

An aerial photograph of a residential neighborhood. Two lots are highlighted: Lot 101, a house with a red roof, and Lot 102, a house with a grey roof. They are enclosed in a yellow outline, which is further surrounded by a red outline. The surrounding area includes other houses, trees, and a road. The image is oriented with the road at the top.

For:

At:

Lot 7 DP 14040 and Lot 10 DP 1257419

E: tonymoody@tonymoody.com.au

10/21 Sydney Road, Manly

This Statement of Environmental Effects was prepared by:

Director TONY MOODY *BTP(UNSW) LL.B (Hons)(UTS) MPIA*

Assistant Planner CHRIS HARTAS

Reference 21011TM

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1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (DA) seeking approval of Northern Beaches Council (Council) for “*Proposed Amendments to the Approved Outbuilding, Proposed New Swimming Pool and Associated Landscaping Works*” on approved Lot 102 in an approved boundary adjustment of 23 and 25 Loch Street, Freshwater (subject site). A copy of the approved boundary adjustment is on the cover page of this SEE.

I note that a previous Modification Application, Mod2022/0574, was lodged with Council. This Modification Application was subsequently withdrawn based on the advice of Alex Keller, Assessment Officer of Council, that the above Modification Application “*is not considered to be acceptable pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 since the new pool inclusion is not substantially the same as DA2021/1469*”.

Accordingly, the current DA seeks the approval of Council for the proposed amendments to the approved Outbuilding, proposed New Swimming Pool and associated Landscaping Works. The remaining proposed modified works to the approved dwelling under the withdrawn application Mod2022/0574 have been included in a separate Section 4.55(1A) Modification Application.

I have assessed the current DA against a range of Planning Controls including, but not limited to, the following:

- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Warringah Local Environmental Plan 2011, and
- Warringah Development Control Plan 2011.

I have inspected the subject site and I have also viewed the subject site and adjoining locality from the adjoining street, known as Loch Street, which lies generally to the west of the subject site.

By way of introduction, I am a Consultant Planner with 15 years' experience in 3 Local Government Councils, including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW and a Bachelor of Laws Degree (Hons) from the University of Technology, including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness for 9 Local Government Councils in the Land and Environment Court (Court) and also appeared as a Court Appointed Expert in a number of Appeals.

For the reasons outlined in this SEE, I consider that the current DA is eminently reasonable and is worthy of approval of Council. I consider that the current DA does not create any unreasonable adverse amenity impacts on adjoining properties or the public domain and also results in a range of Positive Outcomes which are listed in Section 5.0 of this SEE.

east at the rear half of the site with two high stone terraces. The existing lot is identified as Lot 10 DP 1257419 having a maximum width of 15.2m, length of 50.34m and an area of 750.5sqm. A concrete driveway borders the northern boundary, approved for access to No.2 Wyadra Avenue.

Surrounding development consists predominantly of detached dwelling houses on the eastern side of Loch Street. Directly opposite the site on the western side of Loch Street is a 3 storey residential flat building (No.28 Loch Street), which contains twelve (12) apartments.

The subject site has an easterly aspect with broad coastal views. The surrounding topography is characterised by a natural sandstone escarpment area above Curl Curl foreshore area and therefore the rear of the site descends steeply with natural drainage toward Ellen Street.

The site has a cross fall of up to 10m with shallow soils and sandstone rock outcrops / bedrock visible in parts of the site. A mature Norfolk Island Pine is located on the southeastern corner No.23 Loch Street with no other large canopy trees on either property. The land is identified as within "Area B" for geotechnical classification, however parts of the land exceed 18 degrees due to retained slope areas".

The Geotechnical Report prepared by Crozier Geotechnical Consultants, describes the subject site in the following terms:

"The sub-divided portion of No. 25 has an angled western side boundary of approximately 22.0m, northern side boundary of approximately 12.0m and rear eastern boundary of 15.20m.

Ground surface levels within the site vary from a high of approximately RL48.0m within the north west corner of No. 23 to a low of approximately RL38.0m near the eastern site boundary.

The site is situated within gently to moderately east dipping topography, near a ridge crest, and contains exposures of bedrock throughout. The site is currently occupied by a

one to two storey residential house with basement under that is partially excavated into the slope.

The front of No.23 comprises tiles, planting beds and the residence driveway. The rear of No. 25 contains overgrown gardens along with sandstone rock retaining walls whilst the rear of No. 23 contains a manicured garden and pool with masonry/sandstone retaining walls and a pool house.

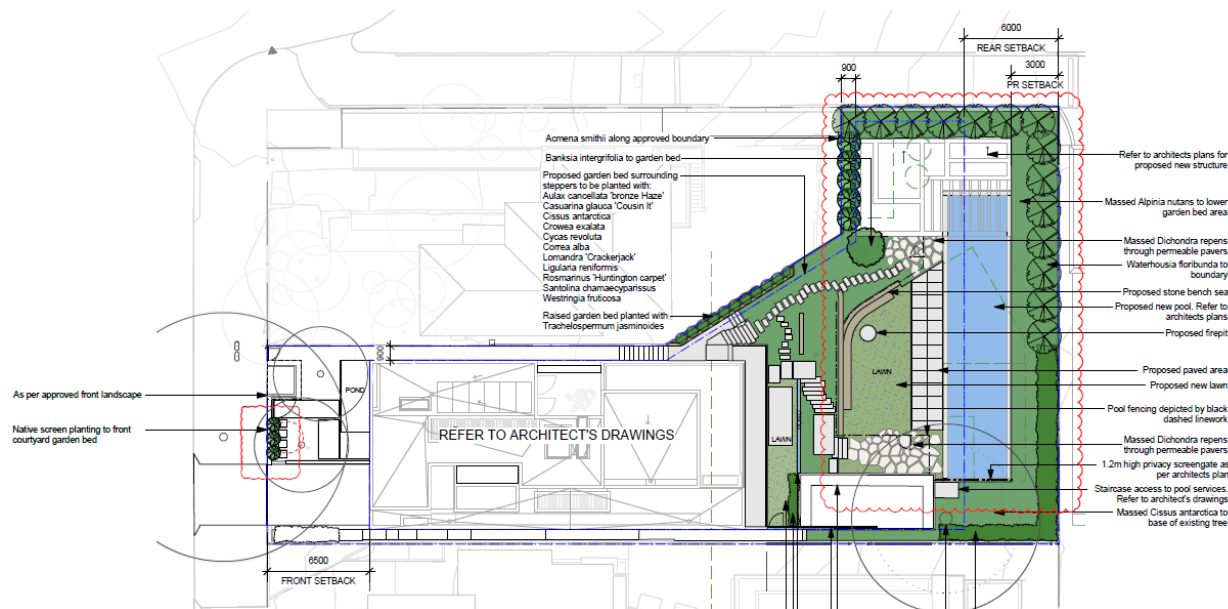
I again note that the subject site comprises approved Lot 102 in an approved subdivision of 23-25 Loch Street. The configuration of the approved Lot 102 is shown on the cover page of this SEE”.

The history of the subject site includes the following approvals granted by Council:

- DA 2011/0861 was approved by Council for “*Alterations and additions to a dwelling house*” on 11 October, 2011.
- Mod 2011/0251 was approved by Council for “*Section 4.55 (1A) Minor Environmental Impact - Modification of Development Consent DA2011/0861 granted for Alterations and additions to a dwelling house*” on 23 January, 2012.
- DA 2015/1173 was approved by Council for “*Alterations and additions to a dwelling house and construction of a swimming pool and pavilion*” on 19 September 2016.
- Mod 2017/0156 was approved by Council for “*Section 455 (1a) Minor Environmental Impact - Modification of Development Consent DA2015/1173 granted for Alterations and additions to a dwelling house and construction of a swimming pool and pavilion*” on 18 August, 2017.
- DA 2017/1203 was approved by Northern Beaches Development Determination Panel for “*New - Demolition Works and construction of a dwelling*” on 8 August, 2018.
- DA 2021/1469 was approved by Northern Beaches Development Determination Panel of Council for “*Subdivision - Demolition works and subdivision (boundary*

adjustment) maintaining (2) lots and the construction of a new dwelling house, spa pools and associated landscaping works within Lot 102” on 23 March, 2022.

3.0 THE PROPOSED DEVELOPMENT



As previously advised, the proposed development includes “*Proposed Amendments to the Approved Outbuilding, Proposed New Swimming Pool and Associated Landscaping Works*”, as reflected in the Architectural Plans prepared by Stafford Architecture.

The proposed development comprises the following works;

01. Altered Sauna/Gym/Plunge Pools/Deck and Lawn Area;
02. Demolish Portion of Existing Pool;
03. Proposed Extension to Existing Pool; and
04. Added Privacy Screen/Pool Gate and Landing, and
05. Associated Landscaping Works.

The above proposed works are ancillary to that of the approved dwelling.

4.0 PLANNING ASSESSMENT

4.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Aim of Policy

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:
 - a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and*
 - b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.**
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.*
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.*

Comment:

As previously noted, the proposed development includes a proposed New Swimming Pool, which is greater than 40,000L.

SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development. The above SEPP relates to commitments within a proposed development in relation to sustainability measures.

The current DA is accompanied by BASIX Certificate No. A481593 dated 10 February, 2023, prepared by Delisle Hunt Wood Pty Ltd.

Due to the issuing of the abovementioned BASIX Certificate, I consider that further assessment is required under State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter – 2 Coastal Management

Aim of Policy

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

Comment:

The subject site is not identified as being within the Land Application Map of Chapter 2 Coastal Management, which relates to commitments within a proposed development to ensure that a proposed development protects the environmental assets of the coast.

Accordingly, further assessment under Chapter 2 of State Environmental Planning Policy (Resilience and Hazards) 2021 is not required.

Chapter – 4 Remediation of Land

Object of this Chapter

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) by requiring that a remediation work meet certain standards and notification requirements.*

Comment:

Due to the previous lengthy history of the residential occupation of the subject site and the fact that Council granted approval in 2022 for a New Dwelling, the prevailing evidence does not indicate the existence of contamination on the subject site. Presumably, Council would not have granted approval for a New Dwelling if there was any evidence of contaminated land.

I have also not viewed any evidence of previous contamination of the subject site.

Accordingly, based on the above evidence, I consider that no further assessment is required under State Environmental Planning Policy (*Resilience and Hazards*) 2021 Chapter 4 – Remediation of Land.

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

The aims of this Chapter are—

- a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

Comment:

As advised by the Architects for the proposed development, the proposed works will not result in a reduction of the approved Landscaped Area. I also consider that the quality of landscaping under the current DA will also be significantly improved compared to the existing landscaping on the subject site.

Chapter 6 Water Catchments

Land to Which Chapter Applies

- (1) This Chapter applies to land in the following catchments—*
 - (a) The Sydney Drinking Water Catchment,*
 - (b) The Sydney Harbour Catchment,*
 - (c) The Georges River Catchment,*
 - (d) The Hawkesbury-Nepean Catchment*

Comment:

The subject site lies outside of both the Foreshores and Waterways Area and the Sydney Harbour Catchment.

Furthermore, the subject site is a significant distance from Sydney Harbour.

Therefore, Chapter 6 – Water Catchments does not apply to the proposed development.

4.4 Warringah Local Environmental Plan 2011 (LEP 2011)

1.2: Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as Warringah) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) *to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,*
 - (b) *to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,*
 - (c) *to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
 - (d) *in relation to residential development, to—*
 - (i) *protect and enhance the residential use and amenity of existing residential environments, and*
 - (ii) *promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and*
 - (iii) *increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,*

- (e) *in relation to non-residential development, to—*
 - (i) *ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and*
 - (ii) *maintain a diversity of employment, services, cultural and recreational facilities,*
- (f) *in relation to environmental quality, to—*
 - (i) *achieve development outcomes of quality urban design, and*
 - (ii) *encourage development that demonstrates efficient and sustainable use of energy and resources, and*
 - (iii) *achieve land use relationships that promote the efficient use of infrastructure, and*
 - (iv) *ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and*
 - (v) *protect, conserve and manage biodiversity and the natural environment, and*
 - (vi) *manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*
- (g) *in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,*
- (h) *in relation to community well-being, to—*

- (i) *ensure good management of public assets and promote opportunities for social, cultural and community activities, and*
- (ii) *ensure that the social and economic effects of development are appropriate.*

Comment:

I consider that the current DA satisfies the relevant Aims of LEP 2011 for the following reasons:

- (aa) Not applicable.
- (a) The proposed works, ancillary to that of the approved dwelling, represent low scale redevelopment which follows the land use framework for controlling development in Warringah for the reasons outlined in this SEE. Whilst there are breaches of Council's Planning Controls, variations are justified for the reasons outlined in this SEE.
- (b) Not applicable.
- (c) The proposed development maintains the low density residential nature of the subject site, whilst providing modern new amenities of high architectural merit for the future occupants of the approved dwelling.
- (d) In relation to the proposed development, I note the following: -
 - i. The proposed redevelopment of the subject site maintains the current residential use, provides a proposed Amendments to the Approved Outbuilding and proposed New Swimming Pool that results in improved amenity for future occupants, whilst ensuring no unreasonable amenity impacts to adjoining owners or the public domain.
 - ii. The proposed development maintains the current use as a dwelling house with no unreasonable adverse impacts on the character and amenity of the immediate locality.

(e) Not applicable.

(f) In relation to the proposed development, I note the following: -

- i. In relation to the efficient and sustainable use of energy and resources, I refer to the BASIX Certificate prepared in support of the proposed development.
- ii. For the reasons referred to in this SEE, the proposed Amendments to the Approved Outbuilding and proposed New Swimming Pool will not result in any unreasonable adverse impacts on the use of infrastructure, given the fact that it maintains the existing land use.
- iii. The proposed development does not have any unreasonable adverse impacts on the public domain or private properties for the reasons outlined in this SEE.
- iv. The proposed development does not result in any unreasonable adverse impacts on biodiversity and the natural environment. I particularly note the improvement in the quality of landscaping on the subject site.
- v. The proposed development manages environmental constraints for the reasons outlined in this SEE. The subject site is identified as being in Area B of the Landslip Risk Map. Geotechnical considerations are addressed in the “*Geotechnical Report*” accompanying this DA, which is prepared by Crozier Geotechnical Consultants. I refer to the following comments contained in the Geotechnical Report:
 - a. *“The new pool, cabana/gym and landscaping works appear to be close to existing surface levels in parts and require bulk excavation to approximately 1.50m depth maximum along the western sides of the works, reducing to nil and above ground structures to the east due to the ground surface slope”.*
 - b. *“This site is located within landslip risk Class ‘B’ within the Geotechnical Risk Management Map. The Development involves works which exceeds the preliminary assessment guidelines due to the depth of proposed excavations therefore a geotechnical investigation and*

assessment report are required for all submissions.

CGC have undertaken previous geotechnical investigation within No.25 for a previous DA within that property (same owner) whilst investigation and inspection has been undertaken by CGC and others within No. 23. The results of previous investigation have been reviewed and incorporated in this report”.

- c. *“Through selection of suitable excavation equipment, geotechnical inspection and mapping during the excavation works along with the installation of support measures as determined necessary by the inspections, the risk from the proposed works can be maintained within ‘Acceptable’ levels for all situations. The recommendations and conclusions in this report are based on an investigation utilising only surface observations and hand drilling tools due to access limitations. This test equipment provides limited data from small isolated test points across the entire site with limited penetration into bedrock, therefore some minor variation to the interpreted sub-surface conditions is possible, especially between test locations. The results of the investigation provide a reasonable basis for the DA analysis and preliminary design”.*
- d. *“The Risk to Life from Hazard A was estimated to be up to 6.25×10^{-7} , whilst the Risk to Property was considered to be ‘Very Low to Moderate’ in all situations. The Risk to Life from Hazard B was estimated to be up to 5.21×10^{-7} , whilst the Risk to Property was considered to be ‘Very Low to Moderate’ in all situations. The Risk to Life from both hazards is within the ‘Acceptable’ levels. Whilst the ‘Moderate’ risk to property is not within “Acceptable’ risk criteria, the assessment is based on no engineering supervision or implementation of suitable support systems. Provided the recommendations of this report are implemented the likelihood of any failure becomes ‘Rare’ and as such the consequences reduce and risk becomes within ‘Acceptable’ levels when assessed against the criteria of the AGS*

2007. As such the project is considered suitable for the site provided the recommendations of this report are implemented”.

- (g) The proposed development will not result in any adverse impacts on the cultural, environmental, natural, aesthetic and social features of ‘Warringah’ for the reasons outlined in this SEE. In terms of Heritage, I refer to comments later in this SEE.

Clause 2.1 Land Use Zone and Clause 2.2 Zoning of Land:

R2 Low Density Residential

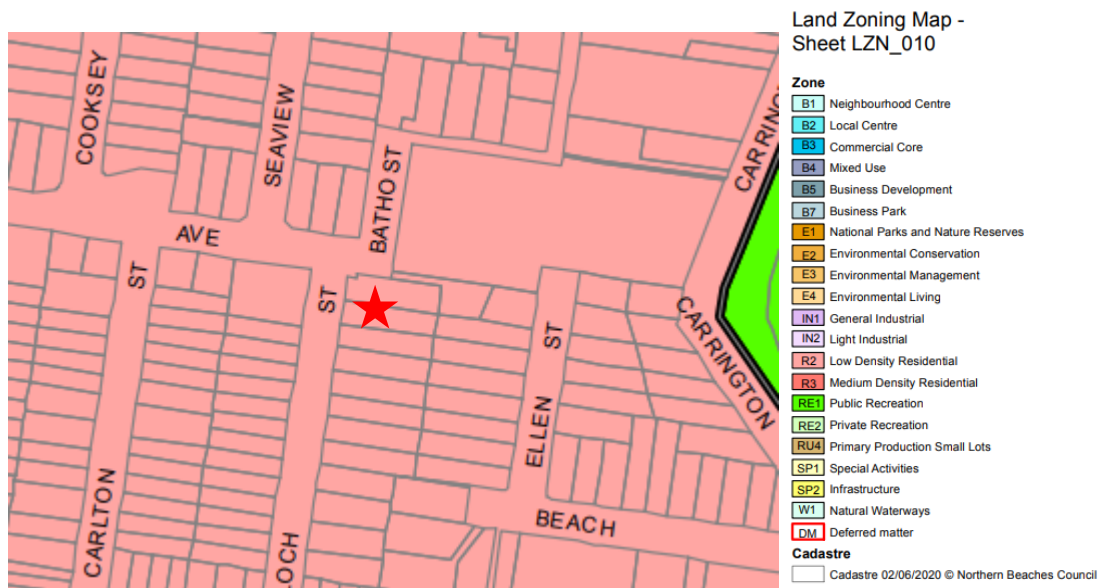


Figure 3: Land Zoning Map, Sheet LZN_010 (LEP 2011).

Zone R2 Low Density Residential

Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

Comment:

The proposed development involves works ancillary to the approved “*dwelling house*”, which are permitted with consent in the R2 Low Density Residential zone under Warringah LEP 2011.

I consider that the proposed development satisfies the Objectives of the R2 zone for the following reasons: -

- The approved dwelling will provide for the housing needs of the community within a low density residential environment, maintaining the current residential use of the subject site. The proposed works, being ancillary to the approved dwelling, will provide modern and improved amenities.
- The proposed development does not impact on the ability of other land uses to provide facilities or services to meet the day to day needs of residents. I also consider that the scale of the proposed development achieves the desired future character of the neighbourhood.
- The current proposed works will also result in a significant improvement in the quality of landscaping on the subject site compared to the existing landscaping. As previously advised, the numerical requirements of Council’s Landscaped Area Control under Warringah Development Control Plan 2011 are also satisfied.

Clause 2.7 Demolition

Comment:

The proposed development involves the demolition of part of the existing swimming pool.

Clause 4.1: Minimum Subdivision Lot Size

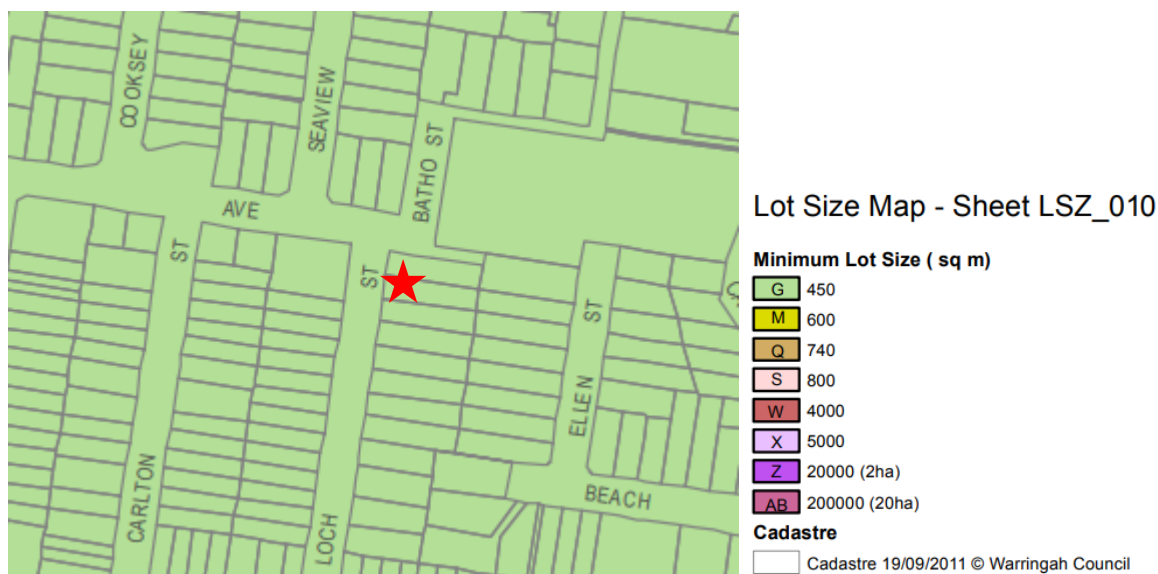


Figure 4: Lot Size Map, Sheet LSZ_010 (LEP 2011).

Objectives

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

- (a) *to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) *to achieve low intensity of land use in localities of environmental significance,*
- (e) *to provide for appropriate bush fire protection measures on land that has an interface to bushland,*

- (f) to protect and enhance existing remnant bushland,*
- (g) to retain and protect existing significant natural landscape features,*
- (h) to manage biodiversity,*
- (i) to provide for appropriate stormwater management and sewer infrastructure.*

Comment:

The proposed development does not involve subdivision of the subject site.

As previously advised, the subject site is the approved Lot 102, which has been created following the approved boundary adjustment of 23-25 Loch Street, Freshwater. A copy of the approved subdivision is on the cover page of this SEE.

Clause 4.3: Height of Buildings

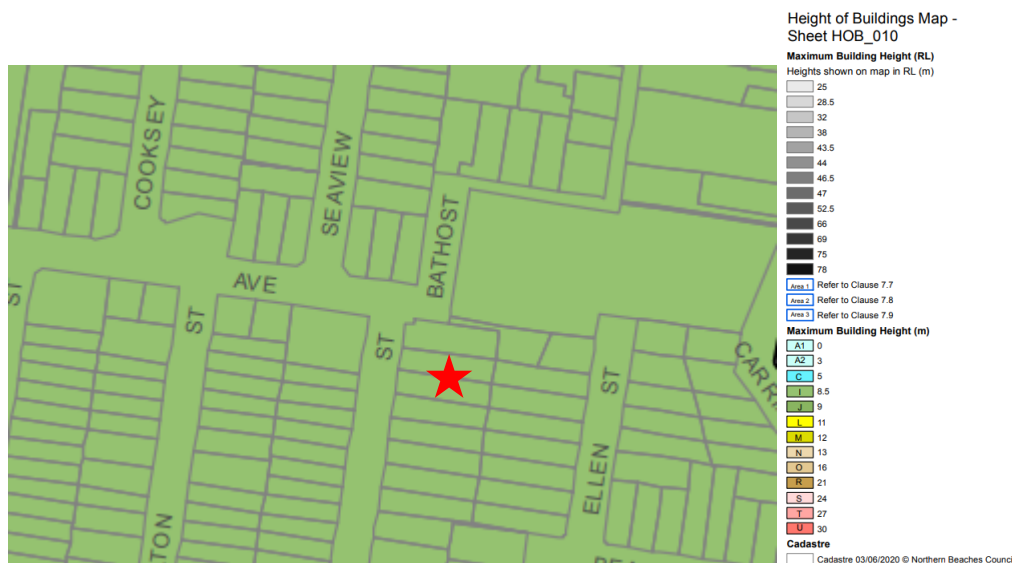


Figure 5: Height of Buildings Map, Sheet HOB_010 (LEP 2011).

Objectives

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

- (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

Comment:

The subject site is identified as being within Area I under LEP 2011, which sets down a maximum Height of Buildings Standard of 8.5m.

The proposed development does not involve works to the approved dwelling house. Furthermore, as previously advised, the proposed works include a proposed amended Outbuilding and proposed New Swimming Pool, both of which have maximum heights which are significantly below the Height of Buildings Standard.

Clause 4.4: Floor Space Ratio (FSR)

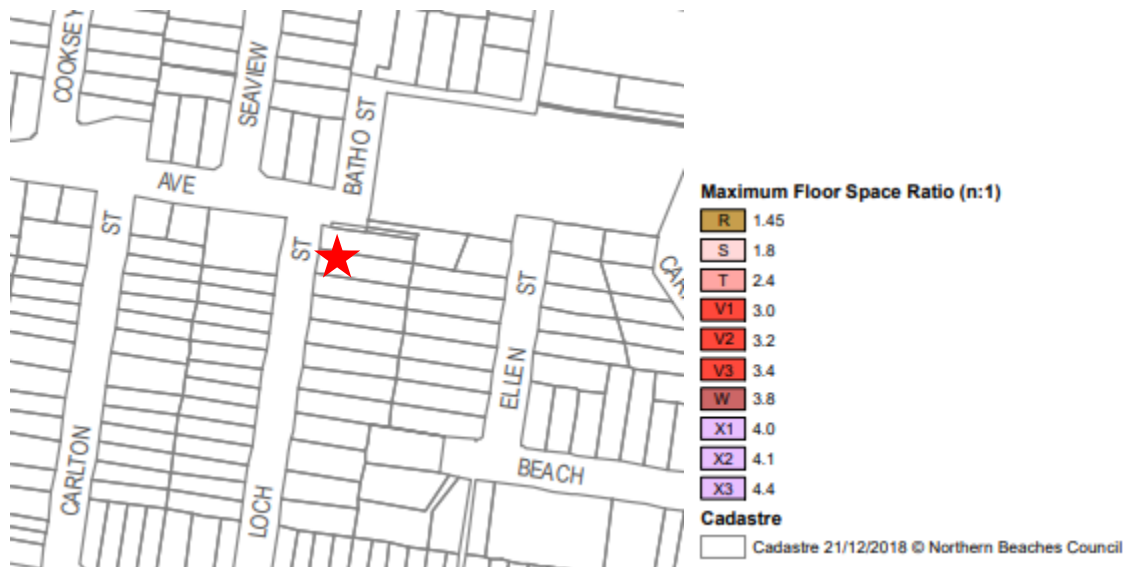


Figure 6: Floor Space Ratio Map, Sheet FSR_010 (LEP 2011).

Objectives

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

- (a) *to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,*
- (b) *to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
- (c) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
- (d) *to manage the visual impact of development when viewed from public spaces,*
- (e) *to maximise solar access and amenity for public areas.*

Comment:

The subject site is not identified on the FSR Map. Accordingly, there is no FSR Standard applicable to the proposed development. I refer to my assessment of the proposed development against the Built Form Controls of Warringah Development Control Plan 2011 later in this SEE.

Clause 5.10: Heritage Conservation

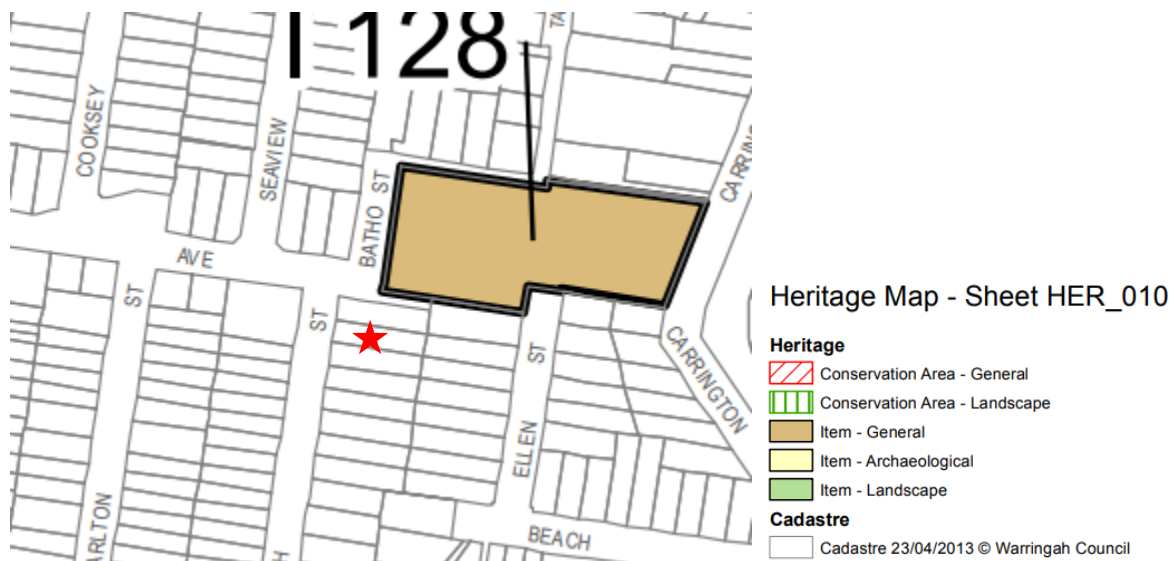


Figure 7: Heritage Map, Sheet HER_010 (LEP 2011).

Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Warringah,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

I stress that I am not a Heritage Consultant and I await the advice of Council's Heritage Officer.

I, however, do note the following factual circumstances:

- The subject site does not contain a Heritage Item.

- The subject site is not within a Heritage Conservation Area. The nearest Heritage Conservation Area is approximately 300m to the south-east of the subject site.
- The closest Heritage Item is Item I128, being Lot 1496 DP 752038 fronting Carrington Parade, for *“Building known as “Stewart House”*.
- The approved dwelling was considered by Council to be satisfactory from a Heritage perspective. The proposed works are ancillary works to the approved dwelling.

Clause 6.1: Acid Sulfate Soils

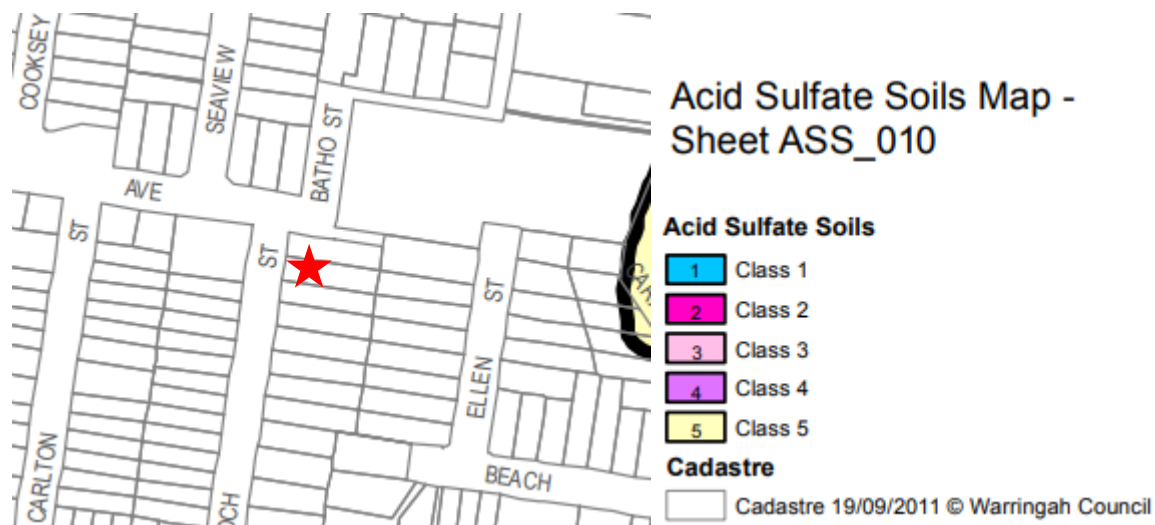


Figure 8: Acid Sulfate Soils Map, Sheet ASS_010 (LEP 2011).

Objectives

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

Comment:

The subject site is not identified on the Acid Sulfate Soils Map. Accordingly, Clause 6.1 relating to Acid Sulfate Soils does not apply to the proposed development.

Clause 6.2: Earthworks

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

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

Comment:

The proposed development will involve earthworks associated with the proposed Amendments to the Approved Outbuilding, proposed New Swimming Pool and Associated Landscaping Works.

I again note the Geotechnical Report prepared by Crozier, Geotechnical Consultants, which contains the following comments: -

- “The new pool, cabana/gym and landscaping works appear to be close to existing surface levels in parts and require bulk excavation to approximately 1.50m depth maximum along the western sides of the works, reducing to nil and above ground structures to the east due to the ground surface slope”.*
- “This site is located within landslip risk Class ‘B’ within the Geotechnical Risk Management Map. The Development involves works which exceeds the preliminary assessment guidelines due to the depth of proposed excavations therefore a geotechnical investigation and assessment report are required for all submissions.*

CGC have undertaken previous geotechnical investigation within No.25 for a previous DA within that property (same owner) whilst investigation and inspection has been undertaken by CGC and others within No. 23. The results of previous investigation have been reviewed and incorporated in this report”.

- *“Through selection of suitable excavation equipment, geotechnical inspection and mapping during the excavation works along with the installation of support measures as determined necessary by the inspections, the risk from the proposed works can be maintained within ‘Acceptable’ levels for all situations. The recommendations and conclusions in this report are based on an investigation utilising only surface observations and hand drilling tools due to access limitations. This test equipment provides limited data from small isolated test points across the entire site with limited penetration into bedrock, therefore some minor variation to the interpreted sub-surface conditions is possible, especially between test locations. The results of the investigation provide a reasonable basis for the DA analysis and preliminary design”.*
- *“The Risk to Life from Hazard A was estimated to be up to 6.25×10^{-7} , whilst the Risk to Property was considered to be ‘Very Low to Moderate’ in all situations. The Risk to Life from Hazard B was estimated to be up to 5.21×10^{-7} , whilst the Risk to Property was considered to be ‘Very Low to Moderate’ in all situations. The Risk to Life from both hazards is within the ‘Acceptable’ levels. Whilst the ‘Moderate’ risk to property is not within “Acceptable’ risk criteria, the assessment is based on no engineering supervision or implementation of suitable support systems. Provided the recommendations of this report are implemented the likelihood of any failure becomes ‘Rare’ and as such the consequences reduce and risk becomes within ‘Acceptable’ levels when assessed against the criteria of the AGS 2007. As such the project is considered suitable for the site provided the recommendations of this report are implemented”.*

6.4 Development on sloping land

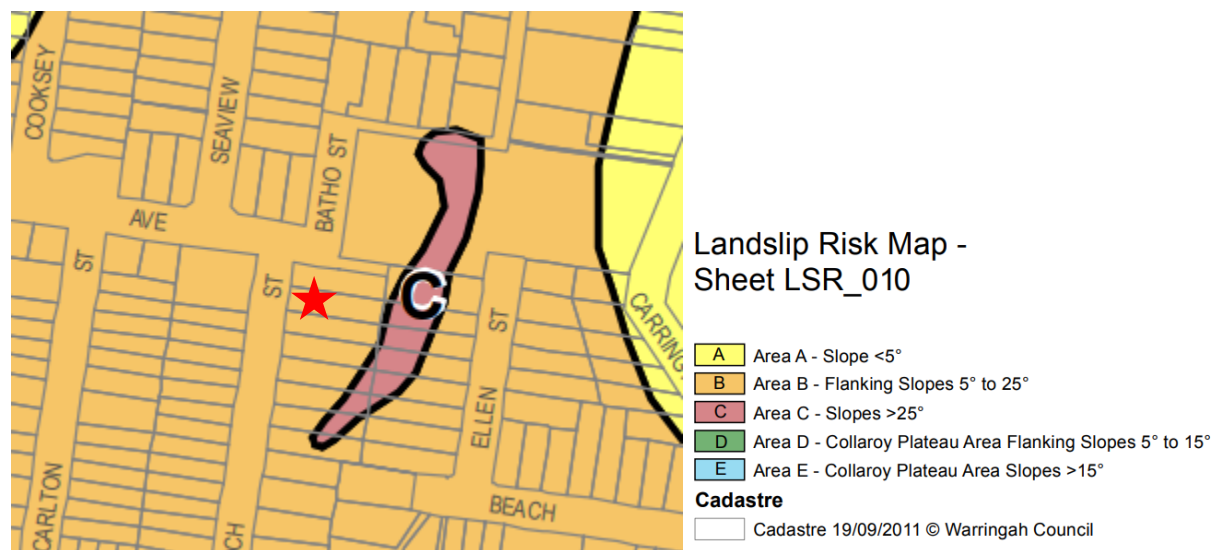


Figure 9: Landslip Risk Map, Sheet LSR_010 (LEP 2011).

Objectives

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

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

Comment:

The subject site is identified as being within Area B of the Landslip Risk Map.

Area “B” comprises moderate slopes with no part of the subject site being within Area C, being of slopes > 25 degrees.

I reiterate that I am not a Geotechnical Expert, and refer to the Geotechnical Report prepared by Crozier Geotechnical Consultants, which recommended the following conditions be imposed throughout design and construction:

“To allow certification at the completion of the project it will be necessary for Crozier Geotechnical Consultants to:

- 1. Review the structural drawings and stormwater system plans for compliance with the recommendations of this report,*
- 2. Review excavation Methodology and Equipment prior to hard rock excavation,*
- 3. Inspect excavation at 1.50m depth intervals where unsupported,*
- 4. Inspect all new footings and earthworks to confirm compliance to design assumptions with respect to allowable bearing pressure, basal cleanness and the stability prior to the placement of steel or concrete,*
- 5. Inspect the completed development to ensure all stormwater systems are complete and connected and that construction activity has not created any new landslip hazards.*

The client and builder should make themselves familiar with the Councils Policy and the requirements spelled out in this report for inspections during the construction phase. Crozier Geotechnical Consultants cannot complete the certification if it has not been called to site to undertake the required inspections”.

I recommend the imposition of the above recommended conditions as Conditions of Consent in any future approval.

Conclusion

For the reasons outlined in this SEE, I consider that the proposed development satisfies the Aims and Objectives of LEP 2011.

The provisions of the Environmental Planning and Assessment Regulation 2000 contain various clauses which are applicable to the proposed development. These clauses relate to Council's powers and responsibilities, particularly in relation to its powers to impose appropriate Conditions of Consent.

4.5 Warringah Development Control Plan 2011 (DCP 2011)

Part A: Introduction

A.5 Objectives

Objectives:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comment:

In relation to the proposed development, I note the following: -

- The proposed development responds to the characteristics of the subject site and the qualities of the surrounding locality for the reasons outlined in this SEE.
- The proposed development does not result in unreasonable adverse impacts on the amenity of adjoining properties and the public domain. The proposed development maintains a unified landscape by way of such elements as a compliant area of landscaping.
- The proposed works are of low scale with attractive external finishes and colours.

- The proposed development will be environmentally, economically and socially sustainable for the reasons outlined in this SEE.

Part B: Built Form Controls

B1 Wall Heights

Objectives

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

The proposed works easily comply with the maximum Wall Height Control.

B2 Number of Storeys

Objectives

- *To ensure development does not visually dominate its surrounds.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To provide equitable sharing of views to and from public and private properties.*
- *To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

- *To complement the height of buildings control in the LEP with a number of storeys control.*

Comment:

In relation to the proposed development on the subject site, I note that the subject site is not identified under the Number of Storeys Map under DCP 2011.

I, however, note that the proposed Amended Outbuilding adjoins the driveway to 2 Wyadra Avenue on the northern boundary and the neighbouring approved carport along the eastern boundary. Furthermore, the proposed Amended Outbuilding is of a minor height, significantly below the Height of Buildings Standard. Thus, I consider the amenity of the adjacent properties will not be unreasonably impacted, particularly in relation to the amenity of the adjoining properties.

B3 Side Boundary Envelope

Objectives

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

Comment:

The subject site is identified on the Side Boundary Envelopes Map under DCP 2011, thus requiring a projecting plane at 45 degrees from a height above the existing ground level at side boundaries of 5m.

The proposed Outbuilding complies with the above Side Boundary Envelope Control.

B4 Site Coverage

Objectives

- *To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.*
- *To minimise the bulk and scale of development.*
- *To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.*
- *To limit impervious areas and encourage natural drainage into the sub-surface.*

Comment:

The subject site is not identified on the Site Coverage Map under DCP 2011.

B5 Side Boundary Setbacks

Objectives

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

Comment:

The subject site is subject to the 0.9m Side Boundary Setback Control on the Side Boundary Setbacks Map under DCP 2011.

The proposed works easily comply with the above Side Boundary Setback Control.

B7 Front Boundary Setbacks

Objectives

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

Comment:

The subject site is within the F – 6.5m area on the Front Boundary Setback Map under DCP 2011.

The proposed development does not result in any change to the approved Front Boundary Setback Control of the approved dwelling.

B9 Rear Boundary Setbacks

Objectives

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

Comment:

The subject site is within the D – 6m area on the Rear Boundary Setback Map under DCP 2011.

In relation to the proposed development, I note the following: -

- DCP 2011 in Part B9 entitled “Rear Boundary Setbacks”, there is an exception for land zoned R2 for exempt development, swimming pool and outbuildings in the rear setback so long as the total combined area does not exceed 50% of the rear setback area and meets the objectives of the abovementioned provisions. Adopting the rear setback line of the approved dwelling, the total floor area of the existing cabana along the southern boundary plus the combined area of the proposed extended outbuilding in the north-eastern corner and the redesigned/extended swimming pool will be well below the 50% Planning Control.
- As a result of the advice from Alex Keller, Assessment Officer of Council, the proposed setback of the proposed New Swimming Pool from the rear boundary of the subject site has been increased from 2.7m (under a previously withdrawn application) to 3m.
- Furthermore, I consider that the Objectives of the Rear Setback Control are satisfied for the following reasons: -
 - i. The proposed Landscaped Area under the proposed development has the same percentage as the approved development. The quality of landscaping will also be significantly improved compared to the existing landscaping on the subject site.
 - ii. The proposed design under the proposed development constitutes an open and levelled lawn, with minor structures, thus creating a “sense of openness” in the rear yard.
 - iii. The proposed extended outbuilding adjoins the driveway to 2 Wyadra Avenue on the northern boundary and the neighbouring approved carport along the eastern boundary. Furthermore, the proposed extended outbuilding is of a minor nature, with a height significantly below the Height of Buildings Standard. Thus, the amenity of the adjacent properties will not be unreasonably impacted.

- iv. The proposed development will maintain the existing visual continuity and pattern buildings, rear gardens, and landscape elements. Of particular importance is the fact that the approved dwelling has created a rear yard of significant depth and length, being the combined area of the existing 2 rear yards of 23 and 25 Loch Street. By combining the 2 rear yards into a single rear yard within the approved Lot 102, the proposed rear yard will be a significant visual improvement compared to the 2 existing rear yards. In other words, the current situation comprises 2 smaller rear yards with boundary fences, whereas the approved development will comprise a single much larger rear yard. The proposed development will not alter the approved larger rear yard.
- v. As previously noted, the proposed structures under the proposed development will maintain privacy between the buildings

Part C: Siting Factors

C1 Subdivision

Objectives

- *To regulate the density of development.*
- *To limit the impact of new development and to protect the natural landscape and topography.*
- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*
- *To maximise and protect solar access for each dwelling*
- *To maximise the use of existing infrastructure.*
- *To protect the amenity of adjoining properties.*
- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

Comment:

The proposed development does not involve subdivision. As previously advised, the subject site, being approved Lot 102, has been created as a result of the Council approved boundary adjustment of 23 and 25 Loch Street.

C2 Traffic, Access and Safety

Objectives

To minimise:

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

Comment:

In relation to the proposed development, I note the following: -

- There will be no increase in Parking demand arising from the proposed development.
- Furthermore, the proposed development will not change the approved Parking arrangement.
- The approved Access arrangements will be maintained under the current proposed modified development.
- There will be no increase in Traffic volumes arising from the proposed works.
- As a result of the above, the proposed development will not result in a traffic hazard, no increase in vehicle crossings, no traffic, pedestrian or cyclist conflict, no interference with public transport facilities and no loss of kerbside parking.

C3 Parking Facilities

Objectives

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

Comment:

The proposed development will not result in any change to the approved Parking Facilities.

C4 Stormwater

Objectives

- *Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;*
- *To minimise the risk to public health and safety;*
- *To reduce the risk to life and property from any flooding and groundwater damage;*
- *Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*
- *Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*
- *Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*

- *To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

Comment:

Rhys Mikhail, Consultant Engineer, has provided a written advice on the issue of Stormwater.

C6 Building Over or Adjacent to Constructed Council Drainage Easements

Objectives

- *To ensure that Council's drainage infrastructure is not damaged and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property*

Comment:

Not Applicable.

C7 Excavation and Landfill

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- In relation to Contamination, I refer to my previous comments in this SEE.
- In relation to Excavation, I refer to the Geotechnical Report prepared by Crozier, Geotechnical Consultants.

C8 Demolition and Construction

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- The proposed development involves demolition of ancillary structures.
- In relation to compliance with the Waste Management Guidelines, I refer to the Waste Management Plan prepared by Stafford Architecture.

C9 Waste Management

Objectives

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

Comment:

- In relation to ESD requirements, I refer to the BASIX Certificate.
- I also refer to the Waste Management Plan prepared by Stafford Architecture.

Part D: Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

The subject site is within the 40% area of the Landscaped Open Space and Bushland Setting Map under DCP 2011.

In relation to proposed development, the proposed Landscaped Open Space complies.

As advised by the Architects for the proposed development, the proposed works will not result in a reduction of the approved Landscaped Area.

I also note that the quality of the proposed landscaping under the current DA will also allow for an expansive area of deep soil grassed area and significantly improved landscaping compared to the existing landscaping on the subject site.

D2 Private Open Space

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- The minimum requirements for private open space are an area of at least 60m² and minimum dimensions of 5m. The proposed development provides proposed Private Open Space, significantly in excess of Council's Private Open Space Control.

D3 Noise

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- I consider that the proposed outbuilding will not generate unreasonable Acoustic Impact as the proposed outbuilding will be an ancillary outbuilding to the main dwelling.
- I consider that the proposed new swimming pool will not generate any unreasonable Acoustic Impact, noting a number of swimming pools in the locality. I support the imposition of Council's standard condition requiring the proposed pool plant and equipment to be acoustically treated or housed in an acoustic room.

D4 Electromagnetic Radiation

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- The proposed development does not involve a mobile phone base station or any associated infrastructure and equipment.

D6 Access to Sunlight

Objectives

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

Comment:

The proposed development will not result in unreasonable Overshadowing Impact onto adjoining properties and the public domain and achieves compliance with the requirements of the Access to Sunlight Control for the following reasons;

- The proposed development does not generate Overshadowing on any public open space.
- The proposed development complies with the relevant Access to Sunlight Controls, in that at least 50% of the required area of private open space and at least 50% of the required area of private open space of adjoining dwellings will receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

D7 Views

Objectives

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

Comment:

As previously advised, the proposed development does not involve any works to the approved dwelling. As such, the approved level of View Sharing will be maintained.

Furthermore, the proposed outbuilding will not result in any additional View Loss to adjoining properties or the public domain.

D8 Privacy

Objectives

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

- *To provide personal and property security for occupants and visitors.*

Comment:

In relation to the proposed development, I note the following: -

- The proposed extended outbuilding in the north-eastern corner sits below the adjoining property to the north at 25 Loch Street (which forms part of the approved development site)
- The proposed redesigned/extended swimming pool, outbuilding and landscaping works are also below the adjoining property to the north at 25 Loch Street.
- The proposed extended outbuilding in the north-eastern corner will only be 1 storey in height and will be separated from the adjoining dwelling to the east by a 1.8m boundary fence and proposed landscaping strip of 2.284m. The single storey nature of the proposed outbuilding, the proposed eastern side setback, and the proposed landscaping will ensure no adverse impact on the adjoining property to the east.
- Additionally, the proposed eastern wall of the proposed outbuilding will provide privacy to the proposed internal rooms and will also prevent any overlooking from the proposed outbuilding towards the adjoining property to the east.
- The features referred to in this SEE will also ensure that there is no unreasonable Overlooking Impact.

D9 Building Bulk

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- As previously advised, the proposed extended outbuilding in the north-eastern corner will only be 1 storey in height and will be separated from the adjoining dwelling to the east by a 1.8m boundary fence and proposed landscaping strip of 2.284m.
- The single storey nature of the proposed outbuilding, the proposed eastern side setback and the proposed landscaping will ensure no adverse impact on the adjoining property to the east.

D10 Building Colours and Materials

Objectives

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

Comment:

I note the attractive palette of colours and materials provided on the Schedule of Materials accompanying this DA prepared by the Architects.

D11 Roofs

Objectives

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

Comment:

The proposed roof of the proposed outbuilding will be a flat roof design which I consider to be of a modern design.

D12 Glare and Reflection

Objectives

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

Comment:

A Condition of Consent should be imposed not permitting the use of colours and materials to be of a high reflectivity.

D13 Front Fences and Walls

Objectives

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

Comment:

The proposed development does not involve any proposed works to the approved Front Fence.

D14 Site Facilities

Objectives

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

Comment:

The proposed development will incorporate appropriate Site Facilities for the use of future occupants.

D15 Side and Rear Fences

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- The approved Side and Rear Fences will be maintained.

D16 Swimming Pools and Spa Pools

Objectives

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

Comment:

In relation to the proposed Swimming Pool, I note the following: -

- The proposed Swimming Pool is located in the rear yard.
- According to DCP 2011 entitled Part B9 Rear Boundary Setbacks, there is an exception for land zoned R2 for Exempt Development, Swimming Pool and Outbuildings in the rear setback so long as the total combined area does not exceed 50% of the rear setback area and also meet the objectives of the abovementioned provisions. Adopting the rear setback line of the approved dwelling, the total floor area of the existing cabana along the southern boundary plus the combined area of the proposed extended Outbuilding in the north-eastern corner and the redesigned/extended Swimming Pool will be well below the 50% Planning Control.
- As a result of the advice of Alex Keller, Assessment Officer of Council, the proposed setback of the proposed Swimming Pool from the rear boundary of the subject site has been increased from 2.7m (under a previously withdrawn application) to 3m.
- The proposed Landscaped Area under the current DA has the same percentage as the approved development.

D18 Accessibility and Adaptability

Objectives

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

Comment:

The proposed development does not involve any changes to the approved Accessibility arrangements.

D20 Safety and Security

Objectives

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

Comment:

The approved level of Safety and Security on the subject site will be maintained.

D21 Provision and Location of Utility Services

Objectives

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

Comment:

The proposed development will be provided with a high level of Utility and Services.

D22 Conservation of Energy and Water

Objectives

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

Comment:

The approved dwelling is the subject of a BASIX Certificate. The current proposed Swimming Pool is also the subject of a BASIX Certificate.

D23 Signs

Objectives

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

Comment:

There are no proposed Signs as part of the current DA.

Part E The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*

- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comment:

The Landscape Plans evidence a significant improvement in the quality of landscaping on the subject site compared to the existing landscaping. Furthermore, the area of the Landscaped Area complies with the relevant Planning Control.

The proposed development does not seek the removal of any significant Trees or Vegetation on the subject site. I note that there are also a number of proposed Trees as part of the proposed development.

E2 Prescribed Vegetation

Objectives

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

- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Comment:

Please refer to the Landscape Plans that have been prepared by Secret Gardens.

I also note the comments of Council's Assessment Officer in relation to the previously approved development under DA 2017/1203, who stated as follows: -

"No significant vegetation exists on the site, apart from a mature Norfolk Island Pine located on the southeastern corner of the site".

E3 Threatened Species, Populations, Ecological Communities listed under State or Commonwealth Legislation, or High Conservation Habitat

Objectives

- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To preserve and enhance the area's amenity, whilst protecting human life and property.*

- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*

Comment:

The subject site is not identified as containing Threatened and High Conservation Habitat under DCP 2011.

E4 Wildlife Corridors

Objectives

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

Comment:

The subject site is not identified as being within a Wildlife Corridor under DCP 2011.

E5 Native Vegetation

Objectives

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

Comment:

The subject site is identified on the Native Vegetation Map under DCP 2011. I note the following: -

- *As previously advised, Council's Assessment Officer previously advised that "No significant vegetation exists on the site, apart from a mature Norfolk Island Pine located on the south-eastern corner of the site".*
- *The proposed development incorporates significant landscaping as shown on the Landscape Plans prepared by Secret Gardens.*

E6 Retaining Unique Environmental Features

Objectives

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

Comment:

In relation to the proposed development, I note the following: -

- Existing rock outcrops are incorporated in the proposed Landscape Plans.
- No significant Trees or Vegetation are proposed to be removed.

E7 Development on Land Adjoining Public Open Space

Objectives

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

Comment:

The subject site is not identified on the Land Adjoining Public Open Space Map under DCP 2011.

E8 Waterways and Riparian Lands

Objectives

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

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

Comment:

The subject site is not identified as Waterway or Riparian Land on the Waterways and Riparian Lands Map under DCP 2011.

E9 Coastline Hazard

Objectives

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

Comment:

The subject site is not identified on the Coastline Hazard Map under LEP 2011.

E10 Landslip Risk

Objectives

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

- *To ensure there is no adverse impact resulting from stormwater discharge.*

Comment:

I note that the subject site is identified as being within Area B of the Landslip Risk Map under LEP 2011.

Please refer to my previous comments contained within this SEE.

E11 Flood Prone Land

Objectives

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

Comment:

I note that the subject site is not identified as land being affected by Flood Prone Land on the Flood Risk Precinct Map.

5.0 POSITIVE OUTCOMES OF PROPOSED DEVELOPMENT

The Council approved development under DA 2021/1469 exhibits a range of Positive Outcomes.

I also consider that the current DA exhibits the same Positive Outcomes as the approved development, for the following reasons:

- The proposed Amendments to the Approved Outbuilding and proposed New Swimming Pool are of a modern typology and are of positive architectural design and merit.
- I consider that the proposed development incorporates an attractive palette of colours and materials.
- I consider that the proposed development does not result in any unreasonable amenity impacts on adjoining properties in the form of Overshadowing, Overlooking, View Loss, Visual Impact, Acoustic Impact or any other impact.
- The area of the proposed Landscaped Area throughout the subject site will be the same as the approved development.
- Based on the calculations prepared by the Architects, the proposed Landscaped Area under the proposed development complies with the Landscaped Area Control.
- There will also be a significant improvement in the quality of landscaping on the subject site compared to the existing landscaping on the subject site.
- The proposed Private Open Space Area under the proposed development significantly exceeds the Private Open Space Control.

6.0 SECTION 4.15 ASSESSMENT

Assessment of the current DA requires consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Previous sections of this SEE have addressed relevant matters to be considered under Section 4.15.

The following additional comments are provided for assessment: -

Environmental Planning Instruments

As previously noted, the proposed development is permissible under the current R2 zoning under LEP 2011.

Assessment under the relevant LEP 2011 provisions has been provided in the previous sections of this SEE.

Development Control Plans

Assessment of the proposed development against the relevant Development Control Plan has been undertaken in the previous sections of this SEE. For the reasons outlined in this SEE, I consider that the current DA will satisfy the relevant Objectives of DCP 2011. There are breaches, but these breaches are considered reasonable for the reasons referred to in this SEE.

Impact on the Natural Environment

The proposed development will not adversely impact on the natural environment.

In fact, the Landscape Plans show a significant improvement in the quality of landscaping on the subject site.

Impact on the Built Environment

- **Scenic qualities** – The proposed development is consistent with the current and future character of the locality as expressed within the provisions of LEP 2011 and DCP 2011.

For the reasons outlined in this SEE, I consider that the proposed development will not have an adverse impact on the scenic qualities of the area.

- **Compatibility with adjacent land uses** – The proposed development will be compatible with adjoining dwelling houses.
- **Height, Bulk and Scale** – The proposed height, bulk and scale will be eminently reasonable for the reasons outlined in this SEE.
- **Overshadowing** – Please refer to previous comments in relation to Overshadowing Impact.
- **Overlooking** – Please refer to previous comments in relation to Overlooking Impact.
- **Acoustic** – Please refer to previous comments in relation to Acoustic Impact.
- **Views and vistas** – For the reasons outlined in this SEE, the proposed development will not have an adverse impact on Views and Vistas from private properties or the public domain.
- **Site design** – The site design has been configured to ensure that no unreasonable impacts will result.
- **Public domain** – As previously noted, there will be no adverse impact on the public domain.

Impact on the Social and Economic Environment

The proposal will not result in any negative social or economic impacts.

Suitability of the Site

The subject site, by virtue of its existing layout, topography and locality, is suitable for the proposal.

7.0 CONSULTANTS' REPORTS, DOCUMENTS AND PLANS

A range of reports, documents and plans have been prepared by a range of consultants. These include, but are not limited to, the following: -

7.1 Survey Plan

A Survey Plan has been prepared by Stutchbury Jaques Pty Ltd.

7.2 Architectural Plans, Elevations and Section Plans

Architectural Plans, Elevations and Section Plans have been prepared by Stafford Architecture.

7.3 Landscape Plans

Landscape Plans have been prepared by Secret Gardens.

7.4 Geotechnical Report

A Geotechnical Report has been prepared by Crozier Geotechnical Consultants.

7.5 BASIX Certificate

The current DA is accompanied by BASIX Certificate No. A481593, issued on 10 February 2023, which was prepared by Delisle Hunt Wood Pty Ltd, demonstrating compliance with BASIX.

7.6 Stormwater Drainage Drawings and Sedimentation Control

Rhys Mikhail, Consultant Engineer, has provided a written advice on the issue of Stormwater.

7.7 Demolition Plan

A Demolition Plan has been prepared by Stafford Architecture.

7.8 Waste Management Plan

A Waste Management Plan has been prepared by Stafford Architecture.

8.0 CONCLUSION

For the reasons outlined in this SEE, I strongly commend the proposed development for the approval of Council.

I consider that the proposed development will not result in unreasonable adverse impacts for the reasons outlined in this SEE.

I also consider that the proposed development results in a range of Positive Outcomes.

For the reasons referred to in this SEE, I recommend approval of the current DA.

A handwritten signature in dark ink, reading "Tony Moody". The signature is written in a cursive style with a horizontal line underneath the first name.

TONY MOODY

BTP (UNSW), LL.B (UTS) (Hons.), MPIA.

DATED: 20 FEBRUARY, 2023