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# STATEMENT OF ENVIRONMENTAL EFFECTS



201 HEADLAND ROAD, NORTH CURL CURL  
Alterations & Additions to Existing Dwelling House

2 October, 2025

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# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared for Ryan and Natalie Dinsdale and forms part of a development application to Northern Beaches Council for the erection of alterations and additions to the existing dwelling at 201 Headland Road, North Curl Curl.

Overall, the alterations and additions will improve the functionality and amenity of the dwelling for its residents. The articulation, modulation, materials, improved landscaping and finishes ensure the proposal will result in a modern built form to contribute positively to the streetscape and locality.

The proposal is in accordance with the relevant zone objectives contained in the Warringah Local Environmental Plan 2011 (WLEP 2011) and generally satisfies the relevant objectives and controls of the Warringah Development Control Plan 2011 (WDGP 2011) where necessary.

This document is divided into 6 sections. Section 2 contains a site analysis, Section 3 contains details of the proposal, Sections 4 and 5 contain the detailed assessment of the application in accordance with Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979, and Section 6 concludes the report. The following details accompany this SEE:

- Architectural Plans;
- Geotechnical Report;
- Stormwater Management Plan;
- BASIX Certificate;
- 4.6 Variation Request.



## 2 Site Analysis

This section contains a description of the following: The Locality; Site Description; Existing Character and Context; and Surrounding Road Network.

### 2.1 The Locality

The subject site is located within the suburb of North Curl Curl and is located within the Local Government Area (LGA) of Northern Beaches.



FIGURE 1: LOCATION PLAN (NSW EXPLORER)

### 2.2 Site Description

The subject site is a standard lot located on the southern side of Headland Road within the beachfront suburb of North Curl Curl and is known as 201 Headland Road, North Curl Curl or Lot 6 DP 12515.

The site is regular in shape, sharply steep in topography sloping to the south to the rear of the site and contains a total area of 838.7m<sup>2</sup>, which is typical for residential properties in the area.

Existing improvements on the site consist of a three storey dwelling house, mature landscaping, swimming pool, ancillary structures and fencing.

## **2.3 Existing Character and Context**

The surrounding area is predominantly residential, characterised by a mixture of single dwellings, high quality recreational facilities and the St Luke's Grammar School directly opposite to the north.

The outcome of the development is considered to be in keeping with the character of the low density residential area in that it will have no unreasonable impacts upon the function, environmental criteria, streetscape or the general amenity of the locality.

## **2.4 Surrounding Road Network**

The site has its frontage to Headland Road with vehicular access gained from same via an existing driveway crossing. Headland Road is a two lane sealed local road that provides a connection for various local roads back to Pittwater Road, which provides access to the greater Northern Beaches area.

Headland Road is not identified as a Classified Road in accordance with the Roads Act 1993 with Council the designated roads authority. However, the proposal does not involve any works within the road reserve and a concurrent 138 approval will not be required to form part of any development consent.

It should be noted that the proposal is for improved facilities for the existing residents. No additional vehicular movements result from the proposal and it is not considered warranted to require upgrading of the existing vehicular access arrangements.

# 3 Details of the Proposal

It is proposed to undertake the following works upon the site:

- Demolition of numerous structures including 2 sheds within the rear yard and shade structure within front yard;
- Alterations and additions to the lower level to facilitate a revised layout including a rumpus room, 2 bedrooms, laundry, bathroom, internal access and external deck area;
- Alterations and additions to the middle ground level to facilitate a revised layout including an open plan living/kitchen area, bedroom and ensuite, WC, internal garage configuration, external access areas, front courtyard and vergola roof over existing deck;
- Alterations and additions to the upper level to facilitate a revised layout including a master bedroom suite and office; and

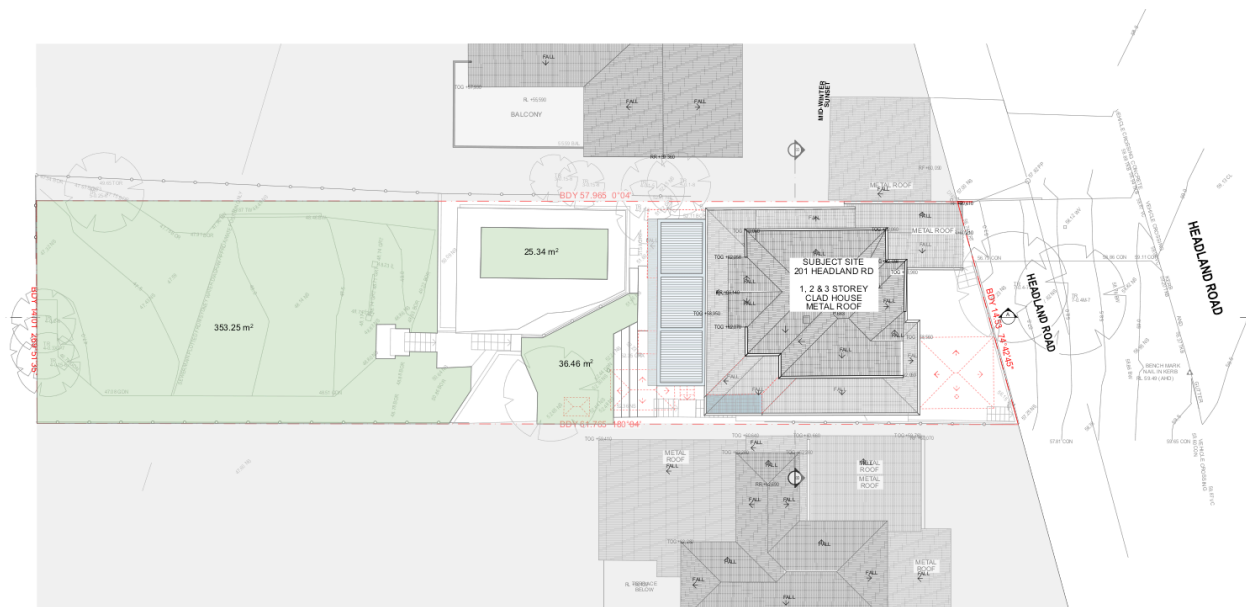


FIGURE 2: LAYOUT (MODIFY PTY LTD)

The proposal will result in an improved layout and functionality of the existing dwelling, that blends seamlessly with the existing streetscape, to cater for modern family dynamics. It should be noted that the proposal does not increase the number of bedrooms in the dwelling and vastly improves the quality of the streetscape.

# 4 Planning Controls

Pursuant to section 4.15(1)(a) of the EP&A Act, this section will assess the compliance with the planning controls applicable to the site and relevant to the proposal pursuant to the relevant heads for consideration. The relevant controls include:

- Biodiversity Conservation Act 2016;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- State Environmental Planning Policy (Biodiversity & Conservation) 2021;
- State Environmental Planning Policy (Resilience & Hazards) 2021; and
- Warringah Development Control Plan 2011 (WDCP 2011).

## 4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 prescribes the requirements for addressing impacts on biodiversity from development, particularly where clearing is also proposed. The Biodiversity Offsets Scheme applies to development that triggers the Biodiversity Offsets Scheme threshold, or, is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Assessment Method (BAM) is the assessment protocol that details how an accredited person assesses impacts on biodiversity in connection to a development proposal. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the Council as part of their development application.

The Biodiversity Offsets Scheme Threshold is a test used to determine when it is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The threshold is triggered either when:

1. The amount of native vegetation being cleared exceeds a threshold area.

or,

2. When the impacts on vegetation occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing exceeds either of the above triggers, the Biodiversity Offset Scheme applies to the proposed development.

No part of the site is mapped on the Biodiversity Values map and the proposal does not involve the clearing of vegetation or impact upon any threatened species. Subsequently, no further consideration of this legislation is necessary.

## 4.2 Waringah Local Environmental Plan 2011 (WLEP 2011)

The subject site is zoned R2 – Low Density Residential under Council's WLEP 2011 (see Figure 3). *Dwelling houses* are permissible with consent in the zone and the proposal is considered to satisfy the objectives of the zone. It should be noted that the proposed landscaping works and the like are considered an ancillary component to the existing dwelling house upon the property, with the dwelling continuing to be the principal use of the site.

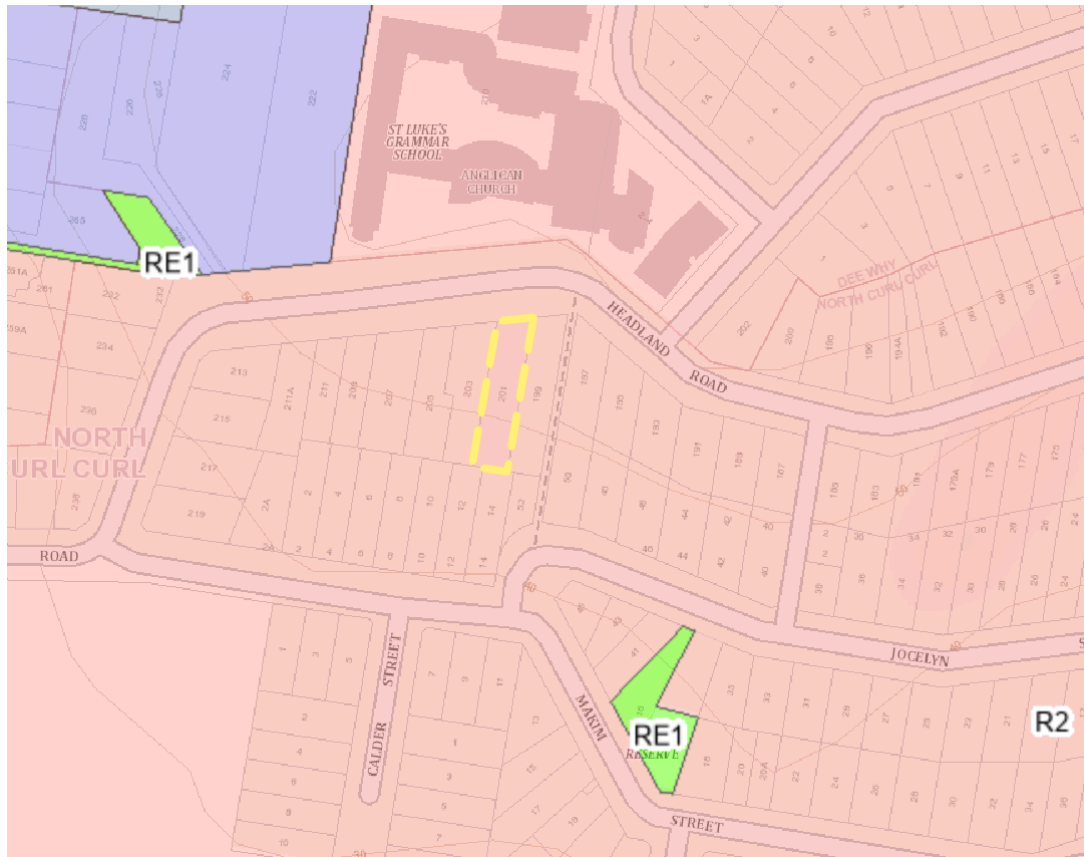


FIGURE 3: EXTRACT FROM ZONING PLAN  
(SOURCE: WARRINGAH LEP 2011)

### 4.1.1 Zone Objectives

The relevant objectives for Zone R2 are stated:

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

**Comment:** The proposed alterations and additions will allow the site to continue benefiting from a residential use in the low density residential environment. The



design intent is to improve the amenity of the existing dwelling and improve the livability of the site.

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

**Comment:** The proposal is for alterations and additions to an existing dwelling, which will not impede other land uses from being considered in the area.

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

**Comment:** The proposal will largely retain the existing landscaping throughout the site, which already includes substantial areas of compliant quality landscaping at the rear of the site. It should be noted that the additions have generally been positioned within the existing footprint of the dwelling and hard surface areas to ensure the high quality landscaped setting at the rear of the site is preserved.

In our opinion the proposal is consistent with the relevant objectives of the R2 Low Density Residential zone as detailed above. The proposal is intended to create improved facilities for the existing residents that is commensurate with the size of the property.

A summary of our assessment of the proposed development against the relevant LEP provisions is in the following table (see Table 1):

#### 4.1.2 Other LEP Provisions

| TABLE 1: PROJECT COMPLIANCE – Warringah LEP 2011                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Area : 838.7m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| LEP Provisions                                                                                                                                                                                                                                                                                                                                                                                                 | Complies / Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Clause 4.3 Height of Buildings</b>                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</p> <p>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,</p> <p>(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,</p> | <p>Refer to the comments prepared within the separate 4.6 written variation request accompanying the development application.</p> <p>The request notes that the proposed internal works and external re-cladding and window arrangements and the like (above 8.5m in height above ground level (existing)) will have no perceivable additional impact upon the immediate surrounding properties and the development will maintain compatibility with the objectives to an equal degree as existing</p> |

|                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.</p>                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>                                                                                                                                                                       | <p>The maximum height prescribed is 8.5m</p> <p>The proposal includes additions to the existing building fabric that are all set low in the site relating to the lower storeys and comfortably comply with the height limit development standard.</p> <p>However, the proposal also includes works associated with the upper storey, some of which is technically above 8.5m from the ground level directly below.</p> <p>The highest point of the works relates to the removal of the skylight and interna/external wall replacements.</p> <p>A separate 4.6 written variation request has been prepared and lodged with the development application. The request clearly confirms that it is unreasonable to apply the development standard in this instance as no additional height or building form outside of the existing footprint is being introduced and no additional impacts arise beyond the existing circumstances of the dwelling.</p> |
| <p>(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that lanR, any such building is not to exceed the specified Reduced Level.</p>                                                                                              | <p>N/A.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>4.6 Exceptions to development standards</b></p>                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> | <p>The proposal is reliant upon the application of clause 4.6 in relation to the maximum building height development standard contained in clause 4.3 of the WLEP 2011.</p> <p>Refer to the separate written request for a 4.6 variation prepared in accordance with the EP&amp;A Regulation 2021.</p> <p>The request demonstrates that the objectives of this clause are achieved despite the variation as the proposal results in an equal outcome to the existing site conditions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Refer to the separate written request for a 4.6 variation prepared in accordance with the EP&amp;A Regulation 2021.</p> |
| <p>(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and</p> <p>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</p> <p><b>Note—</b><br/> <i>The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).</i></p> | <p>Refer to the separate written request for a 4.6 variation prepared in accordance with the EP&amp;A Regulation 2021.</p> |
| <p>(4) The consent authority must keep a record of its assessment carried out under subclause (3).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Noted.</p>                                                                                                              |
| <p>(5) (Repealed)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>N/A.</p>                                                                                                                |
| <p>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—</p> <p>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</p> <p>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</p>                                                                                    | <p>N/A. This clause is not relevant to the R2 Low Density Residential Zone.</p>                                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Note.</b><br/> <i>When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                   |
| (7) (Repealed)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A.                                                                                                                                                                                                                                                              |
| <p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</p> <p>(ba) clause 4.4, to the extent that it applies to land identified on the Key Sites Map as Site F, Site G, Site H or Site I,</p> <p>(c) clause 5.4,</p> <p>(caa) clause 5.5.</p> <p>(d) (Repealed)</p> | N/A. The variation does not relate to any of the specified circumstances.                                                                                                                                                                                         |
| <p>(8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A. The site is not located within the Dee Why Town Centre mapping.                                                                                                                                                                                              |
| <p>(8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A.                                                                                                                                                                                                                                                              |
| <p><b>6.4 Development on sloping land</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                   |
| <p>(1) The objectives of this clause are as follows—</p> <p>(a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The geotechnical assessment prepared by Martens has assessed the conditions of the site and concluded that there is an acceptable risk to the proposal.</p> <p>It is expected appropriate conditions of consent can be implemented to ensure the works are</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,</p> <p>(c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.</p>                                                                                                                                                                                               | undertaken appropriately.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| (2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.                                                                                                                                                                                                                                                                                                                                                                                                                                     | The site is identified in Area B on the Landslip Risk Mapping.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and</p> <p>(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and</p> <p>(c) the development will not impact on or affect the existing subsurface flow conditions.</p> | <p>The geotechnical assessment prepared by Martens has assessed the conditions of the site and concluded as follows:</p> <p><i>“The proposed development is considered to constitute an acceptable risk to life and a low risk to property, resulting from assessed geotechnical hazard, provided that the slope treatment measures presented in Appendix E and recommendations presented in this report are adhered to. “Some Guidelines For Hillside Construction” are provided in Appendix F. “</i></p> |

## 4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The object of this policy is to provide a mechanism to ensure remediation of contaminated land is undertaken within the planning framework.

Part 4 of the SEPP requires the consent authority (Northern Beaches Council), before determining a development application, to consider whether the land is potentially contaminated and if so whether the land is suitable in its current state for the proposed use.

Clause 4.6(1) of the SEPP prescribes the specific considerations for the consent authority as noted below:

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

*(a) it has considered whether the land is contaminated, and*



*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

**Comment:** No potentially contaminating activities are undertaken on the property or have been known to have been undertaken on the property. No further consideration of the SEPP is considered necessary.

## **4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021**

The Biodiversity and Conservation SEPP 2021 applies to the site as the site is zoned R2 Low Density Residential.

Clause 2.6 of the SEPP prescribes as follows:

### ***2.6 Clearing that requires permit or approval***

*(1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part.*

*(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.*

*(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.*

*(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.*

*(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.*

*(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.*

**Comment:** No clearing of vegetation is proposed or necessary to facilitate the erection of the alterations and additions. Subsequently, no further consideration of Chapter 2 of this SEPP is necessary.

## 4.5 Warringah Development Control Plan 2011

The Warringah DCP 2011 applies to the site and the proposed development.

Parts B '*Built Form Controls*', C '*Siting Factors*', D '*Design*' and E '*The Natural Environment*' contain specific controls relating to the proposal and the relevant sections, as they relate to dwelling alterations and additions only, are addressed in the table below.

All other relevant parts of the WDCP 2011 have been addressed throughout this report in the various relevant sections as heads of consideration.

| TABLE 3: PROJECT COMPLIANCE – Warringah DCP 2011                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Relevant sections applicable to this proposal.                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DCP Provisions                                                                                                                                                                                                                                                                                                                                               | Complies / Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>B1 Wall heights</b>                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).                                                                                                                                                       | <p>All walls that are relating to an addition to the dwelling are set below 7.2m measured from the ground level (existing) of the external walls.</p> <p>Parts of the wall replacement on the upper storey are technically above 7.2m from the external ground levels below, however all of these walls are existing and are only being replaced in an improved quality cladding.</p> <p>Accordingly, the walls do not result in any additional impact with regards to bulk/scale beyond the existing circumstances.</p> |
| <p>This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:</p> <ul style="list-style-type: none"> <li>• does not exceed the 8.5 metre height development standard;</li> <li>• is designed and located to minimise bulk and scale; and</li> </ul> | The site includes a slope of 21% within the general footprint area. However, refer to the comments above that confirm the areas of non-compliance relate to the existing built form and suggests the proposal overall, which largely relates to lower parts of the dwelling, is appropriate for the site conditions.                                                                                                                                                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• has a minimal visual impact when viewed from the downslope sides of the land.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                 |
| <b>B2 Number of Storeys</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                 |
| Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A. The subject site is not mapped for a height limit within the WDCP 2011 mapping.                                                                                                                                                                                            |
| <b>B3 Side Boundary Envelope</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                 |
| <p>Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:</p> <ul style="list-style-type: none"> <li>• 4 metres, or</li> <li>• 5 metres</li> </ul> <p>as identified on the map.</p>                                                                                                                                                                                                            | <p>The site is mapped for a 5m envelope.</p> <p>The plans include numerous envelope markings throughout the elevations and sections in the critical parts of the building confirming that the new portions of the dwelling sit comfortably within the 5m building envelope.</p> |
| On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.                                                                                                                                                                                                                                                                                                                                           | N/A. The subject site is zoned R2 Low Density Residential.                                                                                                                                                                                                                      |
| <p><b>Exceptions</b></p> <p><b>Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway</b></p> <p>For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest: Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope. Consent may be granted for the addition of a second storey to an existing dwelling house that to a minor extent does not comply with the requirement of this control.</p> | Noted. Eaves and the like have been appropriately incorporated into the design.                                                                                                                                                                                                 |
| <b>B4 Site Coverage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                 |
| Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as:                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A. The subject site is not mapped for a site coverage limit within the WDCP 2011 mapping.                                                                                                                                                                                     |

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| <ul style="list-style-type: none"> <li>• 33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and</li> <li>• 20% = 3,500m<sup>2</sup> or 30% &lt;3,500m<sup>2</sup> - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m<sup>2</sup> where the total building footprint/s must not cover more than 30% of the site area.</li> </ul>                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>B5 Side Boundary Setbacks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The site is mapped for a 900mm side setback.</p> <p>All new structures are &gt;900mm from both side setbacks.</p> <p>Refer to exceptions below.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | All landscaping within the side boundary setbacks will be retained where possible. It should be noted that the site includes rock ledges and the like throughout where landscaping is unable to be provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.                                                                                                                                                                                                                                                                                                                                                                                              | N/A. The subject site is zoned R2 Low Density Residential.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>Exceptions</b></p> <p><b>Land Zoned R2</b><br/>All development:</p> <ul style="list-style-type: none"> <li>• Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback</li> </ul> <p>Ancillary to a dwelling house:</p> <ul style="list-style-type: none"> <li>• Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause</li> </ul> | <p>The lower level deck area, stairs and landing to living area are all located within the side setback area and are &lt;1m above ground level.</p> <p>Please note that some new balustrading associated with the stairs extend &gt;1m above ground level. However, the balustrading will have negligible impact with regards to visual prominence and are necessary to include for BCA compliance.</p> <p>The existing stairs already include balustrading erected within close proximity to the eastern side boundary and the proposal will generally allow for the continuation of the existing stairs in a modified arrangement with no further impact.</p> |

| <b>B6 Merit Assessment of Side Boundary Setbacks</b>                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p>Side boundary setbacks will be determined on a merit basis and will have regard to:</p> <ul style="list-style-type: none"> <li>• streetscape;</li> <li>• amenity of surrounding properties; and</li> <li>• setbacks of neighbouring development</li> </ul> | N/A. The subject site is not mapped for a merit assessment within the WDCP 2011 mapping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Generally, side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.                                                                                 | N/A. The subject site is not mapped for a merit assessment within the WDCP 2011 mapping.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>B7 Front Boundary Setbacks</b>                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Development is to maintain a minimum setback to road frontages.                                                                                                                                                                                               | <p>The site is mapped for a 6.5m front setback.</p> <p>External additions to the dwelling, including the new staircase at the lower level and the architectural framing around the french doors, are setback 5m from the front boundary respectively.</p> <p>However, the proposal also includes the demolition of the large sun shade pergola that envelopes a significant portion of the frontage of the site.</p> <p>The lower level staircase is positioned below ground level and will have no perceivability to the streetscape or any surrounding properties and is simply a technical variation of no consequence.</p> <p>The framing around the new french doors is considered a positive architectural element to the streetscape, particularly when viewed on balance with the removal of the shade pergola. The framing is minor in nature and assists with adding desirable articulation to the street facade of dwelling.</p> <p>Subsequently, the inclusion of these two elements to the dwelling is considered negligible with regards to impacts upon the streetscape and should be permitted as a variation to the street setback requirement, setting a positive precedence.</p> |
| The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.                                                      | <p>The proposal includes the removal of the pergola shade structure, which vastly improves the streetscape perspective from the site overall and assists with bringing the existing built form of the site into compliance with the intent of this control.</p> <p>The proposal will not reduce the existing landscaped area throughout the front of the site and allows the site to continue to readily comply with the overall</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | minimum landscaped area requirements across the entire site.                                                                                                                                                                     |
| Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.                                                                                                                                                                                                                                                                    | As discussed above, the proposal includes the removal of the pergola shade structure, which significantly improves the presentation of the dwelling to the streetscape, including opening up passive surveillance opportunities. |
| For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.                                                                                                                                                                                                                                                        | N/A. The subject site is zoned R2 Low Density Residential.                                                                                                                                                                       |
| <b>Exceptions</b><br><br><b>Land Zoned R2 or R3</b><br>On corner allotments or sites with a double street frontage, where the minimum front building setback is 6.5 metres to both frontages, the front building setback may be reduced to a minimum of 3.5 metres for the secondary frontage, but secondary street variations must consider the character of the secondary street and the predominant setbacks existing to that street.<br><br>Lot 2677 DP752038; Lot2783 DP46992; Lot 2610 DP752038; Lot 2615 DP 752038; Lot 1 DP 822212; Lot 2676 DP752038 10metres. | N/A. The subject site is not a corner lot or burdened with a dual frontage.                                                                                                                                                      |
| <b>B8 Merit assessment of front boundary setbacks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                  |
| The appropriate alignment of buildings to road frontages will be determined on a merit basis and will have regard to the: <ul style="list-style-type: none"> <li>• streetscape;</li> <li>• amenity of surrounding properties; and</li> <li>• setbacks of neighbouring development.</li> </ul>                                                                                                                                                                                                                                                                           | N/A. The subject site is not mapped for a merit assessment within the WDCP 2011 mapping.                                                                                                                                         |
| <b>B9 Rear Boundary Setbacks</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                  |
| Development is to maintain a minimum setback to rear boundaries.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The site is mapped for a 6m rear setback.<br><br>The dwelling additions are setback extensively from the rear boundary.                                                                                                          |

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| The rear setback area is to be landscaped and free of any above or below ground structures.                                                                                                                                                                                                                                                                                                                                                                               | The rear setback area including the rear yard and swimming pool area remain unchanged and continue to benefit from excellent landscaping. |
| On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.                                                                                                                                                                                                 | N/A. The subject site is zoned R2 Low Density Residential.                                                                                |
| The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.                                                                                                                                                                                                                                                                               | N/A. The subject site is zoned R2 Low Density Residential.                                                                                |
| The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for industrial purposes or vehicle access                                                                                                                                                                                                                                                                                                  | N/A. The subject site is zoned R2 Low Density Residential.                                                                                |
| <b>Exceptions</b><br><br><b>Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway</b><br><br>On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met. | N/A. The proposal readily complies.                                                                                                       |
| <b>B10 Merit assessment of rear boundary setbacks</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                           |
| Rear boundary setbacks will be determined on a merit basis and will have regard to: <ul style="list-style-type: none"> <li>• streetscape;</li> <li>• amenity of surrounding properties; and</li> <li>• setbacks of neighbouring development</li> </ul>                                                                                                                                                                                                                    | N/A. The subject site is not mapped for a merit assessment within the WDCP 2011 mapping.                                                  |
| Development adjacent to Narrabeen Lagoon in the B2 Local Centre zone is to address the water and parkland. Buildings are not to dominate the parkland setting and will incorporate generous setbacks where necessary to achieve this.                                                                                                                                                                                                                                     | N/A. The subject site is not mapped for a merit assessment within the WDCP 2011 mapping.                                                  |
| <b>B11 Foreshore Building Setback</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                           |

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| Development is to be set back a minimum 15 metres from the property boundary which adjoins the waterway or waterfront reserve.                                                                                                                           | N/A. The subject site is not mapped for a foreshore setback within the WDCP 2011 mapping.                                                                   |
| The foreshore building setback area is to be a deep soil landscape area and free of any above or below ground structures.                                                                                                                                | N/A. The subject site is not mapped for a foreshore within the WDCP 2011 mapping.                                                                           |
| <b>B12 National Parks Setback</b>                                                                                                                                                                                                                        |                                                                                                                                                             |
| Development is to be set back a minimum of 20 metres from any National Park boundary.                                                                                                                                                                    | N/A. The subject site is not within close proximity to any national park boundary..                                                                         |
| The setback area is to be landscaped with locally indigenous species.                                                                                                                                                                                    | N/A. The subject site is not within close proximity to any national park boundary..                                                                         |
| <b>B13 Coastal Cliffs setback</b>                                                                                                                                                                                                                        |                                                                                                                                                             |
| Development must not extend beyond the coastal cliffs building line . The location of the coastal cliffs building line is shown as a heavy black line on the following figure (not to scale).                                                            | N/A. The subject site is not mapped on the figure depicting the coastal cliffs within the WDCP 2011 mapping.                                                |
| The area between the coastal cliffs building line and the cliff is to be free of any buildings or structure and landscaped using predominately indigenous vegetation.                                                                                    | N/A. The subject site is not mapped on the figure depicting the coastal cliffs within the WDCP 2011 mapping.                                                |
| <b>B14 Main Roads Setback</b>                                                                                                                                                                                                                            |                                                                                                                                                             |
| Development is to be set back the minimum indicated on the DCP Map Main Road Setbacks. The measurement is to be made perpendicular to the property boundary to the main road.                                                                            | N/A. The subject site does not have a frontage to a main road.                                                                                              |
| On land where the main roads setback is 30 metres, the front setback area:<br><br>a) must be densely landscaped using locally occurring species of canopy trees and shrubs; and<br><br>b) no signs are to be erected in the 30 metre front setback area. | N/A. The subject site does not have a frontage to a main road.                                                                                              |
| <b>C2 Traffic, Access and Safety</b>                                                                                                                                                                                                                     |                                                                                                                                                             |
| <b>Vehicular Access</b>                                                                                                                                                                                                                                  |                                                                                                                                                             |
| Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.                                                                                                                                                  | Vehicular and pedestrian access will remain unchanged as a result of the proposal with the site continuing to benefit from appropriate access arrangements. |

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| Vehicle access is to be obtained from minor streets and lanes where available and practical.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Vehicular access is retained to Headland Road, being the only available option for the subject site.                                         |
| There will be no direct vehicle access to properties in the B7 zone from Mona Vale Road or Forest Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A. The subject site is zoned R2 Low Density Residential.                                                                                   |
| Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A. No new driveway works are proposed or necessary as a result of the proposed additions.                                                  |
| Vehicle crossing construction and design is to be in accordance with Council's Minor works specification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A.                                                                                                                                         |
| <b>On-site loading and unloading</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                              |
| <p>Facilities for the loading and unloading of service, delivery and emergency vehicles are to be:</p> <ul style="list-style-type: none"> <li>• appropriate to the size and nature of the development;</li> <li>• screened from public view; and</li> <li>• designed so that vehicles may enter and leave in a forward direction.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A. No loading facilities proposed or necessary for residential development.                                                                |
| <b>C3 Parking Facilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                              |
| <p>The following design principles shall be met:</p> <ul style="list-style-type: none"> <li>• Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.;</li> <li>• Laneways are to be used to provide rear access to carparking areas where possible;</li> <li>• Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments;</li> <li>• Parking is to be located so that views of the street from front windows are not obscured; and</li> <li>• Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.</li> </ul> | The existing dwelling incorporates a garage to the street frontage and this is not proposed to be altered as a result of the proposed works. |

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| <p>Off street parking is to be provided within the property demonstrating that the following matters have been taken into account:</p> <ul style="list-style-type: none"> <li>• the land use;</li> <li>• the hours of operation;</li> <li>• the availability of public transport;</li> <li>• the availability of alternative car parking; and</li> <li>• the need for parking facilities for courier vehicles, delivery / service vehicles and bicycles.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Existing parking provided within the garage. The proposal does not alter the number of occupants able to be accommodated within the dwelling and is simply an upgrade of the dwelling to improve amenity for the existing residents.</p>                                                                               |
| <p>Carparking, other than for individual dwellings, shall:</p> <ul style="list-style-type: none"> <li>• Avoid the use of mechanical car stacking spaces;</li> <li>• Not be readily apparent from public spaces;</li> <li>• Provide safe and convenient pedestrian and traffic movement;</li> <li>• Include adequate provision for manoeuvring and convenient access to individual spaces;</li> <li>• Enable vehicles to enter and leave the site in a forward direction;</li> <li>• Incorporate unobstructed access to visitor parking spaces;</li> <li>• Be landscaped to shade parked vehicles, screen them from public view, assist in micro-climate management and create attractive and pleasant places;</li> <li>• Provide on site detention of stormwater, where appropriate; and</li> <li>• Minimum car parking dimensions are to be in accordance with AS/NZS 2890.1.</li> </ul> | <p>N/A.</p>                                                                                                                                                                                                                                                                                                               |
| <p>Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Appendix 1 specifies 2 spaces are required for dwelling houses.</p> <p>The proposal will retain the existing 1 parking space within the garage.</p> <p>The proposal does not alter the number of occupants able to be accommodated within the dwelling and is simply an upgrade of the dwelling to improve amenity</p> |

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| Traffic Generating Development should be used as a guide where relevant.                                                                                                                                                                                                                                                                                                                      | for the existing residents. Accordingly, the provision of additional parking is not considered warranted.                                                                                                                                                                                                                                                                                                                                                                                                |
| Adequate provision for staff, customer and courier parking, and parking and turning of vehicles with trailers must be provided if appropriate to the land use.                                                                                                                                                                                                                                | N/A. Proposal is residential in nature.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| For bulky goods premises adequate on-site parking spaces for service/delivery vehicles at a convenient location, separated from customer parking must be provided.                                                                                                                                                                                                                            | N/A. Proposal is residential in nature.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Where appropriate, car parking which meets the needs of people with physical disabilities must be provided in accordance with the relevant Australian Standard.                                                                                                                                                                                                                               | N/A. Proposal is for a single dwelling only.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| For Forest Way Village car parking at ground level is to be provided for individual units.                                                                                                                                                                                                                                                                                                    | N/A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>C4 Stormwater</b>                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>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.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p> | <p>Provided that the Stormwater Management Plan prepared by NB Consulting is implemented, the proposed development is unlikely to have any adverse impacts on the environment and downhill neighbours. The proposed stormwater drainage system has been designed to be minimal in size and in accordance with Northern Beaches Council's Water Management for Development Policy and will be managed in keeping with the Stormwater Engineers recommendations and any Council conditions of Consent.</p> |
| <b>C7 Excavation and Landfill</b>                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.                                                                                                                                                                                                                                                                 | Capable of compliance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Excavation and landfill works must not result in any adverse impact on adjoining land.                                                                                                                                                                                                                                                                                                        | No impact upon adjoining land will occur as the excavation will be readily separated from any boundary and undertaken in accordance with the necessary engineering specifications.                                                                                                                                                                                                                                                                                                                       |
| Excavated and landfill areas shall be constructed to ensure the geological stability of the work.                                                                                                                                                                                                                                                                                             | Refer to the geotech report prepared by Martens and lodged under separate cover.                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.                                                                                                                                                                                                                                               | Capable of compliance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Rehabilitation and revegetation techniques shall be applied to the fill.                                                                                                                                                                                                                                                                                                                      | N/A. No fill proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



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| Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A. No fill proposed.                                                                                                                 |
| <b>C8 Demolition and Construction</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                        |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Capable of compliance. Refer to the Waste Management Plan prepared by Modify and lodged under separate cover.                          |
| <b>C9 Waste Management</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                        |
| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Capable of compliance. Refer to the Waste Management Plan prepared by Modify and lodged under separate cover.                          |
| <b>D1 Landscaped Open Space and Bushland Setting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                        |
| <p>The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:</p> <p>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</p> <p>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</p> <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p> | <p>The site is mapped for a 40% landscaped open space area.</p> <p>The proposal results in a minimum landscaped open space of 49%.</p> |
| Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as “Bushland Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A. The site is not included in the “bushland setting” mapping.                                                                       |
| In Cottage Point the relationship of the locality with the surrounding National Park and Cowan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A.                                                                                                                                   |

| Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>D2 Private Open Space</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Residential development is to include private open space for each dwelling.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Appropriate private open space has been retained throughout the site in numerous practical locations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>The minimum area and dimensions of private open space are as follows:</p> <table border="1"> <thead> <tr> <th>DWELLING Type</th><th>Area and Minimum Dimensions per dwelling</th></tr> </thead> <tbody> <tr> <td>Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms</td><td>A total of 35m<sup>2</sup> with minimum dimensions of 3 metres</td></tr> <tr> <td>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms</td><td>A total of 60m<sup>2</sup> with minimum dimensions of 5 metres</td></tr> <tr> <td>Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing</td><td>A total of 10m<sup>2</sup> with minimum dimensions of 2.5 metres</td></tr> </tbody> </table> | DWELLING Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Area and Minimum Dimensions per dwelling | Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms | A total of 35m <sup>2</sup> with minimum dimensions of 3 metres | Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms | A total of 60m <sup>2</sup> with minimum dimensions of 5 metres | Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing | A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres | <p>A minimum of 60m<sup>2</sup> with minimum dimension of 5m is required for the proposed 4 bedroom dwelling.</p> <p>A total POS area of 348m<sup>2</sup> is included throughout the site in various locations, however the 2 primary areas include the existing main level deck and lower level rumpus extension. It should be noted that the proposal does not generally alter the existing POS areas with any reduced deck area at the lower level catered for with the deck extension and demolition of the 2 outbuildings.</p> <p>Furthermore, the entire swimming pool area is retained, which further enhances the availability of recreational areas throughout the site.</p> <p>In this regard, the proposal is considered to satisfy the objectives relating to POS to the same extent as existing as the various components of POS each serve their own particular function and provide a surplus of recreational opportunities throughout the site, on balance.</p> |
| DWELLING Type                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Area and Minimum Dimensions per dwelling                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | A total of 35m <sup>2</sup> with minimum dimensions of 3 metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | A total of 60m <sup>2</sup> with minimum dimensions of 5 metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Both primary POS areas extend from the primary living area and rumpus room respectively.</p> <p>These areas are readily capable of being used for a variety of purposes including entertainment, dining, outdoor cooking and the like.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The main living area deck does not change as a result of the proposal, with the only addition relating to a new vergola over the existing footprint.</p> <p>This deck already benefits from excellent privacy with the adjoining dwelling to the east already incorporating a privacy screen to their respective deck area (refer to figure 5 below) and the dwelling to west benefiting from an abundance of screen plantings to ensure superior privacy and amenity.</p> <p>The lower level proposed deck area will now face directly to the subfloor area of the adjoining dwelling to the east, with the adjoining rear deck elevated above this space. There is not expected to be any</p> |                                          |                                                                                        |                                                                 |                                                                                           |                                                                 |                                                                                                       |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|                                                                                                                                                                                                                                                                                                                | interaction between this space and the adjoining dwellings.                                                                                                                                                                                                                                                                                                                |
| Private open space shall not be located in the primary front building setback.                                                                                                                                                                                                                                 | The POS areas are both at the rear of the site.                                                                                                                                                                                                                                                                                                                            |
| Private open space is to be located to maximise solar access.                                                                                                                                                                                                                                                  | <p>The proposal generally retains each POS area in their respective current locations. The original design intent would have likely been to ensure these areas benefit from excellent downslope aspect to the south and views.</p> <p>An analysis of the site has not revealed any feasible solution to relocate POS areas to the north (street frontage) of the site.</p> |
| <b>D3 Noise</b>                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                            |
| Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses. | No additional plant is proposed.                                                                                                                                                                                                                                                                                                                                           |
| Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.                                                                                                                                                                     | The subject site is not located within close proximity to any noise generating activities.                                                                                                                                                                                                                                                                                 |
| Waste collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.                                                                                                                                                                                            | N/A. The proposal is residential in nature.                                                                                                                                                                                                                                                                                                                                |
| Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.                                                                               | The internal layout of the dwelling is expected to achieve excellent amenity outcomes with the majority of rooms orientated to the rear of the site.                                                                                                                                                                                                                       |
| Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.                                                                                                                                                                                         | Complies.                                                                                                                                                                                                                                                                                                                                                                  |
| <b>D6 Access to Sunlight</b>                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                            |
| Development should avoid unreasonable overshadowing of any public open space.                                                                                                                                                                                                                                  | No public open space is impacted by the proposal.                                                                                                                                                                                                                                                                                                                          |
| At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.                                                                    | The proposal does not significantly alter the existing available solar access to the various POS areas of the site, which has been discussed in the POS comments above.                                                                                                                                                                                                    |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Furthermore, the proposal does not significantly increase any overshadowing to adjoining properties with the upper storey maintaining the same built form as existing.</p> <p>Refer to the shadow diagrams prepared by Modify and lodged with the architectural plans.</p>                                                                                                                                                                |
| <p><b>Exceptions</b></p> <p>Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:</p> <p>i) the slope or topography of the site or adjoining property makes compliance impractical; and</p> <p>ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.</p> | <p>As discussed above the existing dwelling and orientation of the site largely dictate the existing solar access implications for both the site and adjoining sites.</p> <p>An analysis of the site has not revealed any feasible solution to relocate POS areas to the north (street frontage) of the site.</p> <p>The upper storey will not change in building form and will have no additional impact with regards to overshadowing.</p> |
| <b>D7 Views</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Development shall provide for the reasonable sharing of views.                                                                                                                                                                                                                                                                                                                                                                                                                | <p>No view loss of substance is experienced as a result of the proposal.</p> <p>It should be noted that the surrounding area to the north of the site and uphill is not used for residential purposes.</p>                                                                                                                                                                                                                                   |
| <b>D8 Privacy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.                                                                                                                                                                                                                                                                                                                                                | <p>The layout includes new floor area at the lower levels, however the window arrangements facing both side boundaries have been improved to ensure no privacy concerns will arise.</p> <p>The upper storey also includes reduced window arrangements facing the side boundaries.</p> <p>Overall, the proposal achieves an excellent outcome with regards to improvement of amenity for both the subject site and adjoining sites.</p>       |
| Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.                                                                                                                                                                                                                                                                                                                                                        | Highlight windows, orientation and setbacks have all been cleverly incorporated to ensure overlooking to adjoining properties is minimised to the fullest extent possible for the site conditions.                                                                                                                                                                                                                                           |
| The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.                                                                                                                                                                                                                                                                                                                       | As noted above the design incorporates all the necessary measures to ensure visual privacy is maintained to a superior level.                                                                                                                                                                                                                                                                                                                |

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| The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.                                                                                                                                                                                                                                                                                                                                                         | Complies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.                                                                                                                                                                                                                                                                                                         | N/A. The proposal does not involve apartments.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>D9 Building Bulk</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Side and rear setbacks are to be progressively increased as wall height increases.                                                                                                                                                                                                                                                                                                                                                                                                                                        | The upper storey has been retained within the same existing footprint, which is recessed excessively from the levels below to ensure the dwelling continues to provide visual relief.                                                                                                                                                                                                                                                                                          |
| Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.                                                                                                                                                                                                                                                                                                                                                                           | Large expanses of walls are avoided and a variety of hipped roof forms throughout the dwelling have been retained to assist with visual relief to the surrounding area.                                                                                                                                                                                                                                                                                                        |
| <p>On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:</p> <ul style="list-style-type: none"> <li>• The amount of fill is not to exceed one metre in depth.</li> <li>• Fill is not to spread beyond the footprint of the building.</li> <li>• Excavation of the landform is to be minimised.</li> </ul> | <p>All excavation required for the extended lower level hallway is internal to the existing dwelling footprint and will not be perceivable externally to the dwelling or at the property boundaries.</p> <p>The additions positioned at the rear of the site are minimal in footprint, positioned in already disturbed areas and incorporated into the existing dwelling layout to result in a practical layout that also has negligible impact on surrounding properties.</p> |
| Building height and scale needs to relate to topography and site conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>As noted above the additions are minimal in footprint and have been strategically positioned generally within the immediate curtilage of the dwelling to allow for a functional internal layout.</p> <p>The height and scale of the existing dwelling does not significantly alter as a result of the proposed works.</p>                                                                                                                                                   |
| Orientate development to address the street.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The proposal results in a significant improvement to the streetscape through the removal of the existing pergola shade structure.</p> <p>The dwelling will continue to present a front door and windows to habitable rooms to the street in a similar manner as existing.</p>                                                                                                                                                                                               |

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| Use colour, materials and surface treatment to reduce building bulk.                                                                                                                                                                                                                                                                                                                                 | The proposal includes appropriate variation of colour, materials and the like to reduce the perceivable building bulk.                                                                   |
| Landscape plantings are to be provided to reduce the visual bulk of new building and works.                                                                                                                                                                                                                                                                                                          | The existing landscaping is largely retained throughout the site. The positioning of the additions are to lower levels of the site whereby building bulk is not generally perceivable.   |
| Articulate walls to reduce building mass.                                                                                                                                                                                                                                                                                                                                                            | The majority of the built form is existing with heavily articulated walls throughout, particularly to the upper level.                                                                   |
| <b>D10 Building Colours and Materials</b>                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                          |
| In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.                                                                                                                                                                                            | The proposal is expected to sit quietly within the context of the surrounding area with no significant impact with regards to visual prominence or streetscape rhythm.                   |
| The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend in to the natural landscape.                                                                                                                                                                                                                                | N/A. The subject site is not positioned within close proximity to any sensitive areas including bushland, waterways, the beach and the like.                                             |
| The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.                                                                                                                                                                                                                                                        | The additional built form has been harmoniously incorporated into the existing built form through the use of consistent materials, colours, setbacks and roof form.                      |
| The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged. | N/A.                                                                                                                                                                                     |
| <b>D11 Roofs</b>                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                          |
| Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.                                                                                                                                                                                                                                                                                                 | No plant or the like will be installed on the roof.                                                                                                                                      |
| Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.                                                                                                                                                                                                                                                                                                       | The existing roof form remains largely unchanged with any additional roof area incorporated seamlessly into the existing design.                                                         |
| Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.                                                                                                                                                                                                                                                                                                        | Balconies, pergolas and the like have been incorporated in a sensitive manner to present as a natural extension of the existing built form whilst also providing relief as articulation. |



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| Roofs shall incorporate eaves for shading.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Appropriate eaves have been incorporated where necessary to provide weather protection, particularly to the upper portions of the building. |
| Roofing materials should not cause excessive glare and reflection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Capable of compliance.                                                                                                                      |
| Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.                                                                                                                                                                                                                                                                                                                                                                                                                                       | No equipment is to be located upon the roof of the dwelling.                                                                                |
| <b>D12 Glare and Reflection</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                             |
| <p>The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;</p> <ul style="list-style-type: none"> <li>• Minimising the lit area of signage;</li> <li>• Locating the light source away from adjoining properties or boundaries; and</li> <li>• Directing light spill within the site.</li> </ul>                                                                                                                                  | No light spill beyond the expected residential lighting arrangements will occur as a result of the proposed development.                    |
| <p>Any glare from artificial illumination is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> <li>• Indirect lighting;</li> <li>• Controlling the level of illumination; and</li> <li>• Directing the light source away from view lines.</li> </ul>                                                                                                                                                                                                                                                                                                            | No light spill beyond the expected residential lighting arrangements will occur as a result of the proposed development.                    |
| <p>Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:</p> <ul style="list-style-type: none"> <li>• Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;</li> <li>• Orienting reflective materials away from properties that may be impacted;</li> <li>• Recessing glass into the façade;</li> <li>• Utilising shading devices;</li> <li>• Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and</li> </ul> | No highly reflective building materials or inappropriate glazing has been incorporated into the design.                                     |

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| <ul style="list-style-type: none"> <li>Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                             |
| <b>D13 Front Fences and Front Walls</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                             |
| Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A. No changes to existing fencing arrangements proposed.  |
| Where a solid fence is required it is to be articulated to provide visual interest and set back to allow for landscaping to soften and screen the appearance of the fence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A. No changes to existing fencing arrangements proposed.  |
| Fences located within the front building setback area are to complement the existing streetscape character.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A. No changes to existing fencing arrangements proposed.  |
| Fences are to be constructed to allow casual surveillance, except where there is excessive noise.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A. No changes to existing fencing arrangements proposed.  |
| Gates are not to encroach over the property boundary when opening or closing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | No change to existing gate arrangements proposed.           |
| Fences should complement the architectural period of the building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A. No changes to existing fencing arrangements proposed.  |
| <b>D14 Site Facilities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             |
| <p>Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places. In particular:</p> <ul style="list-style-type: none"> <li>Waste and recycling bin enclosures are to be durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection;</li> <li>All dwellings which are required to have landscaped open space are to be provided with adequate open air clothes drying facilities which are suitably screened from public places or streets;</li> <li>Garbage areas are to be designed to avoid common problems such as smell, noise from collection vehicles and the visibility of containers;</li> </ul> | All site facilities will remain unaffected by the proposal. |

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| <ul style="list-style-type: none"> <li>• Landscaping is to be provided to reduce the impact of all garbage and recycling enclosures. They are to be located away from habitable rooms, bedrooms or living areas that may detract from the amenity of occupants; and</li> <li>• Mail boxes are to be incorporated into the front fence or landscaping design. They are to be easily accessible and clearly identifiable.</li> </ul> |                                                                                                                                                                                                                                                                                                                      |
| <b>D15 Side and Rear Fences</b>                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                      |
| Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.                                                                                                                                                                                                                                  | N/A. No change to side fencing arrangements proposed or necessary.                                                                                                                                                                                                                                                   |
| For sloping sites, the height of fences may be averaged and fences and walls may be regularly stepped.                                                                                                                                                                                                                                                                                                                             | N/A                                                                                                                                                                                                                                                                                                                  |
| All fencing materials are to complement the existing neighbourhood. The use of corrugated metal, barbed wire or broken glass is not permitted.                                                                                                                                                                                                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                  |
| <b>D20 Safety and Security</b>                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                      |
| Buildings are to overlook streets as well as public and communal places to allow casual surveillance.                                                                                                                                                                                                                                                                                                                              | <p>The proposal will ensure the existing dwelling continues to overlook the street in generally the same manner as existing.</p> <p>It is expected the removal of the shade structure pergola within the front setback will improve the openness of the dwelling to the streetscape and remove any concealments.</p> |
| Service areas and access ways are to be either secured or designed to allow casual surveillance.                                                                                                                                                                                                                                                                                                                                   | The proposal will ensure the existing dwelling continues to overlook the street in generally the same manner as existing.                                                                                                                                                                                            |
| There is to be adequate lighting of entrances and pedestrian areas.                                                                                                                                                                                                                                                                                                                                                                | The existing lighting arrangements around the front entrance and frontage of the site will remain as existing and perform well in highlighting the entrance to the site.                                                                                                                                             |
| After hours land use activities are to be given priority along primary pedestrian routes to increase safety.                                                                                                                                                                                                                                                                                                                       | N/A.                                                                                                                                                                                                                                                                                                                 |
| Entrances to buildings are to be from public streets wherever possible.                                                                                                                                                                                                                                                                                                                                                            | The front entrance will remain directly accessible and visible from Headland Road.                                                                                                                                                                                                                                   |

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| For larger developments, a site management plan and formal risk assessment, including the consideration of the 'Crime Prevention through Environmental Design' principles may be required. This is relevant where, in Council's opinion, the proposed development would present a crime, safety or security risk. See Crime Prevention and Assessment of Development Applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979 prepared by the Department of Urban Affairs and Planning (now Department of Planning).                                                                                                      | N/A. No site management plan is considered warranted in this instance.                                                                                                                                                   |
| <p>Buildings are to be designed to allow casual surveillance of the street, for example by:</p> <ul style="list-style-type: none"> <li>a) Maximising the glazed shop front on the ground level so that views in and out of the shop can be achieved;</li> <li>b) Providing openings of an adequate size in the upper levels to maximise opportunities for surveillance;</li> <li>c) Locating high use rooms to maximise casual surveillance;</li> <li>d) Clearly displaying the street number on the front of the building in pedestrian view; and</li> <li>e) Ensuring shop fronts are not obscured by planting, signage, awnings and roller shutters.</li> </ul> | <p>The existing dwelling will interact with the street in predominantly the same manner as existing.</p> <p>However, casual surveillance will be vastly improved through the removal of the shade structure pergola.</p> |
| <p>Casual surveillance of loading areas is to be improved by:</p> <ul style="list-style-type: none"> <li>a) Providing side and rear openings from adjacent buildings that overlook service areas and clear sight lines; and</li> <li>b) Providing adequate day and night lighting which will reduce the risk of undesirable activity.</li> </ul>                                                                                                                                                                                                                                                                                                                   | N/A. The proposal is residential in nature and does not include any loading areas.                                                                                                                                       |
| <p>Design entrances to buildings from public streets so that:</p> <ul style="list-style-type: none"> <li>a) Building entrances are clearly identifiable, defined, lit and visible;</li> <li>b) The residential component of a shop top housing development has a separate secure pedestrian entrance from the commercial component of the development;</li> <li>c) Main entrances are clearly identifiable;</li> </ul>                                                                                                                                                                                                                                             | The existing dwelling will interact with the street in predominantly the same manner as existing.                                                                                                                        |

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| <p>d) Pavement surfaces and signage direct pedestrian movements; and</p> <p>e) Potential conflict between pedestrians and vehicles is avoided.</p>                                                                                                                                                                                                                                                              |                                                                                                                                                                                        |
| <b>D21 Provision and Location of Utility Services</b>                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                        |
| <p>If a proposed development will involve a need for them, utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.</p>                                                                                                                                                                   | <p>All relevant utilities commensurate with a residential use are existing and connected to the existing dwelling.</p> <p>The proposal will not impact the provision of utilities.</p> |
| <p>Service structures, plant and equipment are to be located below ground or be designed to be an integral part of the development and suitably screened from public places or streets.</p>                                                                                                                                                                                                                     | <p>N/A. No changes to service structure proposed or necessary.</p>                                                                                                                     |
| <p>Where possible, underground utility services such as water, gas, telecommunications, electricity and gas are to be provided in a common trench. The main advantages for this are:</p> <p>a) A reduction in the number of trenches required;</p> <p>b) An accurate location of services for maintenance;</p> <p>c) Minimising the conflict between services;</p> <p>d) Minimising land required and cost;</p> | <p>N/A. All services are existing and connected to the site.</p>                                                                                                                       |
| <p>The location of utility services should take account of and minimise any impact on natural features such as bushland and natural watercourses.</p>                                                                                                                                                                                                                                                           | <p>N/A. All services are existing and connected to the site.</p>                                                                                                                       |
| <p>Where natural features are disturbed the soil profile should be restored and landscaping and tree planting should be sited and selected to minimise impact on services, including existing overhead cables.</p>                                                                                                                                                                                              | <p>N/A. All services are existing and connected to the site.</p>                                                                                                                       |
| <p>Where utilities are located above ground, screening devices should include materials that complement the streetscape, for example fencing and landscaping. The location of service structures such as electricity substations should be within the site area.</p>                                                                                                                                            | <p>N/A. No changes to service structure proposed or necessary.</p>                                                                                                                     |

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| Habitable buildings must be connected to Sydney Water's sewerage system where the density is one dwelling per 1050 square metres or greater.                                                                                                                                                                                                                 | N/A. The dwelling is already connected to the Sydney Water sewerage system and will remain connected as a result of the proposed development.                                                         |
| On land where the density is less than one dwelling per 1050 square metres, and where connection to Sydney Water is not possible, Council may consider the on-site disposal of effluent where the applicant can demonstrate that the proposed sewerage systems or works are able to operate over the long term without causing unreasonable adverse effects. | N/A.                                                                                                                                                                                                  |
| <b>D22 Conservation of Energy and Water</b>                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                       |
| The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy.                                                                                                                                                                                                                                  | <p>The existing internal layout will remain largely consistent with the existing layout.</p> <p>Ample natural ventilation and solar access is provided throughout.</p>                                |
| Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties.                                                                                                                                                               | <p>The north facing roof form will be unaffected by the proposal.</p> <p>Furthermore, no significant additional overshadowing to adjoining north facing roof forms will result from the proposal.</p> |
| Buildings are to be designed to minimize energy and water consumption.                                                                                                                                                                                                                                                                                       | A BASIX Certificate has been included with the development application lodged under separate cover.                                                                                                   |
| Landscape design is to assist in the conservation of energy and water.                                                                                                                                                                                                                                                                                       | No significant changes to existing landscaping proposed.                                                                                                                                              |
| Reuse of stormwater for on-site irrigation and domestic use is to be encouraged, subject to consideration of public health risks.                                                                                                                                                                                                                            | Refer to the stormwater design prepared by NB Consulting and lodged under separate cover.                                                                                                             |
| All development must comply with Council's Water Management Policy.                                                                                                                                                                                                                                                                                          | Capable of compliance.                                                                                                                                                                                |
| <b>E6 Retaining unique environmental features</b>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                       |
| Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.                                                                                                                                                                                                                                    | N/A. There are no distinctive environmental features present on the site or within proximity to the site.                                                                                             |
| Development should respond to these features through location of structures, outlook, design and materials.                                                                                                                                                                                                                                                  | N/A.                                                                                                                                                                                                  |
| <b>E10 Landslip Risk</b>                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p>The applicant must demonstrate that:</p> <ul style="list-style-type: none"> <li>• The proposed development is justified in terms of geotechnical stability; and</li> <li>• The proposed development will be carried out in accordance with good engineering practice.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The site is identified within Area B of the WLEP 2011 landslip risk mapping.</p> <p>A geotechnical report prepared by Martens has been prepared and lodged under separate cover.</p> <p>The report has concluded that the proposal is suitable subject to standard mitigation measures established.</p> <p>It is expected that standard conditions of consent are able to be included in the development consent to ensure no significant impacts arise.</p> |
| <p>Development must not cause detrimental impacts because of stormwater discharge from the land.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Refer to the stormwater design prepared by Nb Consulting and lodged under separate cover.</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p>Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Refer to the stormwater design prepared by Nb Consulting and lodged under separate cover.</p>                                                                                                                                                                                                                                                                                                                                                                |
| <p>To address Requirements 1 to 3:</p> <p>i) For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.</p> <p>If the preliminary assessment determines that a geotechnical report is required, the same provisions apply in Area A as those that apply in Area B and Area D.</p> <p>ii) For land identified as being in Area B or Area D:</p> <p>A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.</p> <p>If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical</p> | <p>A geotechnical report prepared by Martens has been prepared and lodged under separate cover.</p> <p>The report has concluded that the proposal is suitable subject to standard mitigation measures established.</p>                                                                                                                                                                                                                                          |



engineer / engineering geologist and must be submitted with the development application.

Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.

iii) For land identified as being in Area C or Area E:

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer/ engineering geologist, must be submitted with the development application.

Also, a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.

iv) When a geotechnical report is required to be submitted, (determined in accordance with i) to iii) above), the report must include a risk assessment of landslip in relation to both property and life. The risk assessment must have regard to any guidelines published by the Australian Geomechanics Society.



**FIGURE 4: EXISTING STREETScape**



**FIGURE 5: ELEVATED DECK AND PRIVACY SCREEN OF 199 HEADLAND ROAD**

# 5 Planning Assessment

This section will consider the following: the Assessment of Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15(1)(b),(c) and (e).

## **5.1 Assessment of Natural Environmental Impact – S4.15 (1)(b)**

### **5.1.1 Micro Climate Impacts**

The proposed development is unlikely to result in any adverse effects to the micro-climate in the locality.

### **5.1.2 Water & Air Quality Impacts**

The proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality.

A stormwater plan has been prepared by NB Consulting detailing the proposed stormwater disposal measures to be implemented. This includes a small dispersion tank to assist in reducing stormwater flows as downstream easements have been demonstrated to be unavailable in this instance.

## **5.2 Assessment of Built Environment Impacts – S4.15 (1)(b)**

### **5.2.1 Impact on the Areas Character**

The surrounding built environment comprises a mix of low density residential developments together with St Luke's Grammar. The proposal will not impact this character as discussed throughout this report.

### **5.2.2 Privacy, Views & Overshadowing Impacts**

The proposed development will not significantly impede the existing privacy or views of the subject or surrounding lots. The development will not provide significant additional overshadowing within the subject or adjoining lots as the design has been appropriately set within the context of the site.



All adjoining dwellings are expected to retain their significant views directly over the rear boundary of each respective lot to the waterfront of the Pacific Ocean.

### **5.2.3 Aural & Visual Privacy Impacts**

The proposed development, being within a standard residential area and generally compliant with the relevant planning objectives, will not result in any significant privacy concerns for adjoining properties.

### **5.2.4 Environmentally Sustainable Development**

The proposal will have minimal impact with regards to ESD subject to standard conditions imposed by the consent authority.

## **5.3 Assessment of the Site Suitability – 4.15(1)(c)**

### **5.3.1 Proximity to Service and Infrastructure**

As outlined, the site is accessible via Headland Road. As the site already contains an existing dwelling, electricity, water, sewer, internet and telephone are also readily available. All access and servicing remains unaffected by the proposed development

### **5.3.2 Traffic, Parking & Access**

The development will not increase the traffic volume for the area, as the proposal does not involve additional bedrooms associated with the existing dwelling. It is expected that the current road network is capable of continuing to support the minimal traffic movements.

### **5.3.3 Hazards**

The site is not subject to any known hazards including flooding, bushfire and the like.

Landslip risk has been shown to be readily mitigated through implementation of the recommendations contained in the geotechnical report prepared by Martens, which concluded:

*“The proposed development is considered to constitute an acceptable risk to life and a low risk to property, resulting from assessed geotechnical hazard, provided that the slope treatment measures presented in Appendix E and recommendations presented in this report are adhered to. “Some Guidelines For Hillside Construction” are provided in Appendix F. “*

## **5.4 The Public Interest – 4.15(1)(e)**

### **5.4.1 Social and Economic Impact**

The proposal will make a positive contribution to the Northern Beaches Region by facilitating the improvement of housing stock and the creation of employment.

### **5.4.2 The Public Interest**

The proposed development is considered to be in the public interest, promoting redevelopment consistent with the scale and desired future character of development in the locality.

## 6 Conclusion

The proposed development has been assessed in accordance with Section 4.15(1) of the EP&A Act 1979 and Council's planning instruments. The proposal is permissible in the R2 Low Density Residential Zone under the Warringah LEP 2011 and in our opinion is consistent with the relevant objectives of the Zone.

The concurrently lodged written request for a 4.6 variation in relation to the building height development standard prescribed under clause 4.3 of the WLEP 2011 clearly demonstrates that it is unreasonable and unnecessary to strictly apply the development standard in this instance.

As discussed throughout the SEE, the crux of the proposal is to facilitate the erection of an updated and modern dwelling, with greatly enhanced amenity, that will blend seamlessly into the existing streetscape with no exacerbated impacts with regards to the surrounding properties. The proposal is generally compliant with the objectives of the WDCP 2011 apart from the variations as discussed throughout this report, which have been demonstrated to be readily supportable for the circumstances of the site.

The overall design intends to ensure the footprint does not encroach any further forward or back on the site to protect the streetscape and rear landscaped setting respectively. This is a superior outcome that has been replicated throughout the southern side of Headland Road, particularly with respect to protection of the rear portions of the site for the benefit of those properties further to the south.

Having taken into account the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered an appropriate development of the site, sensitively considering the site's context, whilst promoting development that is consistent with the established streetscape, and enhances residential amenity for future occupants of the site.