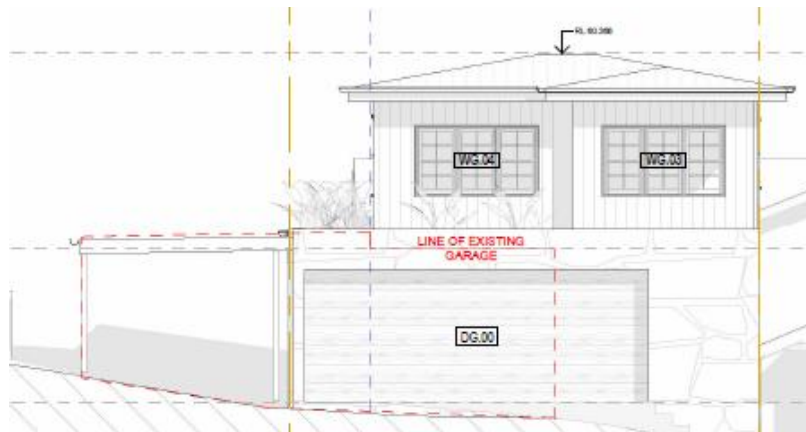




# DM Planning

## Statement of Environmental Effects

### Garage and secondary dwelling



### 37 Bushey Place, Dee Why

Report prepared for  
Ray Grewal, c/- Studio Lykke

April 2025

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## CONTACT:



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## 1 Introduction

This Statement of Environmental Effects ('**SEE**') has been prepared on behalf of Ray Grewal to accompany a Development Application ('**DA**') for the construction of a secondary dwelling and garage at 37 Bushey Place, Dee Why.

This SEE has been prepared and is submitted to the Northern Beaches Council ('**Council**') pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* ('**EP&A Act**').

The proposed development comprises of partial demolition of the existing garage and the construction of a two-story structure with a double garage at ground level and a secondary dwelling above.

This SEE describes the site, and its surroundings and describes how the proposal addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011 ('**WLEP**'), the Warringah Development Control Plan 2011 ('**WDCP**'), and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

This SEE demonstrates that the proposal is generally consistent with the relevant provisions of the:

- *Warringah Local Environment Plan 2011*
- *Warringah Development Control Plan 2011*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

This SEE concludes that the proposal is satisfactory when assessed against all the relevant requirements. It will make a positive contribution to the streetscape and will result in additional amenity for the existing occupants, without any detrimental environmental or amenity impacts.

We recommend that the Council approve the development application subject to the content and findings outlined in this SEE.

## 2 The site and locality

### 2.1 Site description and history

The site is located within the Northern Beaches Local Government Area (LGA).

The land is legally described as Lot 52, DP 73735, and is known as 37 Bushey Place, Dee Why.

The site is rectangular in shape and is located on the northern side of Bushey Place. It has a 15.24m frontage to Bushey Place on its southern boundary, a depth of 39.22m and an area of 598m<sup>2</sup>. The site falls approximately 5m from the street frontage to the rear (northern) boundary.

The location of the site is shown in Figures 1 and 2.

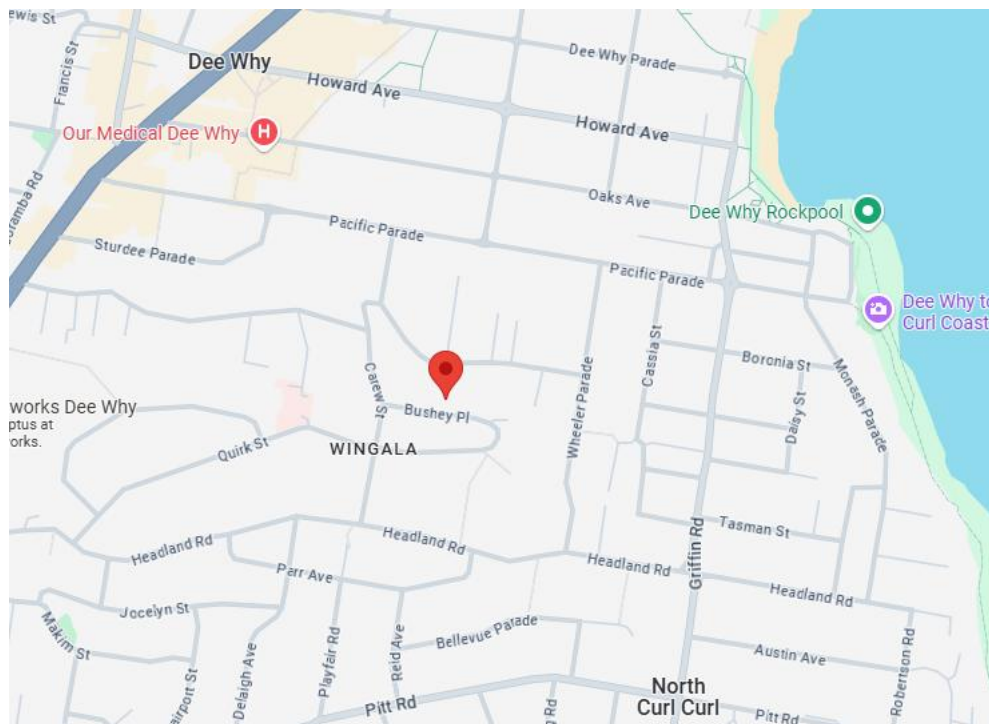


Figure 1. Location of the site (Source: Google Maps)



**Figure 2. Aerial view of the site and its surroundings (Source: SIX Maps)**

The subject site contains a single storey cottage with a rear, two storey brick addition. There is a detached single garage and carport between the dwelling and the street frontage. The site is landscaped with lawn areas, exotic shrubs, and small trees. Vehicular Access to the site is via a vehicular crossing from Bushey Place as shown in Figure 3.



**Figure 3. The driveway and existing development viewed from Bushey Place**





**Figure 4.** Eastern elevation of existing carport and garage



**Figure 5.** Front façade of the existing dwelling



**Figure 6.** View of the rear the existing dwelling

## 2.2 Surrounding locality

Development surrounding the site is primarily residential and comprises of detached dwellings houses with an emerging pattern of secondary dwellings fronting Bushey Place. Surrounding development is shown in Figures 7 to 12 below.



Figure 7. 8 Bushey Pl (rear of 86 Quirk St) secondary dwelling



Figure 8. 88 Quirk Street, existing hardstand with DA for garage under assessment





**Figure 9.** 39 Bushey Place, located to the east of the site.



**Figure 10.** 35 Bushey Place, located to the west of the site





**Figure 11.** Double garage at 39 Bushey Place



**Figure 12.** Secondary dwelling at 8 Bushey Place



**Figure 13.** Secondary dwelling at 4 Bushey Place

### 3 The proposal

The development application seeks consent for:

- Partial demolition of existing garage, carport and driveway
- Construction of a new double garage with a secondary dwelling above
- Skylight addition to the roof of the existing dwelling
- Refurbishment of the existing carport
- 'Make good' existing vehicle crossing
- New driveway
- Associated landscaping.

Details of the proposed development are outlined in a series of architectural drawings prepared by Studio Lykke, drawing numbers A.00.01, A.01.01, A.02.01, A.02.03, A.02.05, A.02.09, A.03.01 A.05.01, D.02.01, Rev E, dated 24 April 2025.

The external finishes comprise of sheet metal roofing, FC cladding, rendered masonry walls, stone cladding and timber framed windows and doors.

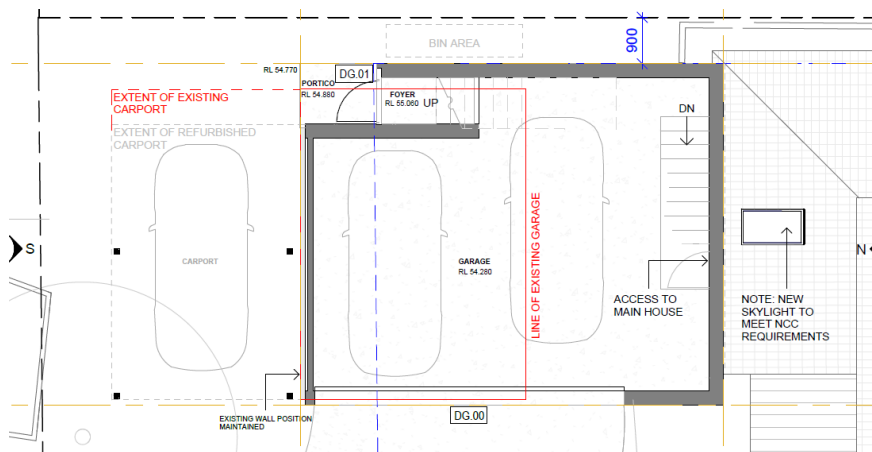


Figure 14. Proposed ground floor - garage - (source: Studio Lykke)

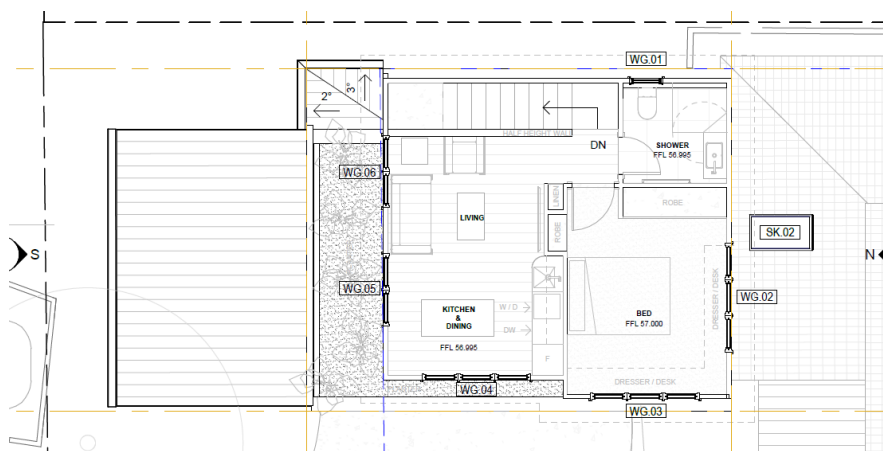


Figure 15. Proposed first floor – secondary dwelling (source: Studio Lykke)

## 4 Environmental planning assessment

### 4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plan relevant to the development. The following detailed assessment of the proposal is provided, which is based on the heads of consideration contained in section 4.15 of the EP&A Act.

#### 4.15(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:*

Relevant Provision	Comment
(a) the provisions of:	
(i) any environmental planning instrument, and	<ul style="list-style-type: none"> <li>The relevant state environmental planning instruments are addressed in Section 4.2.</li> <li>The relevant provisions of the Warringah Local Environmental Plan 2011 (WLEP 2011) are addressed at Section 4.4.</li> </ul>
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
(iii) any development control plan, and	The relevant provisions of the Warringah Development Control Plan 2011 (WDCP) are addressed at Section 4.5.
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	N/A
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are satisfied. Applicable regulation considerations including demolition, fire safety, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of





Relevant Provision	Comment
	inspection may be addressed by appropriate consent conditions.
(v) <i>(Repealed)</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.  <b>Social Impact</b> The proposed development will not have a detrimental impact on the locality considering the character of the proposal  <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
(c) <i>the suitability of the site for the development,</i>	The proposed development is suitable for the site as demonstrated throughout this report.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be duly considered. In addition, the Council will consider any public submissions relating to the proposal during its assessment.
(e) <i>the public interest.</i>	The proposal is in the public interest as it allows for appropriate and positive additions to an existing residential site.

Table 1: Section 4.15(1) assessment

## 4.2 State Planning Policy Controls Overview

The proposal has been designed having regard to the objectives and standards of the relevant planning instruments and policies that apply to the site. Under the provisions of the EP&A Act, the key applicable State Environmental Policies are:

- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

The application of the above plans and policies is discussed in detail in the following sections of this SEE.



#### 4.2.1 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the WLEP are consistent in that they both permit secondary dwellings. Clause 1.9 of the WLEP, requires that the provisions of the Housing SEPP prevail over that of the provisions of the WLEP. Clause 8 of the Housing SEPP provides that:

**8 Relationship with other environmental planning instruments**

*Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*

Clause 5.4(9) of the WLEP is inconsistent with Clause 52 and Clause 53 of the Housing SEPP. An assessment of these provisions is provided below:

**Clause 49: Definition**

**Development for the purposes of a secondary dwelling includes the following:**

- (a) the erection of, or alterations or additions to—
  - (i) a secondary dwelling, or
  - (ii) an ancillary structure within the meaning of Schedule 1,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

**Note.** The standard instrument defines a secondary dwelling as follows:

**secondary dwelling** means a self-contained dwelling that:

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

Clause 5.4(9) of the WLEP is inconsistent with Clause 52 and Clause 53 of the Housing SEPP. An assessment of these provisions is provided below:

Requirement	Comment	Com plies
<b>Chapter 3 – Diverse Housing</b>		
<b>Part 1 Secondary dwellings</b>		
<b>Division 2 Secondary dwellings permitted with consent</b>		
<b>52 Development may be carried out with consent</b>		
(1) Development to which this Part applies may be carried out with consent.		
(2) Development consent must not be granted for development to which this Part applies unless— (a) no dwellings, other than the principal dwelling and the	The proposal will result in a principal dwelling and a secondary dwelling located on the site.	Yes



Requirement	Comment	Complies
<p>secondary dwelling, will be located on the land, and</p> <p>(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</p> <p>(c) the total floor area of the secondary dwelling is—</p> <p>(i) no more than 60m<sup>2</sup>, or</p> <p>(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.</p>	<p>WLEP 2011 does not impose a maximum GFA/FSR requirement upon the site.</p> <p>Proposed floor area: 38.1m<sup>2</sup></p>	
<b>53 Non-discretionary development standards – the Act, s 4.15</b>		
<p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—</p> <p>(i) for a detached secondary dwelling—a minimum site area of 450m<sup>2</sup>,</p> <p>(ii) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>	<p>Site area: 597.8m<sup>2</sup></p> <p>There is currently a single car garage, and a carport space located adjacent to the western boundary. There is no change to the number of car spaces on the site.</p>	Yes

**Table 2 – SEPP Housing Assessment**

The development proposal is consistent with the relevant provisions of the Housing SEPP applying to secondary dwellings.

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

### Chapter 4 – Remediation of Land

SEPP (Resilience and Hazards) 2021 Chapter 4 – Remediation of Land Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under subsection 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for residential land use.



#### **4.2.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

The State Environmental Planning Policy (Sustainable) 2022 (BASIX) seeks to encourage sustainable development within NSW.

An assessment against BASIX has been undertaken and a BASIX certificate has been prepared. The proposed development will comply with the targets of the Building Sustainability Index.



## 4.3 Numeric Controls Summary Table

### Warringah Local Environmental Plan 2011 and DCP

<b>Zone: R2 Low Density</b>			
<b>Site Area: 597.8m<sup>2</sup></b>			
<b>WLEP 2011</b>			
	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
Building Height	8.5m	6.5m	Yes
Max floor area of secondary dwelling	60m <sup>2</sup>	38.1m <sup>2</sup>	Yes
<b>WDCP 2011</b>			
B1 Wall height	7.2m	5.4m	Yes
B3 Side boundary envelope	5m and 45 degrees at the boundary	Within building envelope	Yes
B5 side boundary setbacks	0.9m (east)	7.7m	Yes
	0.9m (west)	0.9m	Yes
B7 Front boundary setbacks	6.5m	1m (carport)	No (existing)
		5m (garage)	No
		6.5m (secondary dwelling)	Yes
D1 Landscaped Open Space	40% (239m <sup>2</sup> )	37% (= 222m <sup>2</sup> ) (existing – 36% or 215.6m <sup>2</sup> )	No (but increase on existing)

**Table 3: WLEP 2011 and WDCP numerical compliance summary table**



## 4.4 Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) came into force in 2011 and is the primary EPI applying to the Proposal. The applicable Clauses of the WLEP 2011 are:

- Clause 2.3 – Zone objectives and landuse table
- Clause 4.3 – Height of Buildings
- Clause 5.4(9) – Secondary dwellings
- Clause 6.2 – Earthworks
- Clause 6.4 – Development on sloping Land

An assessment of the development application against the above relevant Clauses of the WLEP 2011 is provided in the following sections of this SEE.

### **Clause 2.3 – Land Use Zoning and Permissibility**

The site is zoned R2 Low Density Residential under the WLEP, as shown in the zoning map excerpt at Figure 11. The provisions of the zone are stated below:

#### **Zone R2 Low Density Residential**

##### **1 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.

##### **2 Permitted without consent**

*Home-based child care; Home occupations*

##### **3 Permitted with consent**

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

##### **4 Prohibited**

*Any development not specified in item 2 or 3*

**Table 4: Provisions of the WLEP 2011 R2 Low Density Residential Zone**



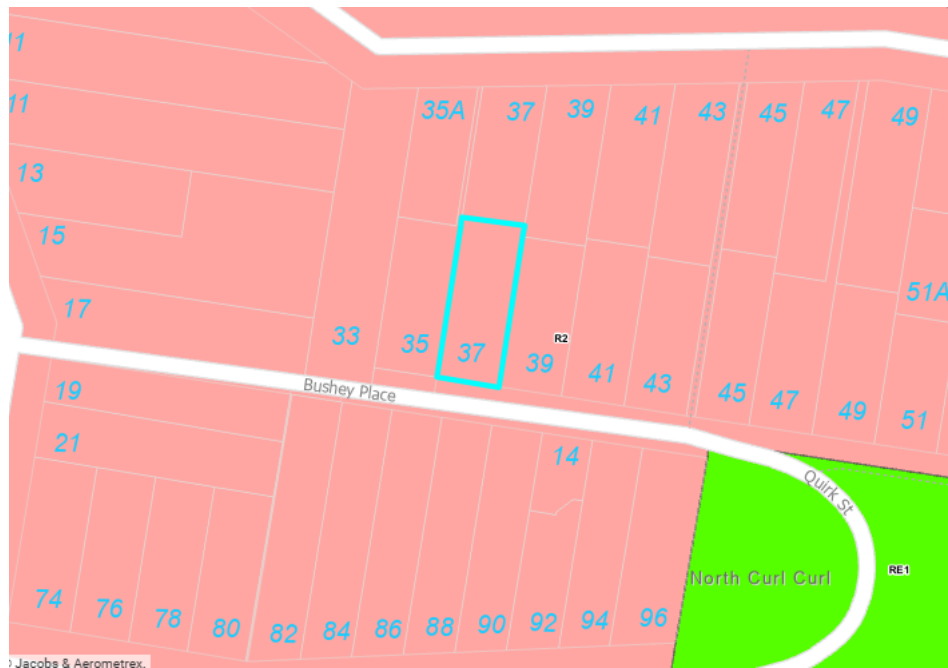


Figure 16. WLEP Zoning Map excerpt with the site outlined in yellow (source: WLEP)

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

#### **Clause 4.3 – Building Height**

Clause 4.3 of the WLEP establishes a maximum building height for the site of 8.5m, as shown in the WLEP building heights map.

The maximum building height of the proposed secondary dwelling is 6.5m (measured to the roof ridge) as shown in Figure 16 below, which is below the 8.5m maximum building height.

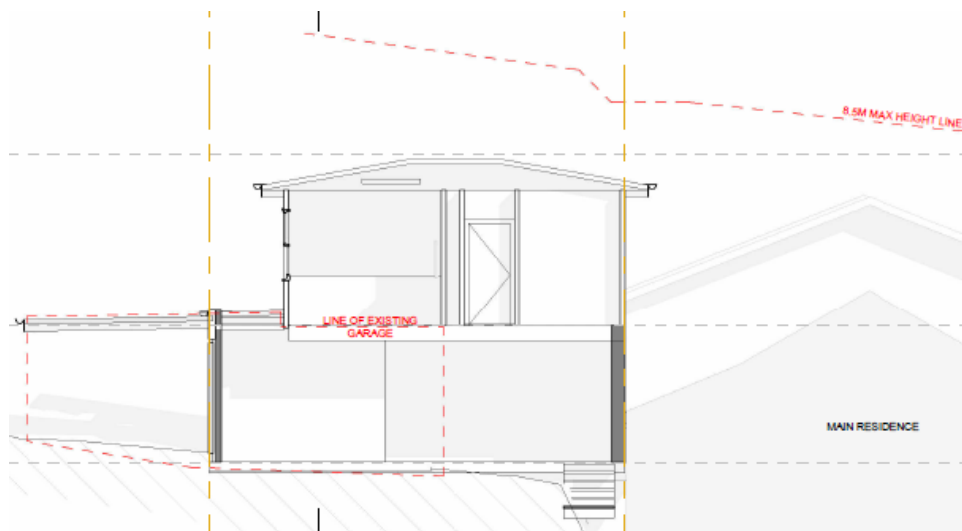


Figure 17. Plan extract Section A demonstrating compliance with building height (source: Studio Lykke)

#### **Clause 5.4(9) – Secondary dwellings**

Clause 5.4(9) of WLEP it states that:

*If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*

- (a) 60 square metres,*
- (b) 11% of the total floor area of the principal dwelling.*

As shown on the plans accompanying this application, the proposed secondary dwelling is 38.1m<sup>2</sup> and is therefore compliant with this control.

#### **Clause 6.2 – Earthworks**

The proposal includes minor excavation for the driveway and building footings. No impact is expected on soil stability and drainage patterns in the locality.

The proposal has been designed to ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, or features of the surrounding land.

All site works will be carried out in accordance with the recommendations of the consulting geotechnical and structural engineers and, therefore, satisfy the provisions of this clause.

AscentGeo have prepared the Geotechnical Report in support of the proposed development. The report contains recommendations for construction.

Studio Lykke has prepared a sediment and erosion plan to minimise environmental impacts during construction.

#### **Clause 6.4 – Development on Sloping Land**

The land has been identified on Councils Landslip Risk map as being within Area B - flanking slopes 5 to 25.

Under Clause 6.4 Development on Sloping Land, 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.*

Comment: A Geotechnical Assessment Report prepared by Ascent Geotechnical is submitted to support the proposal. This report concludes that the proposed development is acceptable from a geotechnical perspective. The development has been assessed for the risk associated with landslides in relation to both property and life.

*(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site.*

Comment: The proposed development will not cause any detrimental impacts resulting from stormwater discharge from the development site.

*(c) the development will not impact or affect the existing subsurface flow conditions.*

Comment: The submitted Geotechnical Report concludes that the proposed development is acceptable. The Geotechnical Report concludes:

The report concludes:

*No significant geotechnical hazards were identified above, beside or below the subject site, including but not limited to the immediately adjoining residential properties, and the road reserve.*

*The excavations required to construct the proposed works are limited to those required for new footings.*

## 4.5 Warringah Development Control Plan 2011

The table below summarises the key built form controls relevant to any re-development of the site, made as a development application, to Northern Beaches Council.

The proposal is compliant with the relevant numerical controls (see table 2 above).

The proposal is also generally in compliance with the relevant aims, objectives, and key provisions of the DCP. An assessment of the proposal against the relevant provisions of the DCP is provided below:

Built Form Controls	Requirement	Proposed	Compliance
C2 Traffic, Access and Safety	Vehicle crossing approvals on public roads are to be in accordance with Council's Vehicle Crossing Policy (Special Crossings) LAP-PL413 and Vehicle Access to Roadside Development LAP-PL 315.	The existing vehicle crossing off Bushey Place is proposed to be retained.  This will be the subject of a separate 'works on Council land' application.	Yes
C3 Parking facilities	Garage doors 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 garage opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.	The garage door is 6m wide and will not dominate the streetscape.	Yes
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy.	Stormwater plans have been prepared in support of the proposed development. Stormwater discharge will be directed to an absorption trench at the rear of the site	Yes
C5 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.	An erosion and sediment control has been submitted in support of this application.	Yes





Built Form Controls	Requirement	Proposed	Compliance
C8 Demolition and Construction and C9 Waste Management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A Waste Management Plan has been prepared in support of this application.	Yes
D1 Landscaped Open Space and Bushland Setting	The site is required to provide 40% of the site area as landscaped open space (LOS).  It is noted that driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation	The proposed development provides 222m <sup>2</sup> or 37% of the site area as landscaped open space.  (existing LOS is 215.6m <sup>2</sup> or 36%)	No  (increase on existing)
D2 Private Open Space	35m <sup>2</sup> required for a two bedroom dwelling with a minimum width of 3m	The secondary dwelling has one bedroom.  The occupants of the secondary dwelling will have access to ground-level open space at the rear of the principal dwelling.	Yes
D8 Privacy	<i>1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.</i>  <i>2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</i>  <i>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.</i>  <i>4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.</i>	The proposed secondary dwelling will not give rise to any unreasonable or detrimental privacy impacts on the adjoining dwellings.  Adequate spatial separation has been provided to maintain reasonable privacy levels between dwellings.	Yes



Built Form Controls	Requirement	Proposed	Compliance
D6 Access to Sunlight	<i>50% of adjoining dwelling and existing dwelling private open space to have 3 hours sunlight between 9am and 3pm on 21 June</i>	The proposed two storey building will not result in any unreasonable overshadowing impacts.  Shadow diagrams submitted with the application demonstrate that most of the additional overshadowing falls over the road reserve to the south. The requirements of the DCP are met	Yes
D9 Building Bulk	To minimise the visual impact of the development using good design and innovative architecture	Compliance with setbacks and building height controls, well-proportioned openings and the use of a variety of materials all contribute to minimise building bulk.	Yes
D10 Building Colours and Materials	The visual impact of new development is to be minimised through the use of appropriate colours, materials and landscaping.	The external colours and materials will integrate with the existing dwelling house and are consistent with the character of the area. The proposal will have a positive impact on the Bushey Place streetscape.	Yes
D11 Roofs	Roofs should complement the roof pitch and forms of the existing buildings in the streetscape; incorporate eaves for shading; and not cause excessive glare and reflection.	The proposed hipped roof is consistent with the existing dwelling house. It has eaves to shade glazing.	Yes
D13 Front fences and walls	Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.	There is no fencing proposed with this application.	Yes
D14 Site facilities	Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places	The secondary dwelling will utilise the same site facilities as the principal dwelling.	Yes
D15 Side and rear fences	Side and rear boundary fences are to be no higher than 1.8m. All fencing materials are to complement the existing neighbourhood.	There is no fencing proposed with this application.	Yes



Built Form Controls	Requirement	Proposed	Compliance
E1 Preservation of Trees or Bushland Vegetation	A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy any tree or bushland vegetation that requires a Vegetation Clearing Permit under the provisions of Part 3 of the Vegetation SEPP.	There are no significant trees proposed for removal. The trees to be removed are low value, exotic trees.	Yes

Table 5 – WDCP assessment table

WDCP Discussion:

**B7 Front Boundary Setbacks**

The existing carport (to be retained) has a 1.4m setback to the front boundary and the proposed garage has a 5m setback to the front boundary. Therefore, the proposal does not comply with the required 6.5m front setback applicable under the WDCP. It is noted that the proposed secondary dwelling, above the garage, does comply with the 6.5m setback.

The WDCP requires that the front boundary setback area is to be landscaped and generally free of any structures, basements, car parking or site facilities other than driveways, letter boxes, garbage storage areas and fences.

Despite the non-compliance with the front boundary setback, the proposal achieves the underlying objectives of the control as follows:

- *To create a sense of openness.*

Comment:

The proposal maintains the existing setbacks of the carport and garage and therefore will result in minimal change to the existing streetscape. Given the structures are partially below street level, their visual impact on the sense of openness is minimal.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Comment:

The proposal maintains the setbacks of the existing carport and garage while the proposed secondary dwelling complies with the required 6.5m setback. There are other examples of reduced front setbacks (Nos 4, 8 and 39 Bushey Pl) along both sides of Bushey Place. The proposal is consistent with the pattern of buildings in the streetscape.



- *To protect and enhance the visual quality of streetscapes and public spaces.*

Comment:

The proposal is consistent with the visual quality of the streetscape with additional height compliant with the 6.5m setback. The carport is an open structure with flat roof and the existing landscaping will continue to screen the built form.

- *To achieve reasonable view sharing.*

Comment:

The proposed garage/studio complies with the building height, wall height, building envelope and side setback controls. The proposed encroachment into the front setback at ground level will not result in any unreasonable impact on views. The proposal satisfies this objective.

Given that the objectives of the control are satisfied, the proposed variation to the front building line is supported, in this particular circumstance.

#### **D1 Landscape open space and Bushland**

The site is required to provide 40% of the site (239.2m<sup>2</sup>) as landscaped open space (LOS).

The existing LOS measures 36% of the site area (215.6m<sup>2</sup>) and does not satisfy this requirement. The proposal increases the LOS by 6.4m<sup>2</sup> and results 37% of the site as LOS (215.6m<sup>2</sup>).

Despite the non-compliance with the landscaped open space the proposal achieves the underlying objectives of the control as follows:

- *To enable planting to maintain and enhance the streetscape.*

Comment:

The proposal maintains the existing trees near the front boundary and provides additional landscaping in the front setback. The proposal contributes to the streetscape.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment:

There is minimal indigenous vegetation, significant topographical features, or habitat on the site.

- *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.*

Comment:

The proposal provides for sufficient landscaped open space to provide for the planting of shrubs and trees.

- *To enhance privacy between buildings.*

Comment:

The proposed development will maintain suitable levels of privacy with the adjoining properties.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment: The site has a usable open space area at the rear of the existing dwelling.

- *To provide space for service functions, including clothes drying.*

Comment: Adequate space for service functions, including clothes drying has been provided.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment: Water management is detailed in the stormwater plans prepared by Hyve Designs.

#### **D6 Access to Sunlight**

The WDCP requires that at least 50% of the required area of private open space of adjoining dwellings receive a minimum of 3 hours of sunlight between 9 am and 3 pm on June 21.

The proposed dwelling has been designed to minimise shadowing impacts on adjoining properties. The shadow diagrams accompanying this application demonstrate compliance with this control, with at least 50% of the private open space areas of the adjoining properties receiving more than 3 hours of sunlight between 9 am and 3 pm on June 21. The majority of additional overshadowing will fall over the road reserve to the south.

The proposed development satisfies the requirements of this control.

#### **D9 Building Bulk**

The objective of this control is to ensure that development is of good design and not visually obtrusive. The proposal demonstrates a well-articulated design response to the site. The proposed dwelling has been designed to incorporate a hipped roof form, to match the roof design of the principal dwelling. A variety of materials, colours, and surface treatments also aids in reducing perceived building bulk.

Overall, the proposal will exhibit a building bulk consistent with the streetscape. The proposed development satisfies the requirements of this control.



## 5 Conclusion

This SEE supports a development application for the construction of a building containing a secondary dwelling and a double garage at 37 Bushey Place, Dee Why. The proposal is consistent with all relevant State and local planning controls.

When assessed under the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act, the proposed development succeeds. Consequently, approval of this development application is recommended.