

Site Analysis and Statement of Environmental Effects

Section 96 Modification to consent 23 Claudare Street Collaroy Plateau

Description of Locality:

The general locality description is typical inner northern beaches residential with a mix of housing styles.

The area is serviced by the nearby **Dee Why Shopping Centre**.

There are a number of recreational facilities nearby, including **Cromer Golf Course, Dee Why Beach and Narrabeen Lagoon track**.

The area is well serviced by educational facilities.

There is a regular bus service to the city and Manly close by.

Traffic Management:

This proposal poses no additional traffic threat as there is currently on-site open air parking.

Prevailing Winds:

Prevailing winds are from the north east. Some westerly winds are experienced in winter/spring and some southerly winds are experienced throughout the year.

Solar Access:

Proposed modification:

The proposal is to change the roof over the ground floor rear terrace from a skillion roof to a gable roof

Adjoining Properties:

The adjoining dwellings will be affected by minimal loss of additional sunlight from the proposal due to their aspect and the size of buildings existing on their sites. However the remaining sunlight complies with Councils control documents.

Stormwater Drainage

Stormwater discharges into Council's street gutter. There is no evidence of any drainage problems. New work will be connected to the existing system.

Sedimentation / Silt Control:

Silt control curtains will be erected around the perimeter of any excavation before excavation commences. All excess soil or silt will be removed from site at the completion of construction.

Site Contamination:

From investigation at Council there is no history of soil contamination on the subject site.

Visual Privacy:

This proposal does not exacerbate loss of privacy for any property.

Acoustic Privacy:

The proposed additions will not contribute to any loss of amenity due to a downgrading of acoustic privacy.

Safety and Security:

The site is fenced.

During construction access to the site will be limited to builders and family.

Description of Site:

The site has an area of approx. **422.6** Sq. Metres of relatively level land.

Landscaping and Open Space:

Open Space:

This proposal includes an area of **200 Sq. Metres** which will be set aside as open outdoor entertaining area and garden. This represents **47.3%** of the total site.

Landscaped area:

Area of soft landscaping = 160 Sq. Metres or 37.9% of site.

Site Coverage:

Existing built upon area = 223 Sq. Metres or 52.77% of site.

Building Setbacks:

The front setback is 1.13 Metres to the carport.

The side setbacks are .275 to the carport on the north and 1.245 to the house on the south side.

The rear setback to the house is existing.

Building Height:

The overall height of the building is 7.683 Metres above natural ground line and is existing.

LEP Controls:

This proposal has a minor breach of the building envelope.
It also proposes a reduced front setback.

An objection under Clause 46.1 of WLEP accompanies this proposal.

These breaches are brought about by the small block.

Streetscape:

This proposal modernizes the upper floor roof and therefore will provide a more attractive streetscape.

Minor window changes to the front of the existing dwelling will have no adverse effect on the streetscape.

The proposed carport has been designed to complement the dwelling.

Impact on existing and future amenity of the area:

This proposal is in keeping with recently developed residences in the area.

Effect on archeological and historical features:

There is no evidence of either of these features on site.

Maintenance of views from Adjoining Properties:

DCP Controls:

Objectives

The objectives for the maintenance of views are:

To maintain continued access to existing views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths);

To minimise loss of views from adjoining or nearby properties and public places, whilst recognising development may take place in accordance with the other provisions of this Plan;
and

To maintain and share views with existing and future residents.

Controls

The following controls apply to the maintenance of views:

The design of any development is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.

Views between and over buildings are to be maximised and variations to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.

Note: The assessment to determine the extent of and impact on views shall be made at eye height in a standing position (eye height is 1.6m above floor level) from within the main living areas (and associated terraces/balconies) of the proposed and existing, adjacent and nearby developments, as well as public spaces. The ultimate assessment of views and view loss shall be in accordance the following Planning Principles established by the NSW Land and Environment Court

Land and Environment Court Planning Principles

VIEW ASSESSMENT:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of

views from front and rear boundaries. In addition, whether the view is enjoyed from a standing

or sitting position may also be relevant. Sitting views are more difficult to protect than standing

views. The expectation to retain side views and sitting views is often unrealistic.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued

because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is

20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

With a complying proposal, the question should be asked whether a more skilful design could

provide the applicant with the same development potential and amenity and reduce the impact

on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Design Justification:

The proposal does not exacerbate any view loss from adjoining properties.

Environmental planning and Assessment Act:

79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
 - (c) the suitability of the site for the development,
 - (d) any submissions made in accordance with this Act or the regulations,
 - (e) the public interest.

Justification for Development in relation to Act:

It is our contention that we comply with the intent of all aspects of the DCP for the residential Zone and The Environmental Assessment Act.

While accepting that Council is bound to comply with the provisions of the above clause 79C we would like to make the following points in support of our proposal relating to specific clauses above.

- (a) Our proposal will have no adverse impact on either the natural or built environments nor will it have any adverse impact on the social or economic fabric of the immediate area.
- (b) The site is suitable for the development proposed as it is substantially the same as the existing dwelling with the exceptions of a new upper floor extension and carport at the front of the dwelling.
- (c) This proposal will have no adverse effect on the general public interest at large.

Social effects:

This proposal has no detrimental effect on the social fabric of the area.

Site Facilities:

Water, Sewerage and Electricity are connected to the subject site.

Site Management:

It is proposed during construction to limit the access of personnel to the site.

Waste Disposal:

It is proposed during construction to use a skip bin for the removal of excess construction materials.