
DEVELOPMENT APPLICATION:

**Demolition of Existing Dwelling and
Construction of Three (3) Storey Dwelling
Lot 119 in DP 6143, No 16 Robertson Road
NORTH CURL CURL**

Prepared For



Prepared By:



April 2021

Preparation, Review and Authorisation

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
1	27/04/21	MB	MB	MB
2	30/04/21	MB	MB	MB

Document Certification

This report has been developed based on agreed requirements as understood by Michael Brown Planning Strategies Pty Ltd at the time of investigation. It applies only to a specific task on the lands nominated. Other interpretations should not be made, including changes in scale or application to other projects.

Any recommendations contained in this report are based on an honest appraisal of the opportunities and constraints that existed at the site at the time of investigation, subject to the limited scope and resources available. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.

SIGNED:



Position: Town Planner

Date: 30/04/21

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Annexures

A: Architectural Plans – Accurate Design & Drafting

Executive Summary

This document forms a component of a development application that proposes the demolition of the existing dwelling and the construction of a two (2) storey dwelling at No 16 Robertson Road NORTH CURL CURL. There is a non-compliance with the dwelling in terms of the building envelope, which will require a variation to the Development Control Plan (DCP) 2011. The area of non-compliance is the eaves.

It is our understanding under the DCP that minor encroachments into the building envelope can be permitted. However, a request to vary the control must be submitted demonstrating the circumstances to permit an encroachment. It would be noted from the plans that the property is 10.055m wide and when combined with the other controls of Local Environmental Plan (LEP) 2011 and DCP 2011, the proposed dwelling slightly encroaches within the building envelope. The subject property is zoned R2 Low Density Residential under LEP 2011 and the proposed dwelling is permissible with development consent.

This Statement of Environmental Effects (SoEE) has been prepared on behalf of Icon Homes. Michael Brown Planning Strategies Pty Ltd has prepared this report and should be read in conjunction with development plans prepared by **Accurate Design & Drafting** and supporting documentation (refer to **Table 1**).

The SoEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments. This Statement demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979, as amended;
- The Environmental Planning and Assessment Regulation;
- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011; and
- Various State Environmental Planning Policies.

It would be noted that Warringah Council has amalgamated with Manly & Pittwater Councils and is now known as Northern Beaches Council. As this amalgamation has occurred, the provisions of Warringah LEP 2011 and DCP 2011 are the current planning instruments for assessing applications. These local planning provisions are addressed in Sections 4.5 and 4.6 of this report.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with the area.

This Statement of Environmental Effects (SoEE) provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979, as amended.

In light of the above planning merits of the proposed development, the proposal succeeds when assessed against the Heads of Consideration pursuant under Section 4.15, and we recommend that Council grant consent to the development, subject to appropriate conditions.

1 Introduction

1.1 GENERAL

This Planning Report has been prepared to accompany the submission of a Development Application which seeks approval to demolish the existing (two-storey – first floor addition) dwelling and construct a new modern two-storey dwelling at No 16 Robertson Road NORTH CURL CURL, as described in Section 3 of this SoEE. Reduced plans prepared by **Accurate Design & Drafting** are attached as **Annexure A**.

There is a non-compliance with the dwelling in terms of the building envelope, which will require a variation to the Development Control Plan (DCP) 2011. The area of non-compliance is the eaves.

It is our understanding that under the DCP minor encroachments into the building envelope can be permitted. However, a request to vary the control must be submitted demonstrating the circumstances to permit an encroachment. It would be noted from the plans that the property is 10.055m wide and when combined with the other controls of Local Environmental Plan 2011 and DCP 2011, the proposed dwelling slightly encroaches within the building envelope.

1.2 SCOPE OF REPORT

This document has been prepared pursuant to the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*, and the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*.

The Report describes the nature of the site and its immediate context. It proceeds to document the proposal and concludes with an assessment against the prevailing planning regulations and a request for approval of the application subject to conditions.

1.3 PROJECT TEAM

Michael Brown Planning Strategies Pty Ltd, in preparing this SoEE has relied on relevant inputs from the following as detailed in **Table 1** below:

TABLE 1 – PROJECT TEAM

The Project Team	
Architectural Plans	Accurate Design & Drafting – (Annexure A)

1.4 REPORT STRUCTURE

This SoEE is structured in the following manner:

Section 2 – Describes the Site and provides a detailed description of the site and the nature of surrounding development.

Section 3 – Details the Proposed Development and other relevant information.

Section 5 – Details the Environmental Assessment of the proposed Development.

The following commentary and assessment is provided in respect of the above.

The subject property is known as Lot 119 in DP 6143, No 16 Robertson Road NORTH CURL. CURL (refer to aerial photograph below at **Figure 1**, which shows the context of the immediate area). The subject property is occupied by an existing dwelling and is located on the western side of Robertson Road, north of the intersection with Austin Avenue. The property has an area of 404.5m² and is generally regular in shape (refer to **Plate 1** for street view of the subject property).

FIGURE 1 – AERIAL.



There is also a variety of building design and materials, with weatherboard and brick buildings. As such there is not one dominant form of development and is therefore an eclectic mix of residential accommodation.

PLATE 1 – STREET VIEW



3 The Development Proposal

3.1 DEVELOPMENT DETAILS

The development proposal is as generally shown on the submitted plans. The proposal involves the construction of a two-storey dwelling with details provided below in **Table 2**.

TABLE 2 – DEVELOPMENT DETAILS

Details	Floor Area M ²¹	POS M ²
Single garage, media, guest, mudroom, kitchen, family/meals at ground floor level and four (4) bedrooms and bathroom & ensuite on upper floor level (refer to Sheets 3 & 4 of Annexure A for details of floor areas.	255.04	128.42 or 31.75%

Total floor space ratio is 0.63:05:1, which excludes the garage. Total landscape provision is 175.06m² or 43.28%. The proposed dwelling provides a palette of materials to provide variety and interest, as shown on the attached colour scheme. It is proposed that the dwelling be constructed with vertical cladding and metal roof.

The garage and front entry will be highlighted using stonework. The proposal provides variety and interest in the design with the articulated nature of the proposal and highlighted use of material. The cladding is found with other dwellings in the street and therefore not out of character with the northern beaches-built forms. Refer to **Figure 2** below.

¹ Excludes garage.

FIGURE 2 – BUILT FORM



3.1 ACCOMPANYING PLANS

The proposed development is as generally shown on the submitted plans referred to in **Table 3**.

TABLE 3 – SUBMITTED PLANS

Plan No	Sheet	Issue	Plan title	Prepared by
20202-9	01	J	Cover Page	Accurate Design & Drafting
20202-9	02	J	Perspective View	Accurate Design & Drafting
20202-9	03	J	Ground Floor Plan	Accurate Design & Drafting
20202-9	04	J	Upper Floor Plan	Accurate Design & Drafting
20202-9	05	J	Front & Rear Elevations	Accurate Design & Drafting
20202-9	06	J	Side Elevations	Accurate Design & Drafting
20202-9	07	J	Section & Details	Accurate Design & Drafting
20202-9	08	J	Existing Site Plan	Accurate Design & Drafting

Plan No	Sheet	Issue	Plan title	Prepared by
20202-9	09	J	Demolition Site Plan	Accurate Design & Drafting
20202-9	10	J	Proposed Site Plan	Accurate Design & Drafting
20202-9	11	J	Shadow Diagrams 21 st June	Accurate Design & Drafting
20202-9	12	J	Landscape Plan & Drainage Diagram	Accurate Design & Drafting
20202-9	13	J	Slab Detail	Accurate Design & Drafting
20202-9	14	J	Electrical Plans	Accurate Design & Drafting
20202-9	15	J	Blank Electrical Plans	Accurate Design & Drafting
20202-9	16	J	BASIX	Accurate Design & Drafting
20202-9	17	J	Bath & Ensuite Detail	Accurate Design & Drafting

3.2 AVAILABILITY OF SERVICES

The site is within a developed urban area surrounded by existing dwellings (refer to **Figure 1** above). As such all urban utility infrastructure to the area is provided.

3.3 TOPOGRAPHY AND LANDFORM

The subject land falls from Robertson Road (50.39m AHD) to 50m AHD, at the rear. The fall of the land is not a constraint to the development, as the dwelling has been designed to take into account this minimal fall.

3.4 STORMWATER DRAINAGE

Stormwater from the development can be drained to Evans Street via existing system, as shown on Sheet 12 of **Annexure A**.

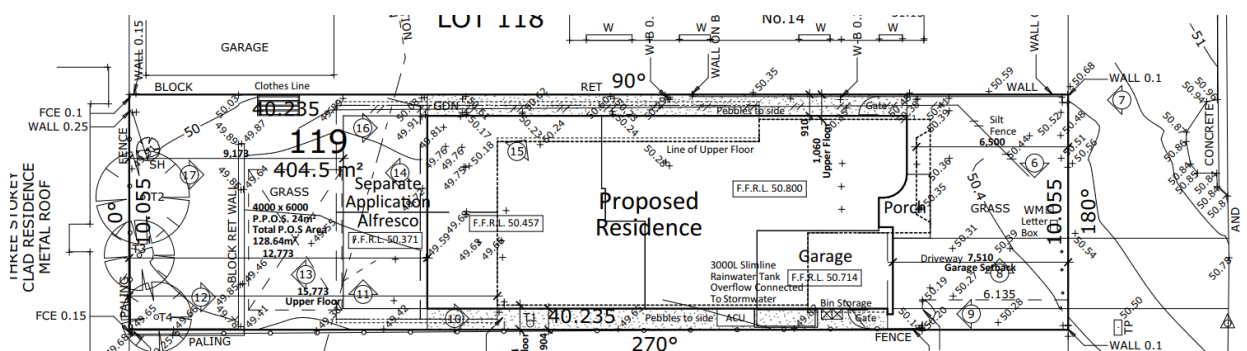
3.5 SETBACKS AND BUILDING SEPARATION

The building setback is 6.5m (media room) to the street and 7.51m to the garage. The ground floor is setback on the northern side 910mm and the upper floor is 1.060m (the single storey component is setback 2.004m) and the southern side 904mm and 1.054m for the upper floor (noting the garage is single storey and the setback to the upper floor is 4.734m, with the rear setback 12.773m for ground floor and 15.773m for upper floor, as shown on **Figure 3** below. As such, the dwelling is offset to the adjoining boundaries to reduce any impact, as shown on **Sheet 10** of **Annexure A**.

The development has been designed to take into consideration providing reasonable separation with the adjoining dwellings, with the use of single storey elements on the northern and southern sides, ensuring visual and acoustic privacy, noting the width of the property.

Windows have been provided on the first-floor bedrooms have been minimised and an opaque window for the bathrooms. As such the development is designed to minimise impacts external to the site.

FIGURE 3 – BUILDING SEPARATION



3.6 DEMOLITION MANAGEMENT CONTROLS

Development consent has been sought to the demolition of the buildings. The demolition will be in accordance with the requirements as set out under the Australia Standard AS260 – 2001: The Demolition of Structures – which is incorporated into the Work Health and Safety Act 2011 administered by WorkSafe NSW. Demolition will include:

- The removal of all demolished material and where appropriate materials will be recycled;
- All brickwork, concrete and other hard surfaces will be recycled where possible; and
- Breaking up and removing hard surface areas.

Where appropriate, waste material will be removed by recyclers for reuse. Barriers will be erected around the work areas to protect the public (refer to demolition plan **Sheet 09** at **Annexure A**). The demolition process will be controlled by specific guidelines including the Work Health and Safety Regulation 2011 and all WorkSafe requirements. An erosion and sediment control plan will be prepared for each stage of demolition and construction to control run off during these processes.

The following is provided in relation to these issues:

3.6.1 DUST

During the site works, the following methods should be employed to control any dust:

- hessian should be located along any section of the site fence located in the vicinity of demolition areas;
- cleaning of hardstand areas if necessary; and
- undertaking the loading or unloading of materials as close as possible to the skip bins to prevent the spread of loose material around the site.

Dust is also produced during the transfer of materials to and from the site, thus all material will be required to be covered while being transported and will be properly disposed of on delivery. No material is to be left in an exposed, unmonitored condition.

All plant, including trucks transporting material, should be brushed before leaving the site to prevent dust and sediment movement offsite.

3.6.2 NOISE CONTROL

Noise producing machinery and equipment should only be operated between the hours of 7.00 am and 6.00 pm Monday to Friday and 7.00am to 4.00pm Saturdays, unless requested otherwise by Council.

Various Australian standards outline guidelines for the minimisation of noise on construction and demolition sites. These include:

- Australian Standard AS2460 AS 2012.1-1990: *Acoustics - Measurement of airborne noise emitted by earth-moving machinery and agricultural tractors - Stationary test condition - Determination of compliance with limits for exterior noise;*
- AS/NZS 1269.1:2005 *Occupational noise management-Measurement and assessment of noise emission and exposure;*
- AS/NZS 1269.2:2005 *Occupational noise management-Noise control management;* and
- AS/NZS 1269.3:2005 *Occupational noise management-Hearing protector program.*

3.6.3 WORK HEALTH AND SAFETY

Prior to the commencement of works the principal contractor should prepare and maintain a site specific Work Health and Safety, and Protection of the Environment Plan (WHS&E plan) which complies with the requirements of clause 226 of the Regulations.

3.6.4 WASTE MINIMISATION AND MANAGEMENT

The proposed development has embraced the principles of waste minimisation and management from the earliest days of visioning/design work. In a like manner, the demolition and construction phases have been the subject of significant waste minimisation and resource recovery thinking.

A Waste Management Plan (WMP) accompanies this application and addresses waste generated during demolition and during construction. Ongoing waste will be collected by Council on collection day.

3.7 CONSTRUCTION

The construction will be in accordance with the requirements as set out under the Australia Standard.

3.7.1 SEDIMENT AND EROSION CONTROL

Sediment and erosion control measures should be more fully developed in consultation with the contractor and incorporated into a Soil and Water Management Plan in accordance with NSW Department of Housing (1998) *Managing urban stormwater: soils and construction*. The controls outlined in the plan should be put in place prior to any works commencing.

3.7.2 NOISE CONTROL

Noise producing machinery and equipment should only be operated between the hours of 7.00 am and 5.00 pm Monday to Friday and 7.00am to 4.00pm on Saturdays, unless requested otherwise by Council.

No work will be undertaken on Sundays or public holidays. If it is necessary to work outside these hours, special permission must be obtained from Council and local residents should be notified.

3.7.3 WORKPLACE HEALTH AND SAFETY

Prior to the commencement of works the principal contractor should prepare and maintain a site specific Workplace Health and Safety, and Protection of the Environment Plan (OHS&E plan) which complies with the requirements of clause 14 of the Regulations.

4 Assessment of Relevant Controls and Policies

4.1 RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following documents are relevant to the proposed development:

- State Environmental Planning Policy BASIX;
- State Environmental Planning Policy 55 – Remediation of Land;
- Warringah Local Environmental Plan 2011 (WLEP); and
- Warringah Development Control Plan, 2011 (WDCP).

4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT SECTION 4.15 (1) – MATTERS FOR CONSIDERATION

Under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), 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 subject of the development application.

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified, and*
 - (iii) *any development control plan, and*
 - (iv) *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*
 - (v) *any matters prescribed by the regulations that applied to the land to which the development relates, and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979).*
- (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.*

The proposal accords with the objects because it promotes the economic use of zoned residential land.

The key relevant planning instruments for this proposal are as follows.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

BASIX is the Building Sustainability Index, the State Government's web-based planning tool designed to assess the potential performance homes against a range of sustainability indices. The BASIX assessment accompanies this application **Sheet 16** of **Annexure A**. A 3000L rainwater tank is also provided on the southern side (**Sheet 10**).

4.4 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The proposed development is subject to the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

Depending on the level of contamination, remediation may be required with the consent (Category 1) or without the consent (Category 2) of the consent authority. The State Government publication *Managing Land Contamination: Planning Guidelines* sets out the process for consideration of land contamination. Based on an initial consideration of known historical land uses, the guidelines may require, in certain circumstances, one or more of the following steps:

- A Preliminary Investigation – where contamination is likely to be an issue;
- A Detailed investigation – where a Preliminary Investigation highlights the need for further detailed investigations or where it is known that the land is likely to be contaminated and/or that the proposed use would increase the risk of contamination;
- A Remedial Action Plan (RAP) – to set the objectives and process for remediation;
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

The land has been used for residential purposes for a number of years and there is no evidence of filling on the land. It is unlikely that the land would be contaminated from past uses.

4.5 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The LEP provides a number of generic objectives which apply to development generally but has more specific objectives applying to the zone. The subject property is zoned R2 – Low Density Residential under the provisions of Warringah Local Environmental Plan 2011 (refer to **Figure 4** below).

FIGURE 4 – ZONE MAP



The zone and the controls will be addressed below. Clause 2.3 provides the zonal objectives. The objectives are:

- 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.

The objectives allow residential landuses provided such landuses are consistent with these objectives. It is considered that proposed development on the subject site would be able to meet these objectives, particularly as the proposal is for a single dwelling (first objective).

The second objective is not applicable and the proposed dwelling is designed within a landscape setting that is similar to that provided in surrounding development, satisfying the third objective.

The following landuses are permissible:

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; 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; Veterinary hospitals*

The proposal is defined as a dwelling house and is permissible under the zone.

The LEP is set out in a number of parts dealing with certain aspects to achieve development outcomes. The relevant matters are addressed in the following sections.

4.5.1 CLAUSE 4.1 – MINIMUM LOT SIZE

Under Clause 4.1 of the LEP, the minimum lot size for subdivision is 450m². It is not proposed to subdivide the land and therefore this clause is not applicable (refer to **Figure 5** below).

FIGURE 5 – MINIMUM LOT SIZE MAP



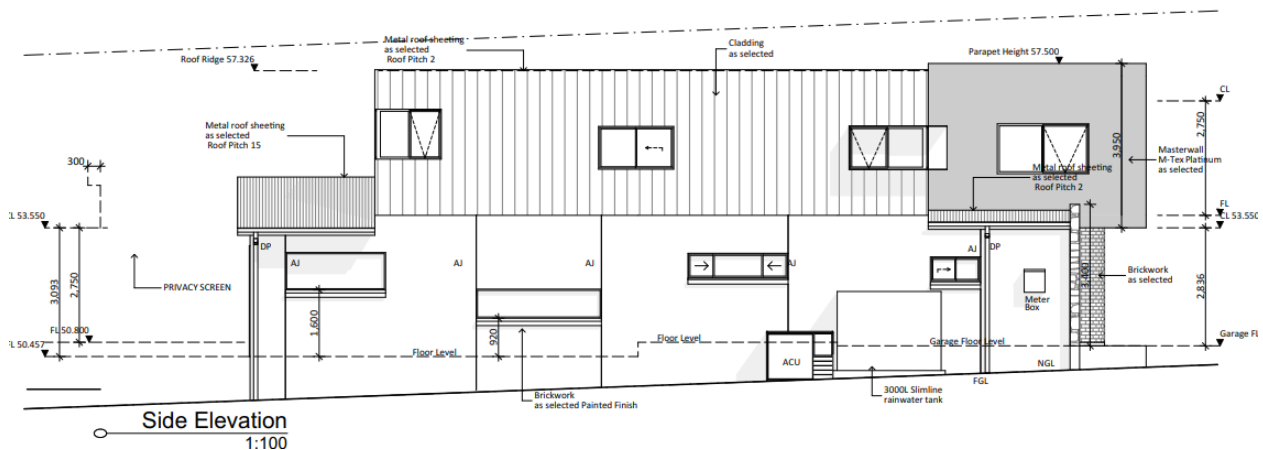
4.5.2 CLAUSE 4.3 – HEIGHTS OF BUILDINGS

Clause 4.3 sets maximum height requirements for dwellings. The Height of Buildings Map as shown below in **Figure 6** provides a maximum height of 8.5m. The proposed dwelling is 7.68m high to top of ridge above natural ground level through the two-storey component and therefore compliant. It would be noted at this section, the roof form pitch is relatively flat (**Figure 7** below).

FIGURE 6 - HEIGHTS OF BUILDING MAP



FIGURE 7 - COMPLIANCE WITH HEIGHT MAP



4.5.3 CLAUSE 5.10 – HERITAGE CONSERVATION

The subject property is not listed as a heritage item or in the vicinity of a conservation area on Council's Map.

4.5.4 CLAUSE 6.1 – ACID SULFATE SOILS

The subject land is not shown on the Acid Sulfate Soils Map as being affected by this clause.

4.5.5 CLAUSE 6.3 – FLOOD PLANNING

Clause 6.3 relates to flood planning. The subject property is not affected by flooding.

4.5.6 CLAUSE 6.4 – DEVELOPMENT ON SLOPING LAND

Clause 6.4 addresses development on sloping land and includes land identified as being within Area A (< 5%) on the Landslip Risk Map, in which the subject site is located.

The clause requires Council to be satisfied that the development has been assessed for risk associated with landslides, will not cause significant detrimental impacts because of stormwater discharge and will not impact on existing subsurface flow conditions (refer to **Figure 8** below). The proposal does not involve excavating the land and therefore Council can be satisfied that the proposed dwelling will have negligible impact on adjoining properties.

FIGURE 8 – LANDSLIP RISK MAP



4.5.7 CLAUSE 6.5 COASTAL HAZARDS

The subject property is not identified as being subject to coastal hazards.

There are no further clauses applicable to the proposed development. Having regard to the assessment undertaken above, the proposed dwelling is compliant with the various clauses of the LEP.

4.6 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The subject Development Control Plan provides a compendium of development controls for the Warringah Local Government Area. Some controls are land use based and generic, whilst others are detailed and sometimes site specific.

It is considered that the proposed dwelling is consistent with the requirements of the DCP and the following is provided.

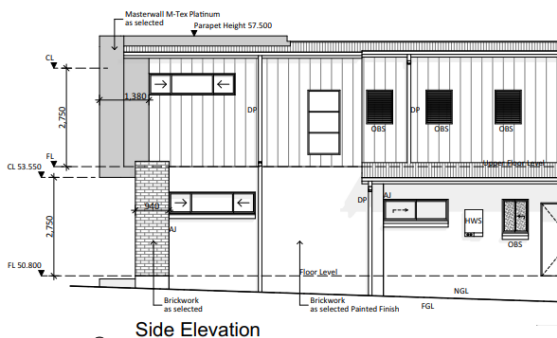
4.6.1 PART A – INTRODUCTION

Part A is essentially the administrative provisions of the DCP. Council will notify the application in accordance with the subject requirements of the notification policy.

4.6.2 PART B – BUILT FORM CONTROLS

This section of the DCP provides the context of the DCP and contains several controls, which are applicable to the subject application, which are addressed in **Table 4** below.

TABLE 4 –RESIDENTIAL CONTROLS – COMPLIANCE TABLE

DCP	Proposed	Complies
B1 Wall Heights		
A wall height must not exceed 7.2m.	The proposed dwelling is 7.68m to the top of the roof ridge. It should be noted that the majority of the wall is below the 7.2m height requirement. The majority of the wall is less than 6.8m. It is noted that the roof complies with the height control of the LEP. Note highlight windows on elevation.  It is also noted that the proposal is consistent with the objectives of the wall height requirement, in that it does not impact on views from adjoining properties and provides sufficient innovation in the built form.	Yes.
B2 Number of Storeys		
Compliance with the Heights of Building Map.	This aspect was addressed above in Section 4.5.2. It is noted that the dwelling is below the 8.5m height requirement, at 7.68m, as shown on Sheet 6.	Yes
B3 Side Boundary Envelope		
Part B3 addresses the side boundary envelope and requires that buildings be sited within an envelope determined by	The clause permits variations to the side boundary envelope for fascia's, gutters, downpipes, eaves and chimneys up to 0.675m from the boundary.	No, refer to Section 4.6.2.1 below.

DCP	Proposed	Complies
projecting planes at 45o from a height of 5m above ground level at the side boundaries.	The relevant side boundary envelope has been shown on the architectural plans which show that the proposed dwelling does not comply with the control.	
B4 Site Coverage		
The total building footprint(s) must not cover more than 33.3% of the site area.	The development provides 159.95m ² of site coverage or 31.3%.	Yes
B5 – Side Boundary Setbacks		
Part B5 addresses the side boundary setbacks and sets a minimum setback of 900mm for the subject site.	The ground floor is setback on the northern side 910mm and the upper floor is 1.060m (the single storey component is setback 2.004m) and the southern side 904mm and 1.054m for the upper floor (noting the garage is single storey and the setback to the upper floor is 4.734m, with the rear setback 12.773m for ground floor and 15.773m for upper floor. As such, the dwelling is offset to the adjoining boundaries to reduce any impact.	Yes
B7 – Front Setbacks		
Part B7 addresses the front boundary setbacks and sets a minimum setback of 6.5m for the subject site.	The proposed dwelling has a minimum front setback of 6.5m, complying with the control.	Yes
B9 Rear Boundary Setbacks		
Part B9 addresses the rear boundary setbacks and sets a minimum setback of 6m for the subject site.	The proposed dwelling has a minimum rear setback of 12.773m at the ground and first-floor level is 15.773, complying with the control.	Yes

4.6.2.1 VARIATION TO BUILDING ENVELOPE CONTROL

The proposed dwelling is compliant with the building envelope control for the lower and ground floor levels. At the upper floor level, the eaves encroach into the building envelope as shown below in **Figure 9**. The objectives of the boundary envelope control are:

- 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.

boundary. It is clear from the plans that the eaves do encroach 0.63m and less than that permitted.

neighbours.

objective) and responds to the topography of the land (third objective).

FIGURE 9 - BUILDING ENVELOPE - FRONT ELEVATION

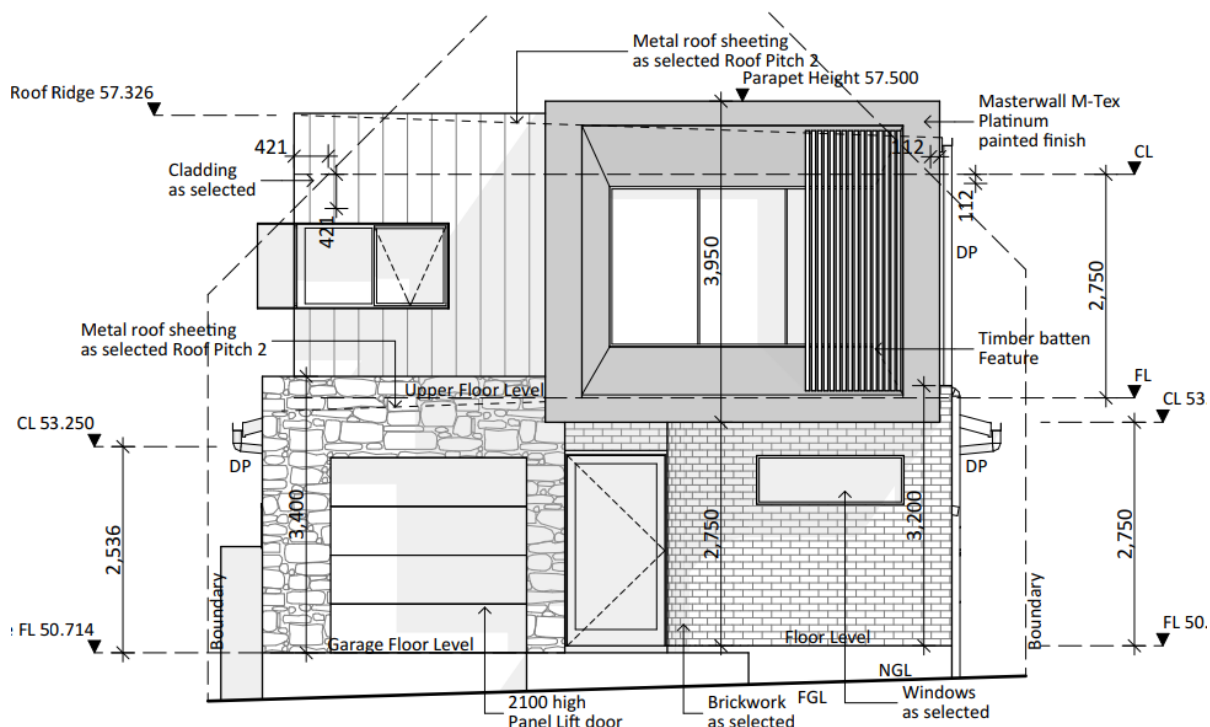
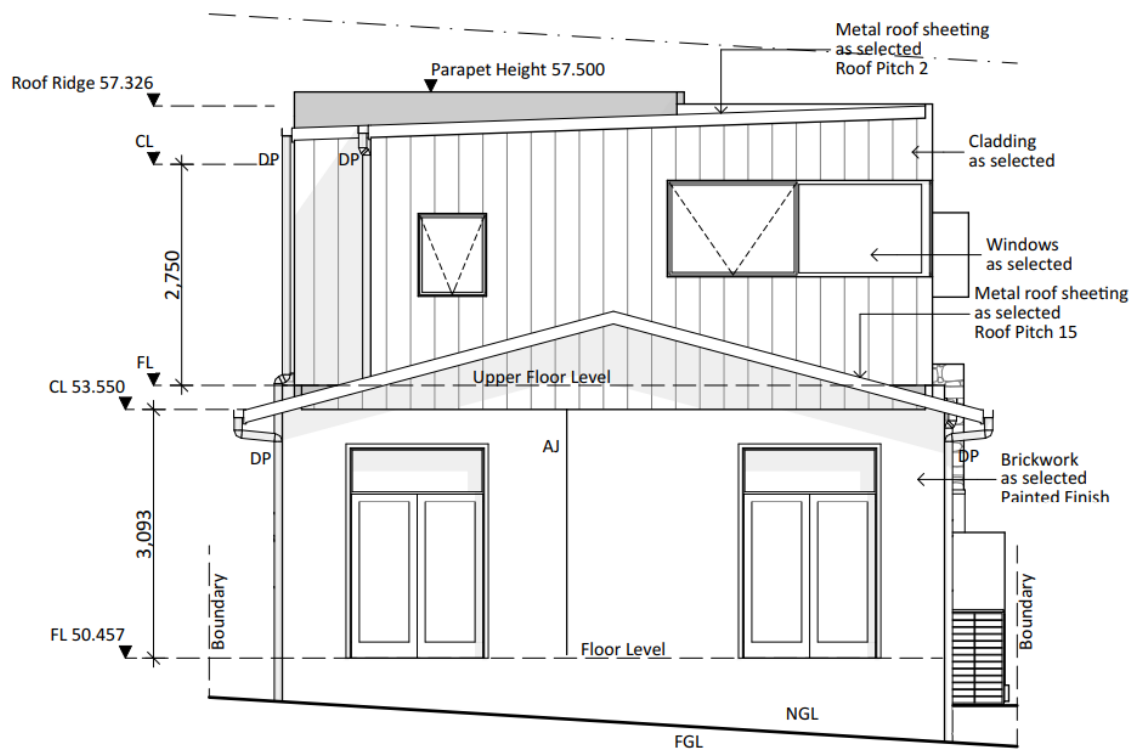


FIGURE 10 – BUILDING ENVELOPE – REAR ELEVATION



Rear Elevation

The variation is relatively minor in the overall context of the dwelling. The minor non-compliance at the front is not foreseen to contribute any adverse amenity impacts to adjoining properties in respect to privacy or overshadowing or building bulk and on this basis the variation should be supported.

4.6.3 PART C – SITING FACTORS

Part C contains several controls which are applicable to the subject application, each of which is addressed in the following **Table 5**.

TABLE 5 – SITING FACTORS – COMPLIANCE TABLE

DCP	Proposed	Complies
C3 – Parking Facilities		
Garage doors to be integrated into the house design and to not dominate the façade;	The proposal is generally consistent with the criteria with the garage being integrated into the design of the dwelling with a stonework frontage, as the garage door is located behind the façade of the dwelling and provides 'depth' to the design. As noted above, the property has a width of 10.055m and therefore garage door in some respect may be wider, but not in this case. The garage door opening has a width of 2.4m or 35.2% of the dwelling frontage. The existing carport on the	Yes.
Parking to be located so that views of the street from front windows are not obscured;		Yes.

DCP	Proposed	Complies
- Garage openings to not exceed 6m or 50% of the building width; - Parking be provided at a rate of 2 spaces per dwelling.	northern side is now replaced with a garage on the southern side to provide more solar access to the room on this elevation. The proposal provides 1 parking space for the dwelling, with another space being stacked in front of the garage. This situation occurs with the existing dwelling with the dwelling having a single garage and a car stacked behind. A double garage width would impact on the streetscape and more importantly the design.	No, but acceptable.
C4 - 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. - Stormwater runoff is to discharge to a drainage system approved by Council.	Refer to Sheet 12 of Annexure A .	Yes
C5 - Erosion & Sedimentation		
- Erosion and sedimentation prevention measures must be installed on all sites where some degree of soil erosion and sedimentation is likely to occur. - Any erosion and sedimentation is to be managed at the source.	Erosion controls shown on Sheet 10, with detailed ESCP to be submitted with the Construction Certificate.	Yes Yes
C6 - Building near Council Drainage Easements		
When a building is to be constructed on land burdened by a Council stormwater drainage system and or easement the construction of the building is to be in accordance with Councils policy.	Drainage will be directed to the existing Council system.	Yes
C7 - Excavation and Fill		
Part C7 addresses excavation and landfill.	No excavation proposed.	Yes.

4.6.4 PART D – DESIGN

Part D contains several controls which are applicable to the subject application, each of which is addressed following, which is addressed in **Table 6**.

TABLE 6 – DESIGN – COMPLIANCE TABLE

DCP	Proposed	Complies
D1 – Landscape Open Space		
Part D1 addresses landscaped open space and requires that 40% of the site be landscaped. Landscaped area excludes driveways, paved areas, roofed areas, decks and areas with dimensions of less than 2m and must have a minimum soil depth of 1m (for landscaping over basement structures). Landscaped open space must be at ground level and can include the water surface of swimming pools and rock outcrops.	The proposal complies with the control (refer to Sheet 12 of Annexure A – landscape plans), with 43.28% available for landscape area.	Yes.
D2 – Private Open Space		
Part D2 addresses private open space and requires that a minimum 60m² area of private open space be provided for a dwelling with 3 or more bedrooms, with minimum dimension of 5m. Private open space is required to be directly accessible from a living area of the dwelling and be designed to be private, with maximum solar access.	The proposal provides a number of areas of private open space. The rear yard area satisfies the dimensional requirement of 5m being effectively 10.055m and 12.733m deep and the size of this area is greater than 60m², complying with the area control at 128.42m². The space is directly accessible from the ground floor area of the dwelling and will receive a reasonable level of solar access given the orientation of the site, with the POS having a northerly direction. The POS is accessible from the family/meals area.	Yes
D6 – Access to Sunlight		
Part D6 addresses access to sunlight and requires that development avoid shadowing solar collectors or public open spaces. Solar access is to be maintained to a minimum of 50% of the private open space on the	Given the orientation of the property, and the location of dwelling, there is minimal impact on adjoining property to the south, noting that this dwelling replaces an existing two-storey dwelling with less setbacks than this proposal. Refer to comments in Section 5.3.4 of this report.	Yes

DCP	Proposed	Complies
adjoining dwellings and the required private open space on the subject site for 3 hours at midwinter. Further, solar access is to be maintained to the principal living areas of the dwelling on the subject site and the adjoining properties for 3 hours at midwinter, with a target of 50% of the window surface for achieving suitable solar access.	Refer to Sheet 10 at Annexure A , which shows the location of the adjoining dwelling, with window location and height of the dwelling. It would be noted that the northern & southern elevations have minimal windows on these elevations, with highlight windows or opaque windows to maximise privacy to that residence.	
D7 – Views		
Part D7 addresses views and requires all development to be designed having regard to the principles of reasonable view sharing.	It is considered that the proposal satisfies the view sharing requirements, as the dwelling is located within the building envelope and replaces an existing two-storey dwelling in the same location.	Yes
D8 – Privacy		
Part D8 addresses privacy and requires all development to be designed to optimise privacy within the site and for adjoining properties.	The design of the proposal seeks to maximise privacy between properties. The proposal provides highlight windows for main areas that have the potential to overlook into the adjoining properties. The proposal does not have a balcony that may have the potential for overlooking adjoining properties.	Yes.
D9 – Building Bulk		
Part D9 addresses building bulk and requires that side and rear setbacks are progressively increased with wall height, large continuous wall planes are avoided, cut and fill is minimised, design relates to the topography and site conditions, orientation is to address the street, colour, materials and treatments are used to reduce bulk, landscaping provides visual relief and walls are articulated to reduce building mass.	The design of the proposal satisfies all of the above requirements for reducing bulk and scale, with single storey elements provided along the northern and southern sides to reduce any perceived bulk. The elevation details provide significant levels of articulation, with stepping both horizontally and vertically and the use of various materials in the design to provide a pleasant streetscape, noting the existing and emerging character of the street. The increased side setbacks at the upper floor level and the variations in materials also ensure that walls are further articulated, reducing visual bulk effectively.	Yes.

DCP	Proposed	Complies
D10 – Building Colours and Materials		
Part D10 addresses colours and materials and requires the visibility of new development in highly visible areas to be minimised by appropriate use of colours and materials, which are to blend into the natural landscape.	It is considered that the materials and colours proposed are appropriate to the design and character of the dwelling (refer to attached colour scheme).	Yes.
D11 – Roofs		
Part D11 addresses roofs and requires roofs to complement the pitch and form of roofs in the streetscape, to be articulated, to incorporate eaves for shadowing and not to cause excessive glare and reflection.	The proposed dwelling is to have an appropriate roof form that is compatible with the contemporary coastal design, with essentially a flat roof form, which is evident with other dwellings in the street, which appears to be emerging, as older style houses are being replaced. However, contemporary design provides for a variety of forms and the proposed flatter roof is in keeping with the architectural design of the dwelling. Also, there is a height restriction contained in the LEP and the dwelling needs to comply with this requirement, noting the other restrictions on the site; namely the building envelope requirement and the width of the property. A pitched roof would have some shadow impacts.	Yes.
D13 – Front Fences and Walls		
Part D13 addresses front fences and front to complement the streetscape character and the architectural character of the dwelling, with gates not to encroach over the property boundary when opened.	A front fence is not shown on the plans, but a fence may be provided similar to other front fences in the street. The design of the fence and gate would need to be compatible with the architectural design of the dwelling.	Yes.
D14 – Site Facilities		
Part D14 addresses site facilities and requires provision to be made for bin storage and clothes drying facilities and for mail boxes to be incorporated into the front fence.	The plans do not show the location of these required facilities, but they will be located at the property boundary.	Yes.

DCP	Proposed	Complies
D15 – Side and Rear Fences		
Part D15 generally requires side and rear fencing to be 1.8m high.	Existing fencing is 1.8m.	Yes.
D16 – Swimming Pools		
Part D16 addresses swimming pools and requires that pools not be located in the front yard and be setback from trees.	Not applicable.	N/A.
D20 – Safety and Security		
Part D20 addresses safety and security and requires buildings to overlook the street with a clearly defined and well lit entrance.	The entrance of the dwelling is to the side of the garage on the front facade and is well defined and highlighted. Refer also to assessment in Section 5.4 below.	Yes.

Having regard to the above assessment, the proposed dwelling is compliant with the DCP except for the building envelope. In this regard, as request to vary the control was provided at Section 4.6.2.1 above on the basis of eaves extending into the envelope and the DCP allows a variation, if a request for variation is provided and justified.

5 Assessment of Environmental Impacts

5.1 GENERAL

An overview assessment of the environmental effects as proposed in the manner previously described in this report is provided below. This assessment has had regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act (as amended).

5.2 SECTION 4.15 (1) (a) – (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iv) THE REGULATIONS.

The relevant matters for consideration include the provisions of WLEP and WDCP 2011, all of which have been considered in Section 4 of this Report.

5.3 SECTION 4.15 (1) (b) – IMPACT OF THE DEVELOPMENT

5.3.1 SOCIAL AND ECONOMIC IMPACT

The proposed development would be consistent with providing residential accommodation for the family. The proposal will deliver social benefits at a local level, with the older style dwelling being replaced to suit the family needs for modern living. The following provides a summary of the social benefits:

- The proposal provides positive benefits through the provision of housing to meet the family needs;

- The proposal generates positive changes to the character and amenity of the local area; and
- The proposal is designed to effectively integrate the new development into the area, which is emerging with new modern built forms.

The family will not place unreasonable demands or requirements on existing local services and infrastructure available. The proposed development is integrated with the surrounding road network and the nature of the residential locality. The development does not pose adverse social impacts.

It is an orderly and economic use of residential land, replacing an existing dwelling that no longer meets the needs of the family with a modern dwelling. The proposal achieves the highest and best use for the site. The likely impacts of the development are positive, and the proposed development satisfies the statutory requirements under both state and local planning frameworks, as discussed above.

5.3.2 PRIVACY

There is no overlooking of adjoining properties, as discussed above, with highlight windows provided to minimise any privacy concerns. The existing dwelling has an open front balcony that has the potential to overlook the property to the north. A balcony is not proposed on the front elevation. In this regard, privacy is maximised to this property.

5.3.3 DRAINAGE

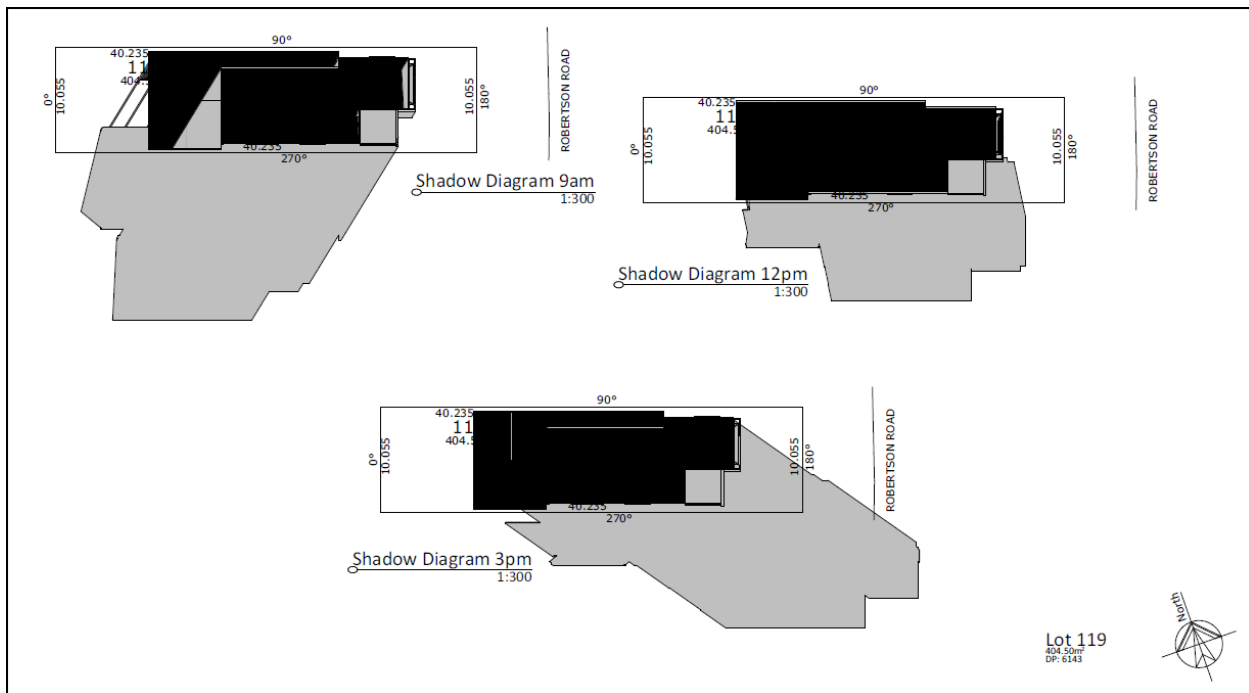
In terms of drainage, the plan indicates that the site can be drained to Council's system (refer to **Sheet 12 of Annexure A**).

5.3.4 OVERSHADOWING

Shadow diagrams have been provided with this development proposal. **Figure 11** below shows the impact of overshadowing will have on adjoining property to the south. The plans show the shadows cast by the proposed development. As stated above, the property contains a two-storey dwelling and this already has an overshadowing impact on this property.

It would be noted that the existing two-storey dwelling has a low-pitched roof and this proposal is for a flat roof. The shadow diagrams do not indicate the existing shadows or the amount of additional overshadowing. However, it is our opinion that the shadows would be similar and that there would be minimal to no additional impacts. It is our opinion that given the current impacts that it is unlikely that overshadowing would be reasons for refusal of the application.

FIGURE 11 – SHADOW DIAGRAMS



5.4 SAFETY AND SECURITY

The proposed development adopts the principles of “Safer by Design” to ensure that the development will create an environment, which feels safe and is safe for residents and visitors.

5.4.1 SAFER BY DESIGN PRINCIPLES

There are four (4) principles, which form the basis of crime risk assessment as it relates to Development Applications.

5.4.1.1 SURVEILLANCE

Surveillance is providing human observation of public space. It can be assisted by providing unobstructed views. Surveillance is an excellent crime deterrent as offenders are more likely to be seen and therefore less likely to actually commit an offence.

We consider that the proposed site layout and design of the dwelling offers good and clear sightlines from the dwelling to all shared areas on the site, with casual surveillance provided from windows to the front and along the driveway. The dwelling entrance is clearly defined, clearly visible and residents would be able to see any visitor to the property from windows at the front of the dwelling.

5.4.1.2 ACCESS CONTROL

The private open space areas will be fenced to discourage illegal entry and activity in the area.

5.4.1.3 TERRITORIAL REINFORCEMENT

Areas that are well protected and look as if they are owned and cared for, give the impression that it is harder to conduct anti-social behaviour.

The development, through the design of the building, provides a clear distinction between public and private property. All side and rear fencing will be 1.800 metres high and there are no plans to replace such fencing.

5.4.2 CONCLUSION

Having regard to the safer by design principles referred to above we are of the opinion that the proposed development, through the building and access design and incorporated safety features described above, provides a satisfactory response in minimising crime risk. Casual surveillance is provided from the windows.

5.5 SECTION 4.15 (1) (c) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject property is located in a residential area that contains single to two-storey development and therefore is suitable to the site, replacing an existing two-storey dwelling with a modern two-storey dwelling that has been designed to reflect the emerging designs within the street.

5.6 SECTION 4.15 (1) (d) – SUBMISSIONS

This cannot be dealt with as part of this Statement. Any submissions received will need to be considered having regard to Section 4.15 of the Act.

5.7 SECTION 4.15 (1) (e) – THE PUBLIC INTEREST

The public interest is an overarching concept. The proposal could be considered to be in the public interest if pursued in accordance with the approval sought. The subject property is zoned R2 Low Density Residential, which permits dwelling houses.

The dwelling replaces an existing dwelling and apart from the non-compliance with the boundary height plane of DCP 2011, the proposed development is compliant with both the LEP and the DCP. With respect to the non-compliance with the building envelope, a request to vary the control was provided at Section 4.6.2.1 above.

6 Conclusion

The proposal is for a new replacement family dwelling of more appropriate size to the existing and emerging character of the area and the needs of the family. The development will ensure the dwelling on the subject site provides a streetscape presentation in an appropriate landscape setting suited to the streetscape character of Robertson Road. The existing dwelling has had a weatherboard clad first floor addition. The new dwelling ensures that the total dwelling design is integrated to comply with the controls in the Council DCP, as addressed above in Section 4.6.

The design has had due regard to view sharing, and the design has maximised solar access to the private open space area. The latter is designed to be an extension of the indoor and outdoor space and will be subject to a separate application.

It is therefore considered that the proposal is well designed, having due regard to the constraints of the site and provides for a family dwelling that will provide a good level of amenity for the owners whilst maintaining a good level of amenity for the neighbours.

In summary, the proposed development is acceptable in the following aspects:

- The proposal is consistent with Council's policies for the subject site and its surrounds. The proposal is also consistent with the principal objectives and controls of Warringah DCP 2011. There is an encroachment into the building envelope plane, but the encroachment is minor and located at the front of the dwelling, as shown on **Figures 9 & 10** above and Council is respectfully requested to vary the DCP to allow the proposed dwelling for reasons espoused in this report at Section 4.6.2.1 above.
- The proposal also achieves compliance with WLEP 2011.
- The proposal is unlikely to result in any adverse impact on local amenity or detrimental change in the character of the area, noting the emerging modern dwelling designs that currently exist and likely changes as older style dwellings area replaced.
- Adequate onsite carparking is available for residents and the proposed home is unlikely to generate traffic that will impact on the local street system, noting the existing dwelling provides a single garage with a stacked space. The proposed dwelling provides the same outcome.

Council is accordingly requested to grant a pragmatic approval in an expedient manner.

Annexure “A”

Reduced Plans