. The secondary dwelling proposal must also comply with Clause 5.4(9) of the LEP, which addressed below in Section 4.6.3.

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.

4.6.1 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 and therefore this clause is not applicable (refer to **Figure 5** below).

FIGURE 5 – MINIMUM LOT SIZE MAP



4.6.2 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 4.745m high to top of ridge above natural ground and therefore compliant (**Figure 2** above).

FIGURE 6 - HEIGHTS OF BUILDING MAP



4.6.3 MISCELLANEOUS CONTROLS

Clause 5.4(9) provides controls for secondary dwellings. This aspect has been addressed in several sections and is compliant, being less than 60m².

4.6.4 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.

4.6.5 CLAUSE 6.1 – ACID SULFATE SOILS

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

4.6.6 CLAUSE 6.3 – FLOOD PLANNING

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

4.6.7 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.

FIGURE 7 - LANDSLIP RISK MAP



4.7.2 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 residential development. However, there are no controls for secondary dwellings and therefore the controls that apply to dwellings are addressed in **Table 5** below.

TABLE 5 – RESIDENTIAL CONTROLS – COMPLIANCE TABLE

DCP	Proposed	Complies
B1 Wall Heights		
A wall height must not exceed 7.2m.	The proposed dwelling is 4.745m to the top of the roof ridge and therefore compliant with this part of the DCP.	Yes.
B2 Number of Storeys		
Compliance with the Heights of Building Map.	This aspect was addressed above in Section 4.6.2. It is noted that the dwelling is below the 8.5m height requirement, at 4.745m.	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 proposed dwelling is single storey and is compliant with this part of the DCP.	Yes.
B4 Site Coverage		
The total building footprint(s) must not cover more than 33.3% of the site area.	The development provides 278.5m ² or 42.8% site area.	No. The provisions of the SEPP apply, and the proposed development is compliant.
B5 – Side Boundary Setbacks		
Part B5 addresses the side boundary setbacks and sets a minimum setback of 900mm for the subject site.	The proposal provides a 1m setback to the northern & southern boundaries of the site, complying with the control.	Yes
B7 – Front Setbacks		
Part B7 addresses the front boundary setbacks and sets a minimum setback of 6.5m for the subject site.	Not applicable to this proposal.	N/A

DCP	Proposed	Complies
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 1m but has access from rear laneway. Refer to comments at 4.3.2 above, which addresses the SEPP control for development with frontage to the laneway.	Yes
B10 Merit Assessment		
1. Rear boundary setbacks will be determined on a merit basis and will have regard to: - streetscape; - amenity of surrounding properties; and - setbacks of neighbouring development	As stated above the dwelling has a setback of 1m for a portion and 3m for the remainder, which is compliant with the SEPP. The proposal has access and faces Moore Lane. The development at Nos 21 & 23 Moore Street has a minimal setback to the laneway and No 25 has a setback less than 1m from the rear of that property. The development at No 52 Undercliffe Road also has a minimal setback to the laneway, as can be seen from Sheet 5 and the aerial photograph at Figure 1 above. The proposed dwelling	

4.7.3 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 6**.

TABLE 6 – 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 provides no carparking for the secondary dwelling as provided by the SEPP.	Yes.
C4 – Stormwater		
1. Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. 2. Stormwater runoff is to discharge to a drainage system approved by Council.	Refer to Sheet 5 of Annexure A .	Yes

DCP	Proposed	Complies
C5 - Erosion & Sedimentation		
1. Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur.	Erosion controls shown on Sheet 5 , with detailed ESCP to be submitted with the Construction Certificate.	Yes
2. Any erosion and sedimentation is to be managed at the source.		Yes
C7 - Excavation and Fill		
Part C7 addresses excavation and landfill.	The proposed development involves minor excavating the land to permit the dwelling to be constructed, as shown on the plans at Sheet 5 and discussed above in several sections.	Yes.
C9 Waste Management		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan accompanies the application.	Yes.

4.7.4 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 7**.

TABLE 7 - 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	The proposal complies with the control (refer to Sheet 5 of Annexure A - landscape plans), with 43.31% available for landscape area.	Yes.

DCP	Proposed	Complies
basement structures).		
D2 - Private Open Space		
Part D2 addresses private open space and requires that a minimum 60m ² 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 216.47m ² for the existing dwelling and an alfresco area of 32.65m ² , complying with the area control. The space is directly accessible from both dwellings.	Yes. 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 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.	Given the orientation of the property, and the location of dwelling, there is minimal impact on adjoining property to the north. Refer to Sheet 5 at Annexure A , which shows the location of the adjoining development to south, which is a rear open space area. The rear area will have minimal impact from overshadowing from the single dwelling.	Yes
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 off the laneway and other buildings have a greater impact.	Yes
D8 - Privacy		
Part D8 addresses privacy and requires all development to be designed to optimise privacy within the site and for adjoining	The design of the proposal seeks to maximise privacy between properties. The proposal provides highlight windows from the bedrooms that have the potential to	Yes.

DCP	Proposed	Complies
properties.	overlook into the adjoining property to the south; whilst dwelling has been designed to provide casual surveillance of the laneway to comply with CPTED principles, addressed at Section 5.4 below.	
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.	Yes.
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.	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 is to have an appropriate roof form that is compatible with the contemporary coastal design, with essentially a 22.5-degree roof form. The roof is considered to be in keeping with the predominant pitched roof form in the area, which generally have hip type roof forms and reflect the era of the development of these properties.	Yes.
D13 - Front Fences and Walls		
Part D13 addresses front fences and front to complement the streetscape character and the	A front fence for the dwelling is shown on the plans to provide privacy and security to the proposed dwelling.	Yes.

DCP	Proposed	Complies
architectural character of the dwelling, with gates not to encroach over the property boundary when opened.		
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 do not show the location of these required facilities, but they will be located at the property boundary.	Yes.
D15 – Side and Rear Fences		
Part D15 generally requires side and rear fencing to be 1.8m high.	Existing fencing is 1.8m and extends to the rear boundary. This provide privacy and security to the property noting the laneway.	Yes.
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 Moore Lane with a front door facing the laneway.	Yes.

Having regard to the above assessment, the proposed secondary dwelling is compliant with the DCP.

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 residential accommodation for the family. The proposal will deliver social benefits at a local level. The development offers affordable accommodation to facilitate needs of future occupants. The following provides a summary of the social benefits:

- The proposal provides positive benefits through the provision of affordable housing to meet the needs of persons with socio-economic situations;
- The proposal generates positive changes to the character and amenity of the local area and provides a development fronting the laneway; and
- The proposal is designed to effectively integrate the new development into the area.

The future occupants will not place unreasonable demands or requirements on existing local services and infrastructure available. The proposed development is integrated with the surrounding road network and the nature of the residential locality. The development does not pose adverse social impacts.

It is an orderly and economic use of residential land with affordable residential housing in this area. 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 southern elevation to minimise any privacy concerns.

5.3.3 DRAINAGE

In terms of drainage, the plan indicates that the site can be drained to Council's system (refer to **Sheet 5 of Annexure A**).

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 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.

5.4.1.2 ACCESS CONTROL

The private open space area 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.

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 door of the laneway and increase such surveillance to comply with CPTED principles.

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 three-storey development and therefore is suitable to the site. The property adjoins a laneway and therefore the dwelling is suitable for residential purposes.

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 secondary dwelling, including compliance with ARHSEPP.

6 Conclusion

The proposal is for a new secondary dwelling of more appropriate size to the character of the area and the needs of the future occupants. The development will ensure the dwelling on the subject site provides a streetscape presentation to the laneway setting suited to the streetscape character, which has a variety of building typologies. Onsite parking is not provided as permitted by the ARHSEPP.

It is therefore considered that the proposal is well designed, having due regard to the constraints of the site and provides for an affordable 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.
- The proposal also achieves compliance with WLEP 2011.
- The proposal is consistent with the Affordable Housing State Policy 2009.
- The proposal is unlikely to result in any adverse impact on local amenity or detrimental change in the character of the area.
- It is considered that the development will have no adverse environmental effects. It contributes positively to the local economy; and has been designed to be cohesive with the characteristics of the site and locality.
- The social and economic consequences on the locality are considered to be positive. They respond to emerging trends in affordable housing accommodation without adversely impacting on third parties or 'public goods' such as amenity, air and water quality. It utilises existing public investment.

In summation, the development proposal is in the interest of both Council and the broader community, and it will provide benefits within the locality over the long-term. It is considered to support Council's objectives and strategies for Warringah as a whole.

In view of the lack of adverse environmental impact, it is recommended to the Council that the application be approved, subject to appropriate conditions.

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

Annexure “A”

Reduced Plans