



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF AN EXISTING DWELLING, CONSTRUCTION OF A DWELLING OVER BASEMENT PARKING AND REFURBISHMENT OF AN EXISTING SWIMMING POOL

3 COOTAMUNDRA DRIVE, ALLAMBIE HEIGHTS

PROJECT REF: 20126
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1 INTRODUCTION

This Statement of Environmental Effects is to accompany a development application to Northern Beaches Council seeking consent to demolish an existing dwelling to enable the construction of a dwelling over basement parking and refurbishment of an existing swimming pool at No. 3 Cootamundra Drive, Allambie Heights.

The proposal will replace an existing dwelling at the site with a contemporary dwelling that improves occupant amenity and fits comfortably within the streetscape context. The dwelling relies on parking within a basement level which ensures that parking structures are not visible from the street frontage. The dwelling is configured with living areas and open space presenting to the north-east and south west to maximise sunlight and views of the adjacent bushland. The ground level living areas extend to functional external living areas an existing refurbished swimming pool within the rear of the site.

The proposal is well described on the submitted architectural drawings prepared by JQDM and the accompanying Consultant documentation which includes:

- Detail Survey – Prepared by Beveridge Williams Consultants;
- BASIX Certificate – Prepared by The House Energy Rating Company of Australia;
- Bushfire Assessment Report – Prepared by Building Code and Bushfire Hazard Solutions;
- Stormwater Design – Leon Savage Stormwater Engineers;
- Geotechnical Assessment – Prepared by JK Geotechnics;
- Arborist Report – Prepared by Mark Bury Consulting;
- Shadow Diagrams – Prepared by Digital Line Pty Ltd; and
- Waste Management Plan – Prepared by JQDM.

The remaining sections of this Statement detail the subject site and surrounding development, the proposed works and undertake an assessment in accordance with the matters for consideration pursuant to Sections 4.14 and 4.15 of the Environmental Planning and Assessment Act, 1979.

This report concludes that the works proposed comply with relevant planning controls, will be constructed to be compatible with the bushfire fire hazards and result in acceptable impacts on the natural and built environment. It is accordingly recommended that the application be approved in its current form.

2 SUBJECT SITE

The subject site is an irregular shaped property that is located on the south-western side of Cootamundra Drive. The subject site is known as No. 3 Cootamundra Drive, Allambie Heights and is legally described as Lot 2 in Deposited Plan 241969. The site location is identified at Figure 1 below.



Figure 1: Site Location

The subject site is located at the periphery of the low density residential area and adjoins expansive bushland to the south and west. The local topography falls to the south and the adjacent bushland comprises the catchment of the Manly Reservoir. The site is identified as bushfire prone land and a fire trail extends between the site and adjacent bushland.

Situated on the site is a single level dwelling house with vehicular access extending to a double garage. Figure 2 identifies the dwelling when viewed from the street frontage.



Figure 2: Existing dwelling when viewed from the Cootamundra Drive frontage

The dwelling contains living areas that are oriented to the north-east towards the street frontage and south-west towards the rear of the site. The eastern external living spaces consist of a level grass area and terrace which are enclosed by a masonry wall that exists at the property frontage.

The primary living areas extend to the south-west onto an elevated terrace and swimming pool. A level lawn area exists at the south-western corner of the site including screen planting at the south-eastern boundary and a mature tree. A view from the existing pool enclosure towards the terrace and bushland beyond (looking in a southerly direction) is indicated at Figure 3.



Figure 3: Looking south towards the rear boundary and bushland from the pool area

The aerial photograph provided at Figure 4 details the existing structures at the site and the relationship with the adjoining properties.



Figure 4: Aerial photograph of the site and adjoining properties

As indicated at Figure 4, the site contains a side boundary relationship with two residential properties and adjoins the bushland to the rear. The bushland to the rear of the site

contains a managed strip of land which is currently relied on as an Asset Protection zone from the bushfire hazard to the south and west.

To the north-west of the site is No. 5 Cootamundra Drive and situated on this property is a single level dwelling house. The aerial photograph at Figure 4 details that the design and orientation of this dwelling provides good separation with the development site. This dwelling contains a swimming pool and open space areas at the western portion of the property and an outbuilding, dividing fence and screen planting provide excellent separation at the common boundary. No. 5 Cootamundra Drive when viewed from the street frontage is indicated at Figure 5.



Figure 5: No. 5 Cootamundra Drive when viewed from the street frontage

To the east of the site is No. 32 Monserra Road. Situated on this property is an existing two storey dwelling house that presents to the intersection of Cootamundra Drive and Monserra Road. Primary living areas extend to the north-east of the site and towards the rear boundary. The rear of the site consists of a triangular area comprising a terrace and swimming pool. Excellent screening is provided at the common boundary (at the rear of the site) due to the existing dividing fence and established screen planting. A generous landscaped frontage is enclosed by a fence and screen planting which facilitates functional external open space (Figure 6).



Figure 6: No. 32 Monserra Road, viewed from Cootamundra Drive

3 PROPOSAL

The proposal involves the demolition of the existing dwelling and other than a small portion of the eastern wall, the swimming pool and terrace area. The application seeks consent for the construction of a new two storey dwelling house over a basement parking area. The dwelling contains primary living areas with a dual orientation in the north-western wing of the ground floor level. A secondary living area and bedrooms are located within the south-eastern portion of the ground floor level and the first floor level contains bedrooms.

The proposed works are detailed on the accompanying architectural drawings prepared by JQDM and are outlined below:

3.1 Basement Level

Vehicular access is gained via a driveway that extends along the western boundary and provides access to a basement level. The basement level provides parking at the site within a low impact form and is located beneath the footprint of the dwelling above. The basement will be located at RL 86.370 and provides parking for 3 x vehicles with associated turning areas as well as bin storage, plant area for pool and air-conditioning equipment as well as a mud room. Provision is made within the basement for scooter parking also given the limited parking options at the property frontage.

The basement contains two additional storage rooms as well as access, via a stair core, to the ground floor level. The proposed basement configuration is detailed at Figure 7.

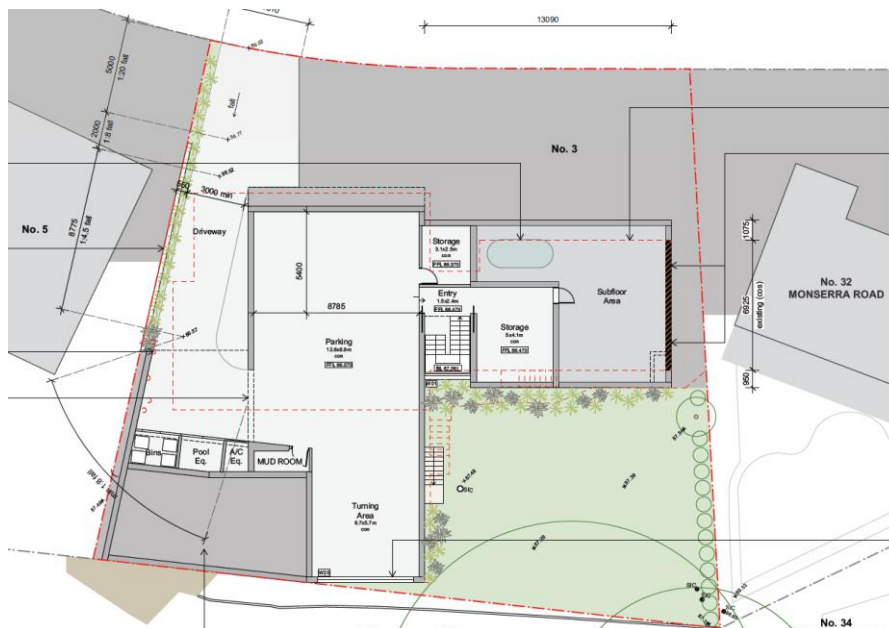


Figure 7: Proposed basement level

3.2 Ground Floor Level

The ground floor level is located at RL88.96 and contains a legible pedestrian access point that extends centrally from the street frontage. The ground floor level is separated into two wings with the north-western wing comprising the primary living areas.

The primary living areas are designed to capture the north-east and south-west aspects and extend onto external living spaces. A gym and sauna are proposed within an externally accessible room.

The eastern wing of the ground floor level contains two bedrooms with associated ensuites, a study, sitting area and downstairs WC. Access to the level above is gained by the central stair core as indicated at Figure 8.



Figure 8: Proposed ground floor configuration

3.3 First Floor Level

The first floor level contains a master bedroom and study within the western wing of the dwelling and an additional three bedrooms, a laundry and a storage space within the eastern wing. Window placement will ensure that the central circulation core directs natural light to the levels below. The proposed first floor level is indicated at Figure 9.

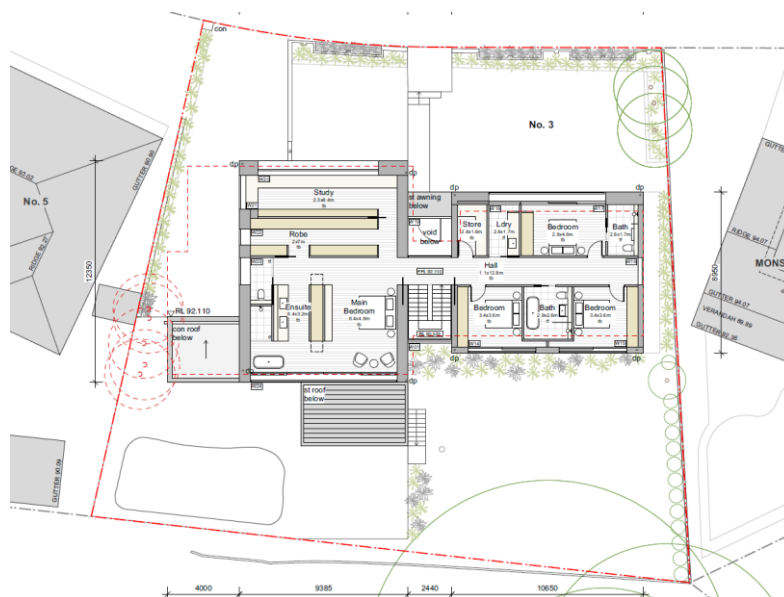


Figure 9: Proposed First Floor level

3.4 Externally

Externally, the dwelling will be designed with a low profile roof form that provides a legible pedestrian entry point from the street frontage and a clear two storey presentation that sits comfortably within the streetscape. The façade is composed to balance glazing and material treatments which assist in articulation and visual interest within the street.

The dwelling will be finished in a combination of select face brick and white render at the ground floor level and linear charred timber cladding at the first floor level. The dwelling will also contain dark aluminium windows with associated steel balustrades.

3.5 Landscaping

The proposal involves the removal of five trees (Bangalow Palms) at the north-western boundary to facilitate the development of the site. The trees to be removed are identified in the accompanying Arborist Report can be replaced on site with a more suitable species within the sufficient deep soil areas provided. Landscaping will take place to meet the requirements of BASIX and trees and shrubs will be located within the property frontage and at sensitive boundaries to assist with balancing the built and natural features of the site and maintain screening with neighbours.

3.6 Bushfire Construction Standards

The accompanying Bushfire Hazard Assessment report identifies the APZ of between 26m and 40m from the dwelling to the bushfire hazard. The APZ includes areas managed by the Manly Warringah War Memorial Park Fire Regime Management Plan. The report identifies the vegetation, slope and asset protection zones and concludes that the dwelling is to be constructed to BAL-29.

4 STATUTORY PLANNING ASSESSMENT

To assist Council with the determination of this application, a statutory planning assessment of the proposed development is provided below in accordance with Section 4.14 and Section 4.15 of the Environmental Planning and Assessment Act, 1979.

4.1 Section 4.14 – Bushfire Prone Land

Section 4.14 of the Environmental Planning and Assessment Act, 1979 requires that:

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3 (2)) unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

The subject site is identified as bushfire prone land and submitted in support of this application is a Bushfire Hazard Assessment prepared by Australian Bushfire Consulting Services. The report identifies the Asset Protection Zones, vegetation category as well as the slope in the land and determines that the dwelling is to be constructed to BAL 29.

Subject to the implementation of these recommendations, the proposal complies with the requirements of NSW Planning for Bushfire Protection and Section 4.14 of the Environmental Planning and Assessment Act, 1979.

4.2 Compliance with Planning Controls (S.4.15(1)(a))

Provided below is a summary of the relevant statutory and non-statutory planning policies that apply to the proposed development:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (BASIX) 2004
- Warringah LEP 2011, and;
- Warringah Development Control Plan 2011.

4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of SEPP (Resilience and Hazards) 2021 applies to the State of NSW and aims to undertake remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment.

Clause 4.6 stipulates that a consent authority must not consent to the carrying out of development on land unless it has considered whether land is contaminated. A review of

aerial photographs indicate that this site has been used for residential purposes since it was subdivided and the site has a long standing and established use for residential purposes. As such, there are no reasons to suspect that the site is contaminated and the requirements of Chapter 4 of SEPP (Resilience and Hazards) 2021 are satisfied.

4.2.2 SEPP (BASIX) 2004

The proposal is identified as BASIX affected development and as such a BASIX Certificate is required for the alterations and additions to the existing dwelling. The relevant BASIX Certificate has been submitted with this application demonstrating that the proposal achieves compliance with the thermal, water and energy efficiency requirements. Where necessary, the BASIX commitments are provided on the architectural plans.

4.2.3 Warringah LEP 2011

The subject site is identified within the *R2 – Low Density Residential* zone within which dwelling houses are permissible with consent from Council. The proposed development is best defined as the construction of a dwelling house and is accordingly permissible with consent from Council. The new dwelling is consistent with the zone objectives as it will continue to provide housing needs for the community within a form that promotes the existing landscaped character of the area.

Provided at Table 1 is an assessment of the relevant provisions of Warringah LEP 2011 as it relates to the site and proposed development.

TABLE 1: Warringah LEP 2011 Compliance Table		
Provision	Proposal	Complies
2.7 Demolition Demolition can be undertaken with consent from Council.	The proposal involves demolition of the dwelling except for the south-eastern wall, terrace and swimming pool which is permitted with consent from Council.	Yes
4.3 Height of Buildings Maximum height of 8.5m	The submitted sections detail that the proposed dwelling is located below the maximum 8.5m height limit.	Yes
4.4 Floor Space Ratio No maximum FSR identified.	Noted.	
5.10 Heritage Conservation (5) Heritage assessment The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed	 N/A N/A The subject site adjoins the landscape conservation area C9 – Manly Dam and Surrounds. The proposed dwelling will not impact on the existing landscape setting or the	 N/A N/A Yes

TABLE 1: Warringah LEP 2011 Compliance Table		
Provision	Proposal	Complies
development would affect the heritage significance of the heritage item or heritage conservation area concerned.	integrity of the landscape conservation area. As such, no further heritage impact assessment is required.	
6.2 Earthworks		
(3) Before granting development consent for earthworks, the consent authority must consider the following matters—		
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	The excavation for the basement level will not impact on soil stability or drainage patterns.	Yes
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The excavation will allow future residential use of the land as it is indented.	Yes
(c) the quality of the fill or the soil to be excavated, or both,	The proposal will require excavation of undisturbed natural material.	Yes
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	The excavation will allow for underground parking and will not impact on the amenity of the adjoining dwellings subject to appropriate construction management techniques.	Yes
(e) the source of any fill material and the destination of any excavated material,	No fill proposed. Excavated material will be disposed of within a licensed waste facility.	Yes
(f) the likelihood of disturbing relics,	There is no reason to suspect that relics will be disturbed as part of the proposed works.	Yes
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The excavation will be undertaken in accordance with industry standards and will not impact on any environmentally sensitive areas.	Yes
6.4 Development on Sloping Land		
(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—		
(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and	The site is located within Area A and B the submitted Geotechnical Assessment determines that the existing dwelling has been found on bedrock and there are no obvious signs of slope instability.	Yes
(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and	Stormwater will be collected on site and discharged via controlled flow system towards the adjacent bushland. Accordingly, the proposal will have no material impacts on any down stream property.	Yes

TABLE 1: Warringah LEP 2011 Compliance Table		
Provision	Proposal	Complies
(c) the development will not impact on or affect the existing subsurface flow conditions.	Refer to the accompanying Geotechnical Assessment for details of compliance.	Yes

In light of the above, the proposal is permissible with consent from Council, consistent with the zone objectives and achieves full compliance with the relevant provisions Warringah LEP 2011.

4.2.4 Warringah DCP 2011

Provided at Table 2 below is an assessment of the relevant provisions of Warringah DCP 2011 as it applies to the site and proposed dwelling house.

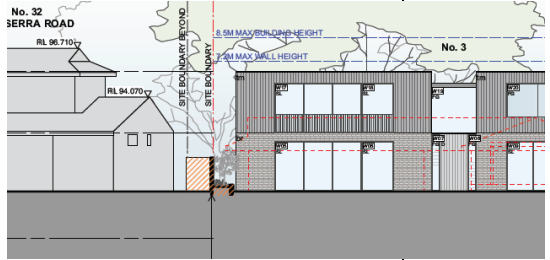
TABLE 2: Warringah DCP 2011 Compliance Table		
Provision	Proposal	Complies
Part B – Built Form Controls		
Wall Height Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space). 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: • does not exceed the 8.5 metre height development standard; • is designed and located to minimise bulk and scale; and • has a minimal visual impact when viewed from the downslope sides of the land.	Each elevation as it faces the side boundary identifies the 7.2m wall height requirement, noting that the proposal largely complies with the wall height requirement. It is however evident that the proposal seeks a small departure at each side elevation at the mid section of the site which accounts for the progressive fall in the land towards the rear boundary. The minor departure to the wall height requirements is determined to be acceptable in the circumstances as: • The dwelling comfortably complies with the maximum 8.5m height limit and reads as a 2 storey form when viewed from the street frontage; • The parapet height at RL95.46 is lower than the roof height of the adjoining dwelling at 32 Monserra Road and comparable with the gutter line at the first floor level (image below);	On Merit
		
Therefore, when viewed from the		

TABLE 2: Warringah DCP 2011 Compliance Table		
Provision	Proposal	Complies
	street frontage and in the context of the adjoining 2 storey dwelling, the proposal results in a suitable height; - The non-compliance at the south-eastern boundary accounts for a small (0.8m) element of the dwelling and arises from the fall in the land. The first floor element is compressed within a 8.9m form and at the rear of the site the dwelling roughly aligns with the rear height and alignment of No. 32 Monserra Road resulting in a suitable relationship; - At the north-western boundary the non-compliant element results in a 0.9m breach in the 7.2m height requirement and is setback approximately 5.5m from the common boundary of the adjoining property. The increased setback and comfortable compliance with the 8.5m height limit mitigates the minor departure from the wall height and results in a suitable relationship to the adjoining north-western dwelling. In light of the above, the dwelling as proposed results in a suitable form within the street and provides a scale and relationship to each side boundary that is acceptable. The minor departure arises from the fall in the land and Council should have comfort in the application of flexibility in the circumstances given the planning grounds provided above and the inbuilt flexibility afforded under the DCP.	
Number of Storeys No maximum number of storeys identified at the site.	Noted.	-
Side Boundary Envelope To comply with building envelope determined by projecting planes at 45 degrees from a height of 4m above ground level (existing) at the side boundaries.	The proposal achieves comfortable compliance at the north-western boundary. Section D identifies that there is a minor departure from the envelope control at the south-eastern extent of the building. This departure is	Yes Yes

TABLE 2: Warringah DCP 2011 Compliance Table		
Provision	Proposal	Complies
	acceptable as: - The building provides a compressed two storey form which is located towards to the frontage of the property and allows for a generous setback to the rear boundary; - Both the 8.9m width of the dwelling and setbacks of between 1.4m and 1.9m from the south-eastern boundary allows for an acceptable spatial relationship with the adjoining property and affords excellent solar access as well as maintaining the panoramic aspect from the rear of No. 32 Monserra Road. In light of the above, the departure from the envelope requirement is acceptable.	
Site Coverage No maximum site coverage identified under the DCP site coverage maps.	Noted.	-
Side Boundary Setbacks Minimum setback of 0.9m	The dwelling is setback between 1.4m and 1.9m and thus exceeds the required 0.9m at each side boundary. We note that the basement level extends towards the north-western boundary for a small portion and projects into the 900mm requirement, however, this will be located below the level of the existing site and will have no discernible change to the relationship of the existing dwelling at No. 5 Cootamundra Dive.	Yes On Merit
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.	Setback areas are identified for driveways or landscaping.	Yes
Front Setback Minimum setback of 6.5m	Street setback of between 7.4m and 8m proposed.	Yes
Rear Setback Minimum setback of 6m to the rear boundary	The proposed dwelling is designed to maintain a setback of between 7.9m and 8.3m from the rear boundary at the ground and first floor level.	Yes
Rear boundary setbacks will be determined on a merit basis and will have regard to: - Streetscape; - Amenity of surrounding properties; and	The basement level will encroach into the rear boundary setback as it will extend under the level of the existing	On Merit

TABLE 2: Warringah DCP 2011 Compliance Table		
Provision	Proposal	Complies
Setbacks of neighbouring development	terrace and provide a nil alignment to the rear boundary. This departure from the rear boundary setback requirement for the basement level is acceptable having regard to the merit test of the DCP as: - The basement level that will be located below the height of the existing terrace and will result in no visible change to the existing rear boundary presentation of the site which is currently built to the rear of the site and elevated slightly; - The existing and proposed terraces are to be located at the same level and are consistent with a number of similar terraces, pools and decks that extend the rear of the surrounding sites and are located above ground level; - The portion of the basement that extends into the rear setback will facilitate turning within the basement and the safe access and egress to parking spaces; - The encroachment into the rear setback occurs at the interface with an open bushland area and will not in any way give rise to amenity impacts on any surrounding residential property. With regard to the setback requirements and the flexibility afforded under the DCP, the setback encroachment at the basement level represents a reasonable alternative to strict compliance and Council should have comfort in applying flexibility pursuant to Section 4.15(3A)(b) of the Environmental Planning and Assessment Act, 1979.	
Part C – Siting Factors		
Parking Facilities 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;	The proposal will provide a basement level that is accessed via a driveway. The parking structures are recessive and will ensure that the dwelling maintains the prominent visual presentation to the street.	Yes
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.	N/A – basement level is not visible from the street.	N/A

TABLE 2: Warringah DCP 2011 Compliance Table

Provision	Proposal	Complies
A dwelling house is to provide 2 parking spaces.	Parking for 3 vehicles is provided within the basement level and opportunity exists for bike and scooter parking. The additional parking provision is necessary given the lack of street parking available at the site frontage due to parking restrictions.	Yes
Stormwater 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. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Stormwater will be discharged from the rear of the site and will not give rise to flooding impacts on down stream properties.	Yes
Excavation and Landfill 1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation. 2. Excavation and landfill works must not result in any adverse impact on adjoining land. 3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work. 4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment. 5. Rehabilitation and revegetation techniques shall be applied to the fill. 6. 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.	No land fill proposed to be imported to the site. Excavation is removed from side boundaries and will not impact on the adjoining dwellings subject to suitable construction methodology. Excavated areas are removed from the side boundaries of the site and will not give rise to instability at each property boundary. Subject to suitable construction management siltation will be contained on site. N/A – no imported fill proposed. N/A – no imported fill proposed.	N/A Yes Yes Yes N/A N/A
Erosion and Sedimentation All developments which involve the disturbance of land must install and maintain erosion and sediment controls until the site is fully stabilised.	Erosion and sediment control will be installed during the construction phase as detailed on the accompanying Site Management Plan.	Yes
Waste Management Development must be accompanied by a Waste Management Plan	Refer to the Waste Management Plan that accompanies this application.	Yes

TABLE 2: Warringah DCP 2011 Compliance Table		
Provision	Proposal	Complies
Part D – Design		
Landscaped Open Space Minimum landscaped area of 40% of the site area	Landscaped exceeds 40% of the site area.	Yes
Private open space areas to be provided to achieve minimum dimension of 5m and minimum area of 60m ²	Private open space of 317m ² .	Yes
Private open space to be directly accessible from internal living spaces, is not to be within the front setback and is to achieve appropriate sunlight.	The open space areas are designed as an extension from the internal living areas and are oriented towards the rear of the site.	Yes
Access to sunlight 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.	<u>Neighbour – 32 Monserra Rd</u> The submitted shadow diagrams detail the existing overshadowing and the additional shadow cast by the proposal. The shadow diagrams demonstrate that the only dwelling impacted by overshadowing is at No. 32 Monserra Road. This dwelling will maintain access to compliant sunlight within the consolidated landscaped open space area at the north-eastern portion of the property. Whilst we note that there will be some additional shadow cast on the pool and associated enclosure, this is acceptable as this area is not likely to be used or relied on for solar access at mid winter. This area remains largely unaffected by overshadowing at the equinox and at the summer period when the pool and associated area is likely to be in used. <u>Subject Dwelling</u> The dwelling is configured to allow for open space within the frontage of the property which will have excellent access to sunlight for the full extent of the period of 9.00am and 3.00pm at mid winter.	Yes Yes
Views Development shall provide for the reasonable sharing of views.	The proposal will not impact on any existing views gained over the site.	Yes
Privacy 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The subject dwelling will include new window openings which are sensitively designed and sited to respond to the available views, topography and relationship to the adjoining dwellings.	Yes
2. Orientate living areas, habitable rooms	Habitable rooms and open space	Yes

TABLE 2: Warringah DCP 2011 Compliance Table		
Provision	Proposal	Complies
and windows to private open space areas or to the street to limit overlooking.	areas are oriented to the street and rear boundary.	Yes
3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	No screening is relied on due to the appropriate design and orientation of living areas and open space.	
4. 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.	New windows on each side elevation are concentrated towards the front or the middle of the dwelling and do not provide direct lines of sight to opposing living room windows or open space.	Yes

In light of the above, the proposal has been designed to achieve a high level of compliance with all relevant controls of the Warringah DCP 2011 and suitable justification has been provided where variations are sought.

4.3 Impacts of the Development S.4.15(1)(b)

Natural Environment

The site does not contain any significant natural features that will be impacted by the development. This is due to the extent of works being confined to the footprint of the dwelling with minor elements projecting beyond. The modified dwelling footprint does not conflict with any existing sensitive natural site features and any excavation will be concealed by the dwelling above thereby having no impact on the appearance of the natural landform.

Whilst the proposal seeks to remove five trees from the site, the Arborist Report identifies these trees as Bangalow Palms and notes that they are capable of being replaced on site by more appropriate species.

In the absence of any significant environmental features that would be impacted by the development and the improvements to the deep soil areas and landscape qualities of the site, the proposal will only result in positive environmental impacts.

Built Environment

The proposed alterations and additions to the existing dwelling have been designed to largely comply with the relevant controls of the LEP and DCP which are ultimately drafted to minimise impacts on the streetscape and the amenity of the surrounding residents. In addition to compliance with the relevant controls (as detailed in the compliance assessment above), the proposal does not give rise to any material impacts on the built environment as detailed below.

Privacy

The site orientation and relationship with the adjoining neighbours has been considered in undertaking the proposed new dwelling. Living areas and open spaces are oriented towards the frontage and rear of the site to capture sunlight and available views of the bushland.

Primary living areas and open space areas are located at ground level and existing dividing fences, screen vegetation and the orientation of the proposed dwelling will ensure that a suitable privacy relationship exists with the adjoining dwellings.

The existing swimming pool and terrace are elevated above ground level which is consistent with a number of similar structures in the vicinity of the site and will give rise to no privacy impacts as a result of the bushland existing to the rear of the site.

The side elevations contain windows that are sensitively sited and relate to bedrooms within the first floor level.

It can be concluded that the proposal has been skilfully designed to respond to the site context and pattern of development in the area and incorporates privacy measures in the form of orientation and concentration of living areas at the ground floor level to maintain the pattern of development in the area.

Overshadowing

The submitted shadow diagrams detail the existing and proposed level of overshadowing at mid winter. In relation to overshadowing, the DCP requires that:

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 only property affected by overshadowing is No. 32 Monserra Road to the south-east of the site. This dwelling contains a large landscaped open space area within the property frontage which is enclosed by landscaping and a fence. Living areas extend onto this strategically positioned open space which is unaffected by shadow cast by the proposal.

Whilst compliance with the DCP is achieved, we note that some additional shadow is cast on the pool and pool enclosure between 12.00pm and 3.00pm. The overshadowing of the pool area is acceptable as this area is not likely to be used in winter, and when the pool will be in high usage (between the equinox and summer) this area will not be affected by any shadow cast by the proposal.

Furthermore, we note that whilst the pool area is affected by shadow, the south facing windows at ground floor level will remain unaffected by shadow.

Given compliance with the DCP provisions relating to solar access to neighbouring properties, the level of overshadowing is acceptable in the circumstances.

Views

There are no prevailing or significant views that will be impacted by the proposed development.

Social and Economic Impacts

The proposal seeks to construct a new dwelling and will have a neutral economic and social impact.

4.4 Suitability of the Site and Public Interest S.4.15(1)(c)(e)

As detailed above, the proposed works are permissible with consent from Council and will result in a replacement dwelling that will improve functionality and amenity for occupants whilst only having acceptable impacts on the streetscape and the amenity of the adjoining dwellings.

The site is identified as bushfire prone land, however, subject to maintaining the existing Asset Protection Zones and the necessary Bushfire Attack Level construction standards the proposed dwelling will not increase risk to life or property as a result of the bushfire hazard.

Accordingly, the proposed development is suitable at the site and is in the public interest.

5 CONCLUSION

The proposal seeks consent for the demolition of an existing dwelling and the construction of a dwelling. The proposal is permissible with consent from Council and is demonstrated to comply with all relevant provisions of Warringah LEP 2011 as well as achieving a high level of compliance with Warringah DCP 2011.

The site is identified as bushfire prone land and the proposal involves construction to BAL-29 standards whilst relying on the existing asset protection zones. The dwelling will improve functionality to residents resulting in acceptable impacts on the natural and built environment as detailed throughout this report.

It is accordingly requested that Council determine the application favourably.