



# Statement of Environmental Effects

Torrens Title subdivision of the existing 1 lot into 3 lots,  
alterations and additions to an existing garage to create a new dwelling,  
construction of a new vehicular driveway and landscaping works

14 Mirrool Street, North Narrabeen

June 2025  
EHC22/0238

**EDWARDS HERITAGE CONSULTANTS PTY LTD**

ABN 38 650 469 211

19A Fitzgerald Street, Windsor | (02) 4589 3049 | PO Box 4189 Pitt Town NSW 2756

enquiry@edwardsheritage.com.au | edwardsheritage.com.au



Document Control					
Project No.	Issue Date	Revision	Issue	Prepared	Reviewed
EHC22/0238	10/07/2023	A	Initial Draft	ME	ME
	21/09/2023	B	Reviewed		
	21/09/2023	C	Client issue		
	25/09/2023	D	Final issue		
	28/09/2023	E	Updated issue		
	29/11/2023	F	Final issue		
	30/06/2025	G	Revised final issue		

© 2025 | EDWARDS HERITAGE CONSULTANTS PTY LTD

This report remains the property of Edwards Heritage Consultants Pty Ltd.

The Client commissioning Edwards Heritage Consultants Pty Ltd to prepare this report shall have a non-exclusive licence for the use of this report, however the copyright remains the property of Edwards Heritage Consultants Pty Ltd.

No part of it may in any form or by any means (electronic, mechanical photocopying, recording or otherwise) be reproduced, stored in a retrieval system or transmitted, in part or in full, without the express written consent of Edwards Heritage Consultants Pty Ltd.

#### DISCLAIMER

Any representation, statement, opinion or advice expressed or implied in this report is made in good faith but on the basis that Edwards Heritage Consultants Pty Ltd is not liable (whether by reason or negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking, or not taking (as the case may be) action in any respect of any representation.

**While any representation, statement, opinion or advice in this report is provided in good faith, it does not guarantee that a development approval will be issued by the Consent Authority, nor give expressed or implied support to any development proposal, unless solely by professional recommendation and opinion.**



---

## REPORT CONTENTS

<b>1.0EXECUTIVE SUMMARY.....</b>	<b>1</b>
<b>2.0INTRODUCTION .....</b>	<b>2</b>
2.1 Acknowledgement of Country.....	2
2.2 Context of the report.....	2
2.3 Report Structure .....	3
2.4 Authorship .....	3
2.5 Physical Evidence .....	3
<b>3.0SITE ANALYSIS.....</b>	<b>4</b>
3.1 Location and Context .....	4
3.2 Description of the subject site.....	5
3.3 Existing site improvements.....	5
3.4 Landscape and Setting .....	6
3.5 Surrounding Development and Context .....	10
<b>4.0RELEVANT PLANNING HISTORY.....</b>	<b>11</b>
4.1 Previous Development Applications .....	11
4.2 Pre-Development Application Discussion .....	11
4.3 Background to this Development Application .....	14
<b>5.0DESCRIPTION OF THE PROPOSED DEVELOPMENT.....</b>	<b>16</b>
5.1 Overview of the Proposed Development .....	16
5.2 Plans and Drawings Referenced .....	16
5.3 Supporting Documentation .....	17
5.4 Subdivision .....	18
5.5 Services and Infrastructure .....	19
5.6 Dwelling houses .....	20
5.7 Tree removal.....	20
5.8 Snapshot of the Proposed Development .....	20
5.9 Intended Urban Design Outcomes.....	21
<b>6.0OTHER APPROVALS, PERMITS AND LICENCES .....</b>	<b>22</b>
6.1 Introduction .....	22
6.2 Commonwealth Legislation .....	22
6.2.1 Environment Protection and Biodiversity Conservation Act 1999 .....	22
<b>7.0ENVIRONMENTAL PLANNING ASSESSMENT.....</b>	<b>23</b>
7.1 Overview.....	23
7.2 Environmental Planning and Assessment Act 1979 .....	23
7.3 Environmental Planning Instruments .....	23
7.3.1 State Environmental Planning Policy (Resilience and Hazards) 2021 .....	24
7.3.2 State Environmental Planning Policy (Building Sustainability Index) 2004 .....	24
7.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021 .....	24
7.3.4 Pittwater Local Environmental Plan 2014.....	25
7.4 Draft Environmental Planning Instruments .....	29
7.5 Development Control Plans .....	29
7.5.1 Pittwater 21 Development Control Plan .....	29
7.5.2 Draft Development Control Plans.....	34
7.6 Planning Agreements or Draft Planning Agreements .....	34
7.7 Matters Prescribed by the Regulations.....	34
7.8 Impacts on Natural and Built Environment.....	34
7.9 Social and Economic Impacts.....	35
7.10 Suitability of the Site for Development.....	35
7.11 Submissions Made in Accordance with the Act or Regulations.....	35
7.12 The Public Interest .....	35
<b>8.0CONCLUSION.....</b>	<b>37</b>
8.1 Summary .....	37
8.2 Recommendation .....	37

## 1.0 EXECUTIVE SUMMARY

### 1.1 Context of the Report

Edwards Heritage Consultants Pty Ltd ('EHC') has been commissioned by Mick and Eva Wykrota to prepare a Statement of Environmental Effects ('SoEE') to accompany a Development Application ('DA') to Northern Beaches Council ('Council').

The SoEE has been prepared in accordance with Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), of which the overarching objective and purpose of the report is to provide an assessment against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979, together with Clause 50 of the *Environmental Planning and Assessment Regulation 2021* (EPA Regs 2021). The SoEE provides Council as the Consent Authority, with all relevant information necessary to assess the subject development proposal and to determine the Development Application in accordance with Section 4.16 of the EP&A Act 1979.

In summary, the purpose of this SoEE is to:

- a) Identify and describe the subject site, its context, setting and inherent characteristics.
- b) Describe the proposed development.
- c) Identify the applicable planning framework and legislation, with an assessment of the proposal against the applicable planning controls and guidelines.
- d) Assess the potential impacts on the natural and built environment, together with social and economic impacts of the proposed development.

The proposed development seeks consent for the following:

#### Stage 1

- a) Torrens Title subdivision of the existing one lot into three lots.
- b) Alterations and additions to an existing garage to convert the approved garage to a new dwelling.
- c) Construction of a new shared vehicular driveway and civil drainage works.
- d) Construction of a new parking bay on proposed Lot 9B.

#### Stage 2

Stage 2 will involve the construction of detached-style, split level dwelling house on proposed Lot 3. This will be subject to a separate future Development Application.

This SoEE provides an assessment of the abovementioned development proposal against the relevant matters for consideration as listed under Section 4.15(1) of the EP&A Act 1979. When read in conjunction with the supported information referenced throughout, this SoEE demonstrates that the development is consistent with Section 4.15(1) of the EP&A Act 1979, insofar as the development is consistent with the established / desired future character of the area, is appropriately designed to be contextually responsive and does not result in any unreasonable impacts on the built or natural environments, nor any unreasonable economic or social impacts.

### 1.2 Recommendation

In light of the merits of the proposed development and in the absence of any significance impacts on the natural and built environments, the proposed development is recommended for development consent.

---

## 2.0 INTRODUCTION

### 2.1 Acknowledgement of Country

Edwards Heritage Consultants Pty Ltd (herein referred to as 'EHC Pty Ltd') acknowledges the traditional custodians of the land on which we work and we recognise their continuing connection to land, waters and culture.

We pay our respects to Aboriginal Elders past, present and emerging, for they hold the memories, the traditions, the culture and hopes of Aboriginal peoples across the state.

EHC recognises that a better understanding and respect for Aboriginal cultures develops an enriched appreciation of Australia's cultural heritage and is essential to the maturity of Australia as a nation and fundamental to the development of our collective Australian identity.

### 2.2 Context of the report

EHC has been commissioned by Mick and Eva Wykrota to prepare a Statement of Environmental Effects ('SoEE') to accompany a Development Application ('DA') to Northern Beaches Council ('Council').

The purpose of this SoEE is to:

- a) Identify and describe the subject site, its context, setting and inherent characteristics.
- b) Describe the proposed development.
- c) Identify the applicable planning framework and legislation, with an assessment of the proposal against the applicable planning controls and guidelines.
- d) Assess the potential impacts on the natural and built environment, together with social and economic impacts of the proposed development.

The SoEE has been prepared in accordance with Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), of which the overarching objective and purpose of the report is to provide an assessment against the relevant matters for consideration under Section 4.15 of the EP&A Act 1979, together with Clause 50 of the *Environmental Planning and Assessment Regulation 2021* (EPA Regs 2021). The SoEE provides Council as the Consent Authority, with all relevant information necessary to assess the subject development proposal and to determine the Development Application in accordance with Section 4.16 of the EP&A Act 1979.

The proposed development seeks consent for the following:

#### Stage 1

- a) Torrens Title subdivision of the existing one lot into three lots.
- b) Alterations and additions to an existing garage to convert the approved garage to a new dwelling.
- c) Construction of a new shared vehicular driveway and civil drainage works.
- d) Construction of a new parking bay on proposed Lot 9B.

#### Stage 2

Stage 2 will involve the construction of detached-style, split level dwelling house on proposed Lot 3. This will be subject to a separate future Development Application.

For a full description of the proposed development, refer to Section 4 of this report.

This report should also be read in conjunction with the supporting specialist documentation listed in Section 4 of this report.



## 2.3 Report Structure

This SoEE is structured as follows:

<b>Section 1</b>	<b>Executive Summary</b> – Overview of the purpose, objectives and structure of the SoEE.
<b>Section 2</b>	<b>Introduction</b> – Introduction to the SoEE and proposed development.
<b>Section 3</b>	<b>Site Analysis</b> – Description and analysis of the site characteristics.
<b>Section 4</b>	<b>Relevant Planning History</b> – Overview of any relevant previous statutory approvals, and relevant background information to the proposed development or site history.
<b>Section 5</b>	<b>Description of the Proposed Development</b> – Description of the particulars of the proposed development.
<b>Section 6</b>	<b>Other Approvals, Permits and Licences</b> – Assessment of the proposal's compliance with relevant planning instruments and legislation.
<b>Section 7</b>	<b>Environmental Planning Assessment</b> – Impact assessment and consideration of key planning issues as required by Section 4.15(1) of the <i>EP&amp;A Act 1979</i> .
<b>Section 8</b>	<b>Conclusion</b>

## 2.4 Authorship

This report has been prepared by Michael Edwards B.Env.Plan M.Herit.Cons, M.ICOMOS, JP, Director & Principal Heritage Consultant / Advisor for EHC.

Mr Edwards has over 19 years extensive experience in both the town planning and heritage conservation disciplines and has held previous positions in Local and State Government. Mr Edwards has previously worked with the Heritage Division of the former NSW Office of Environment and Heritage and is currently Heritage Advisor to Cessnock City Council and Georges River Council.

Unless otherwise noted, all contemporary photography in this report is by EHC.

## 2.5 Physical Evidence

A visual examination of the site and the surrounding area was undertaken on 19 October 2022.

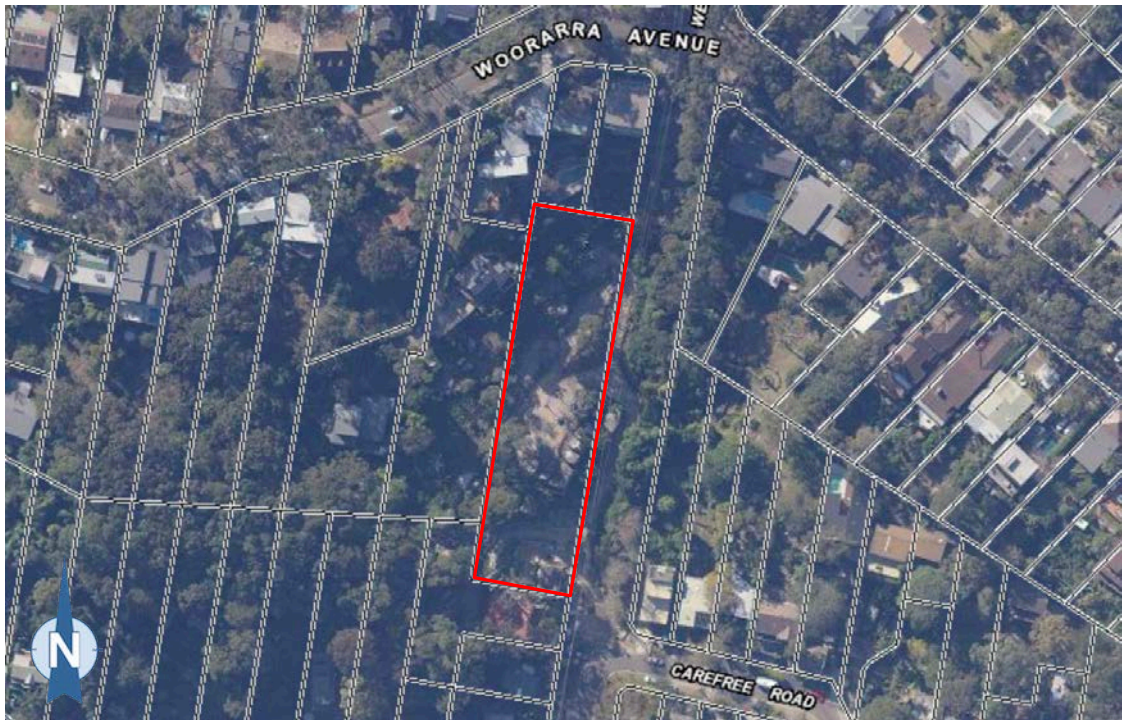
All contemporary photography used in Section 2 of this report was captured by EHC at this time, unless otherwise credited.



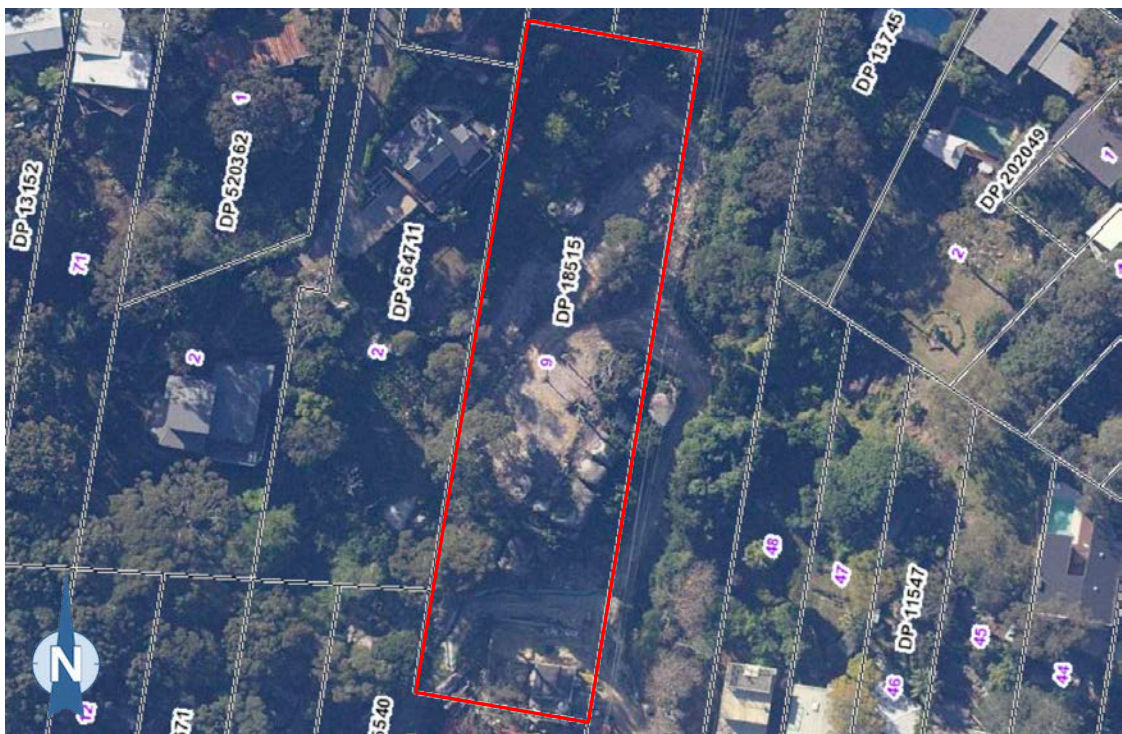
### 3.0 SITE ANALYSIS

#### 3.1 Location and Context

The subject site is situated within the Northern Beaches Council local government area and in the locality of North Narrabeen, which is 25 kilometres north of Sydney city. The subject site comprises Lot 9 in Deposited Plan 18515, commonly known as 14 Mirrool Street, North Narrabeen.



**Figure 1:** Aerial view of the locality. The subject site is denoted by red outline.  
[Source: NSW Land and Property Information, 2023]



**Figure 2:** Aerial view of the subject site (denoted by red outline).  
[Source: NSW Land and Property Information, 2023]



### 3.2 Description of the subject site

The subject site is located on the western side of Mirrool Street, which, in this location, is an unformed road reserve. Mirrool Street extends from Wakehurst Parkway in the south to Woorarra Avenue in the north, yet the formed portion of Mirrool Street terminates just before the southern end of the subject site, where the road turns 90-degrees into Carefree Road.

The unformed section of Mirrool Street then continues northwards towards Woorarra Avenue and comprises an informal driveway that winds sinuously around extant rock outcrops.

More broadly, the site is situated within an established suburban streetscape, which is largely characterised by detached-style residential housing, set within a bushland setting.

The site has a rectangular shape, with the elongated boundary fronting the unformed section of Mirrool Street and therefore having a wider frontage to Mirrool Street than depth. The site has a predominant north-south orientation, with the eastern and western boundaries measuring 30.48m and the northern and southern boundaries measuring approximately 116.98m.

The site comprises an area of 3,565sqm and has an approximate vertical level difference of 39.28m over the length of the property of 120.885m (measured diagonally), equating to an approximate crossfall of 32.49%. The topography of the site is described as steep, with an undulating surface but suddenly drops at the face of the various rock outcrops.



Figure 3: View of the site from Mirrool Street, facing north.

### 3.3 Existing site improvements

Situated on the site is a partially completed dwelling house, which is situated towards the southern and lower side of the site. It comprises a single storey reinforced concrete frame dressed in part in sandstone cladding.



Within the unformed road reserve of Mirrool Street is an informal vehicular driveway, which winds sinuously around the natural landform of rock outcrops.



**Figure 4:** View of the site from Mirrool Street, showing the informal driveway within the unformed road reserve.



**Figure 5:** View of the informal driveway within unformed road reserve of Mirrool Street.



**Figure 6:** View of the partially completed dwelling (right of frame) and the existing adjoining dwelling at No.12 Mirrool Street (left of frame)

### 3.4 Landscape and Setting

The subject site is predominantly unimproved, save for the lower portion of the site where the partially constructed detached-style dwelling is situated.

As described above, the site has an approximate vertical level difference of 39.29m over the length of the property of 120.885m (measured diagonally), equating to an approximate crossfall of 32.49%. The topography of the site is described as steep, with an undulating surface but suddenly drops at the face of the various large rock outcrops, which are mostly centred towards the centre of the site.



The rock outcrops are substantially sized and are prominent natural features that are visible in the broader landscape of the streetscape. The rock outcrops at the centre of the site thus create a near-level platform atop, rising gently towards the northern rear boundary. Much of the residual area of the site has been cleared, with only pockets of extant understorey vegetation remaining, together with three large and one medium-sized eucalyptus trees.

It is noted that two of these trees (Identified as No.3 and No.4 on the tree plan) are approved for removal under a current development consent (DA 336/09) and a portion of their respective root ball has already been removed.

The other extant vegetation appears mostly common weeds and grasses.



**Figure 7:** View of the rock outcrops to the southwest of the site (this adjoins the western boundary of the site).



**Figure 8:** View of the southwestern corner of the site facing southeast.



**Figure 9:** View of the rock outcrops at the centre of the site, facing northeast.





**Figure 10:** View from the top of the rock shelf at the centre of the site facing southeast.



**Figure 11:** View from the top of the rock shelf at the centre of the site facing east.



**Figure 12:** View from the top of the rock shelf at the centre of the site facing north.



**Figure 13:** View from the top of the rock shelf at the centre of the site facing northeast.



**Figure 14:** View from the top of the rock shelf at the centre of the site facing south.



**Figure 15:** View from the top of the rock shelf in the unformed road reserve, facing south.





**Figure 16:** View facing north towards the rear of the site.



**Figure 17:** View from the unformed road reserve facing south.



**Figure 18:** View from the top of the unformed road reserve facing south.



**Figure 19:** View from the unformed road reserve facing west.



**Figure 20:** View from the unformed road reserve facing south.





**Figure 21:** View from the centre of the unformed road reserve facing north.



**Figure 22:** View of the unformed road reserve at the boundary with Mirrool Street.

### 3.5 Surrounding Development and Context

The site is situated within an established suburban streetscape, which is largely characterised by low-density residential housing typology.

Adjoining the site on all four boundaries, are various single and double-storeyed dwelling houses, each with various ancillary structures such as sheds, carports and swimming pools.



**Figure 23:** View from the centre of the unformed road reserve facing north.



**Figure 24:** View of the unformed road reserve at the boundary with Mirrool Street.



---

## 4.0 RELEVANT PLANNING HISTORY

### 4.1 Previous Development Applications

In April 1998, Development Application LC1/0009/98 was submitted to Pittwater Council seeking approval for the Torrens Title subdivision of the existing one (1) lot into five (5) lots. That Development Application was subsequently withdrawn in November 1998. The reasons for the withdrawal of that application are unknown.

In April 1998, a Development Application LA1/0085/98 was then submitted to Pittwater Council seeking approval for the Torrens Title subdivision of one (1) lot into five (5) lots with the construction of a new driveway. That application was refused by Council on 30 July 1998. The reasons for the refusal are unknown.

On 13 October 2000, Development Application N0987/00 was submitted to Pittwater Council seeking approval for the subdivision of the existing one (1) lot into four (4) lots. That application was refused by Council on 18 April 2001. The reasons for refusal are unknown.

On 19 August 2009, Development Application N0336/09 was submitted to Pittwater Council seeking approval for the construction of a new dwelling with detached garage with associated gym and driveway. Development consent was granted by Council on 10 May 2010.

A Construction Certificate (CC0001/13) was issued by a Private Certifying Authority on 20 April 2015 for the construction of a new dwelling with detached garage with associated gym and driveway.

On 7 July 2016, Section 4.55 Modification Application N0336/09/S96/1 was submitted to Pittwater Council seeking approval to modify the approved new dwelling with detached garage and associated gym and driveway. The Modification Application involved the reconfiguration of the approved detached garage and gymnasium to sit perpendicular to the site boundaries, with the overall development remaining substantially the same to which development consent had previously been granted under N0336/09.

Section 4.55 Modification Application N0336/09/S96/1 was approved by Council on 6 September 2016.

On 22 June 2018, Section 4.55 Modification Application Mod2018/0315 was submitted to Northern Beaches Council seeking approval to modify the dwelling with detached garage with associated gym and driveway as approved under Development Application N0336/09. The extent of modifications involved changes to include a new lift access to the garage and construction of a new access driveway and associated drop off area.

That application was refused by Council on 2 July 2019, largely owing to insufficient information.

### 4.2 Pre-Development Application Discussion

A pre-Development Application meeting was held at Northern Beaches Council offices in March 2022.

The proposal as initially submitted for Council's consideration, comprised the Torrens Title subdivision of the existing one (1) lot into three (3) lots, construction of two new dwellings (on Lots 9B and 9C), construction of a new driveway and civil (drainage) works within the unformed road reserve of Mirrool Street.

It is noted that there have been several previous attempts by way of Development Applications to subdivide the site into multiple allotments, each of which have been subsequently refused by Council. The subdivision proposal presented to Council as part of the pre-lodgement meeting involved a 'one lot into three' subdivision, which is a reduction in the previous attempts.

Apart from providing further specialist reports to inform the refinements to and ultimately, support the development proposal, the essence of the proposal has remained unchanged.

A copy of the pre-lodgement minutes are attached (see **Appendix I**) and the following commentary was provided by the Client as an outline summary of the salient matters discussed during the pre-lodgement meeting:

### **SUMMARY**

*We have carefully reviewed the Pre-lodgement Meeting Notes and recommendations and substantially amended the design of the subdivision to overcome any concerns and issues that have been raised.*

*We approached experts local to the Northern Beaches (such as Geraldene Dallby-Ball, of Ecological Consultants Australia Pty Ltd, Murray Powell of Optimal Stormwater and Crozier Geotechnical Consultants) who know the area very well and have been able to provide guidance and advice how to resolve the potential concerns.*

*The concerns raised in the Pre-lodgement Meeting:*

#### **1. Use of Road Reserve**

*The applicant investigated all reasonable design alternatives to limit the reliance upon use of the road reserve and significantly modified the proposal by shortening the length of the access way by 1/3 approximately and demonstrating that future access to the potential dwelling on Lot 3 could be achieved over the Lot 3 land (see Proposed Driveway Construction plans by Henry & Hymas Consulting Engineers revision B and C).*

*In addition the proposed development would have significant positive environmental effects on of the Road Reserve:*

- a) The area that is currently densely overgrown by weeds such as Lantana, Privet, Bamboo etc (see Flora and Fauna Assessment) would be cleared of weeds and landscaped by the applicant as proposed in the Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest, prepared by Ecological Consultants Australia Pty Ltd TA.*
- b) The drainage system proposed by this application will considerably improve the efficiency of stormwater control that currently exists on the Road Reserve. (The NB Council also uses Murray Powell of Optimal Stormwater (who prepared our Stormwater Management Plan) as the consultant for their hydraulic projects).*
- c) The proposed driveway will provide a convenient vehicular and pedestrian access way to the residence (situated within the proposed Lot 2) currently under construction (DA 336/09) making it accessible for people with disabilities, older people and families with small children who otherwise would not be able to negotiate the 70 or so steps featured in the existing plans as the only access to the building.*

#### **2. Gradient of land and subdivision design**

*Close B2.2 Subdivision PDCP - Low Density Areas:*

- A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).

The applicant has substantially modified the size and shape of the lots to alleviate potential concerns related to gradient of the land and to demonstrate that variation to the control regarding site gradient could be supported.

The proposed subdivision pattern has been changed from fairly "typical" rectangular shaped allotments to much larger, irregularly shaped blocks with boundaries that follow the natural configuration of the land.

Lot 1 (9A) - 1100.18 m<sup>2</sup> - located at the south end of the site has a boundary that follows the high rock outcrop that borders it to the north.

The gradient for the "usable" portion of this lot (excluding the rock outcrop) is 29.66% (see the Site Analysis Plan for calculation details), however there already is an active development consent upon the land for a garage/gymnasium building currently under construction and the proposal is to convert that building into a new dwelling by upper story modifications and addition of one story to the back of the structure.

Only the footprint of the existing building is to be used, no additional excavation would be required.

Lot 2 (9B) – the middle block (1295.00m<sup>2</sup>) is also irregular in shape as its south boundary follows the same rock outcrop as Lot 1 and its north boundary is shaped to allow for vehicular access to lot 3 minimising the use of the road reserve.

Gradient for lot 2 = 28.75%

This lot already has an active development consent upon the land for a dwelling DA 336/09 currently under construction.

Lot 3 (9C) – north end block 1169.82 m<sup>2</sup>

Gradient for lot 3 = 34.68% which is higher than the recommended 30% however listed below are the solutions demonstrating how this development proposal overcame the possible concerns:

- a) **Landslip risk** - the Report by Crozier Geotechnical Consultants states that ".....based on the nature of the proposal the site is suitable for subdivision/driveway developments."
- b) **Difficulties for vehicular and pedestrian access as well as service and construction vehicles** - the proposed Driveway Plan by Henry & Hymas proposes an access road between 4 and 6 m wide that would provide a convenient pedestrian and vehicular access to all three allotments.
- c) **Increased susceptibility with regards to overshadowing and privacy** - the Site Analysis Plan that includes Overshadowing diagrams demonstrated that due to the distance from and the considerably higher ground level of the neighbouring properties the proposed development would not have any impact on the neighbours.

- d) **Impact on natural topography including rock outcrops and excavation** - the proposed development does not affect any rock outcrops in fact they are to serve as the prominent features of the site. There is very little excavation proposed for the dwelling on lot 3 (dwellings on lots 1 and 2 are active current DAs) and only limited excavation (to the maximum of 1 m deep) is proposed for the driveway, the earthworks are to provide a uniformed sub grade, rather than representing vertical cuts potentially requiring future support. (See Geotechnical Report).
- e) **Likelihood of high levels of excavation or three storey building form, contrary to the desired future character of the area which is to maintain two storey buildings integrated into the landform and landscape:**

Lot 1 has an existing building under construction (DA 336/09/S96/1) the proposed alterations and additions do not include any additional excavation and the additions will bring the building to the maximum of two storey construction. The proposed alterations and additions comply with the LEP and DCP built form controls.

Lot 2 has an active DA336/09 under construction that remains unchanged. It also complies with the LED and DCP controls.

Lot 3 Concept dwelling is designed over five levels that follow the slope of the land and comfortably fit under the 8.5m height controls, in fact considerable portion of the house (53.4% of the footprint) is single story to blend with the surrounding landscape.

No part of this house (or any other of proposed dwellings) has more than two stories at any point of the building.

As demonstrated by the Excavation Cut and Fill Plan the house structure itself requires minimal excavation (a total of 12.36 m<sup>3</sup>), deepest being 1.2 m or less, however a bit more excavation would be required for the storage room under the house (18.1 m<sup>3</sup>), however this still would be within a lower range for this kind of topography.

The deepest point of the Storeroom excavation would be approximately 1.7m in the north/west corner, however this is reduced to 0.5m in the south/west corner and to 0.7m approximately in the north/east corner.

The maximum depth of the fill would be less than 1.5m deep and only material excavated on site will be used, meaning that cut and fill will be equal, the rest would be suspended floors.

The proposed concept plans comply with the LEP and DCP built form controls, as well as limiting excavation.

#### 4.3 Background to this Development Application

On 29 September 2023, Development Application DA2023/1417 was submitted to Northern Beaches Council via the NSW Planning Portal.

DA2023/1417 sought approval for the Torrens Title subdivision of the existing one lot into three lots, together with the alterations and additions to an existing garage to convert the approved garage to a new dwelling (on proposed Lot 9A), construction of a new dwelling (on proposed Lot 9C) and construction

of a new shared vehicular driveway and civil drainage works, together with a new parking bay (on proposed Lot 9B).

On 5 October 2023, Council requested additional information, however owing to the delays experienced in procuring the required additional information, DA2023/1417 was returned via the NSW Planning Portal.

Consequently, the proposal was revised to incorporate the required additional information, addressing the issues raised by Council during their preliminary review of the Development Application. The overall quantum of the proposal as submitted per DA2023/1417 remained substantially the same, excepting that the proposal had been amended to stage the development works (refer to Section 5.0 for a detailed description of the proposal).

On 13 December 2023, a revised Development Application DA2023/1770 was submitted to Northern Beaches Council, seeking approval for the 'Subdivision of one lot into three and construction of a dwelling house'.

Development Application DA2023/1770 was placed on public exhibition from 20 December 2023 until 25 January 2024 and the assessment of the application proceeded, involving numerous internal referrals to various Council departments, generating requests for additional information. The additional information related to engineering design details, waste management and tree management.

On 24 March 2025, Council advised of two final outstanding referral responses from the Water Management and Landscape departments – both of which were unsupportive of the development proposal. Council was unwilling to await the submission of amended or additional documentation, requesting that the Development Application was withdrawn, otherwise the Development Application would be refused.

Consequently, Development Application DA2023/1770 was withdrawn on 3 April 2025.

This re-submission of the Development Application involves substantially the same development, accompanied by additional information to resolve stormwater management issues.

## 5.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

### 5.1 Overview of the Proposed Development

The Development Application seeks consent for the 'Stage 1' works involving Torrens Title subdivision of the existing one (1) lot into three (3) lots, together with alterations and additions to the existing garage / gymnasium that is presently under construction (per DA 336/09/s96/1) and conversion into a separate dwelling house with internal changes to the layout and introduction of a first-floor addition atop of the existing structure.

A new access driveway will be constructed within the unformed road reserve of Mirrool Street, together with civil drainage works and landscaping works.

'Stage 2' works will be subject to a separate and future Development Application and involve the construction of a new dwelling. Indicative building footprint plans are included as part of 'Stage 1' for the benefit of demonstrating that the proposed Lot 9C is capable of accommodating future orderly development.

### 5.2 Plans and Drawings Referenced

This SoEE provides a numerical compliance and merit-based assessment of the planning controls and issues associated with the development proposal as shown on the plans and drawings referenced in Table 1 below (see **Appendix A**):

TABLE 1 – Plans and Drawings Referenced				
Drawing No	Revision	Title	Dated	Prepared By
Subdivision Plans				
001B	A3	Proposed Lot 1 (9A), Lot 2 (9B), Lot 3 (9C) Site Plan	31/05/2025	Bo Piotrowski
001B	A16A	Site Subdivision Plan – Lot 9 Part A	02/06/2025	
001B	A14A	Site Subdivision Plan – Lot 9 Part B		
28597B	-	Plan of Subdivision of Lot 9 in DP 18515	30/08/2024	Adam Clerke Surveyors Pty Ltd
Site Analysis Plans				
001B	A2	Site Analysis Diagram – Lot 1 (9A) Part A	02/06/2025	Bo Piotrowski
001B	A1	Site Analysis Diagram – Lot 3 (9C) Part B		
Driveway and Road Civil Plans				
21P54_DA_C000	01	Cover Sheet	28/10/2024	Henry & Hymas
21P54_DA_C010		Notes		
21P54_DA_C101		Detail Plan Sheet 1 of 2		
21P54_DA_C102		Detail Plan Sheet 1 of 2		
21P54_DA_C110		Kerb Details and Typical Section		
21P54_DA_C150		Driveway Sections 1 of 2		
21P54_DA_C151		Driveway Sections 1 of 2		
21P54_DA_BE01		Bulk Earthworks Cut and Fill Plan		
21P54_DA_C310		Retaining Wall Type Details		
21P54_DA_C311		Crash Barrier Details		
21P54_DA_C501		Pavement Plan Sheet 1 of 2		
21P54_DA_C502		Pavement Plan Sheet 2 of 2		

21P54_DA_C510		Pavement Details		
21P54_DA_C600		Vehicle Turning Paths		
Stormwater Plans				
21P54_SK_C122	02	Stormwater Masterplan (Bioretention System)	April 2025	Optimal Stormwater
21P54_SK_C123	03	Waste Management Plan	June 2025	
21P54_SK_C210		Typical Overland Flow Path		
21P54_SK_C220		Longitudinal Section 1 of 2	April 2025	
21P54_SK_C221		Longitudinal Section 2 of 2		
21P54_SK_C222	01	Schematic Diagram of Proposed Treatment Train		
21P54_SK_C223		Bioretention System Cross-Section (Typical)		
Sheet 1 of 1	A	Sewerage Water Mains	27/09/2024	Sydney Water
21P54_SK_S E01	02	Sediment and Erosion Control	May 2023	Optimal Stormwater
21P54_SK_S E02		Sediment and Erosion Control		
Survey Plans				
28597 1 of 2	-	Details and Levels over Lot 9 in DP18515 and Part of Lot 1 in DP 815540	17/06/2022	Adam Clerke Surveyors Pty Ltd
28597 2 of 2		Details and Levels over Lot 9 in DP18515 and Part of Lot 1 in DP 815540		
Architectural Plans – Lot 1 (9A)				
001SP	A3	Proposed Lot 1 (9A), Lot 2 (9B), Lot 3 (9C) Site Plan	31/05/2025	Bo Piotrowski
001SD	A	Winter Shadow Diagram 22 <sup>nd</sup> June 9am	18/04/2023	
002SD		Winter Shadow Diagram 22 <sup>nd</sup> June 12 noon		
003SD		Winter Shadow Diagram 22 <sup>nd</sup> June 3pm		
001A	A4	Existing Lower Ground Floor Plan	27/04/2023	
002A		Proposed Upper Ground Floor Plan		
003A	A5	Proposed Top Floor Plan	04/09/2024	
004A		Proposed Roof Plan		
005A	A5	Proposed Section A-A	29/04/2023	
006A	A7	Proposed Front (East) Elevation	04/09/2024	
007A		Proposed Side (South) Elevation		
008A	A5	Proposed Side (North) Elevation	29/04/2023	
009A	A3	Proposed Rear (West) Elevation	20/04/2023	
001FS	A1	Proposed Front (East) Elevation Alterations Finishes Schedule		
Conceptual Architectural Plans – Lot 3 (9C)				
001VA	A	Viewlines projection diagram – plan	06/06/2024	Bo Piotrowski
001VA		Viewlines projection diagram – Elevation view		
001B	A3	Conceptual Lot 3 site plan	31/05/2024	
Landscape Plans				
597-L3	B	Landscape Planting Plan	06/11/2024	Impact Planners Pty Ltd

### 5.3 Supporting Documentation

The Development Application, together with this SoEE, is supported by a series of specialist reports and plans, listed in Table below:

TABLE 2 – Supporting Documentation			
Appendix	Title	Dated	Prepared By
B	BASIX Certificate Nos.1796925S	25/05/2025	BDMM Pty Ltd
C	Arboricultural Impact Assessment Report – 14 Mirrool Street, North Narrabeen	01/04/2023	Hugh The Arborist



D	Addendum to Arboricultural Impact Assessment Report – 14 Mirrool Street, North Narrabeen	01/04/2024	Hugh The Arborist
E	Flora and Fauna Impact Assessment – 14 Mirrool Street, North Narrabeen	May 2023	Kingfisher Urban Ecology and Wetlands
F	Geotechnical Report – 14 Mirrool Street, North Narrabeen	20/11/2023	Crozier Geotechnical Consultants
G	Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest – 14 Mirrool Street, North Narrabeen	May 2023	Kingfisher Urban Ecology and Wetlands
H	Stormwater Management Plan – 14 Mirrool Street, North Narrabeen	30/05/2025	Optimal Stormwater Pty Ltd
I	Hydraulic Analysis – 14 Mirrool Street, North Narrabeen	28/10/2024	Optimal Stormwater Pty Ltd
J	Traffic and Parking Assessment – 14 Mirrool Street, North Narrabeen	April 2023	Transport and Traffic Planning Associates
K	Pre-lodgement notes – 14 Mirrool Street, North Narrabeen	March 2022	Northern Beaches Council
L	Breakdown of Costs of Works – 14 Mirrool Street, North Narrabeen	November 2023	Mick Wykrota
M	Waste Management Plan – 14 Mirrool Street, North Narrabeen	12/10/2023	Mick Wykrota
N	Applicant's response to submission issues	Undated	Bo Piotrowski Architect

## 5.4 Subdivision

The proposal involves the Torrens Title subdivision of the existing one (1) lot into three (3) lots, with the proposed three lots being of near-equal size, excepting the middle allotment which will be slightly larger.

The proposed subdivision configuration is relatively conventional, with predominantly rectangular shaped allotments to be created, though incorporating some irregularly shaped boundaries to follow the natural landform whereby allowing for the protection of extant significant natural features of the site.

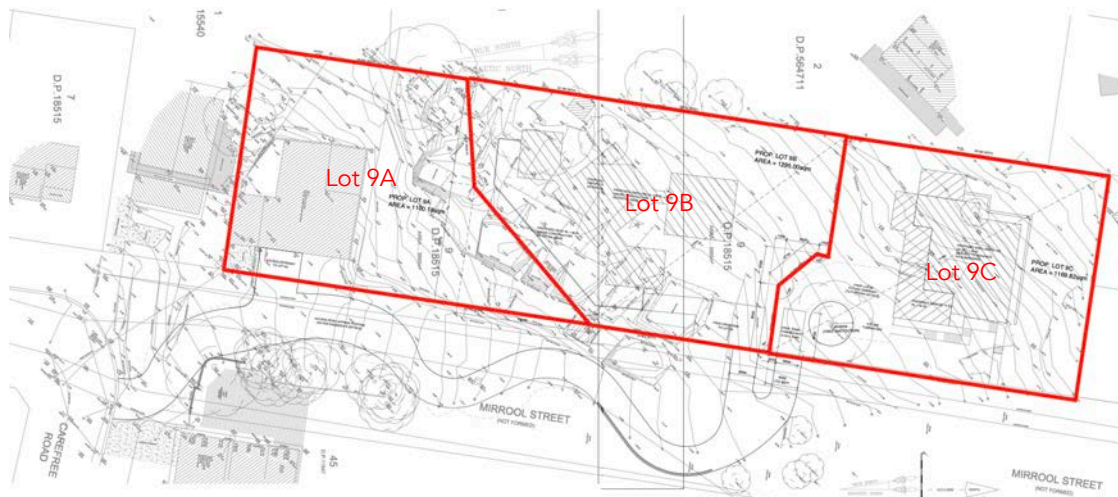
The proposed subdivision design has been prepared by Bo Piotrowski Architect and is shown on the plans at **Appendix A**.

The proposed allotments will have the following characteristics:

TABLE 3 – Subdivision lot size compliance		
Proposed Lot:	Proposed lot size:	Comments:
Lot 9A	1,100.18sqm	This lot will be situated towards the lower eastern end of the site and will contain the existing detached garage structure (as approved under DA 336/09/s96/1).  This proposal also involves the conversion of this extant structure into a separate dwelling house, with proposed internal changes to the layout and introduction of a first floor addition atop.
Lot 9B	1,295.00sqm	This lot will be situated towards the centre of the site and will contain the previously approved dwelling house (as approved under DA 336/09).  There are no changes proposed to the approved dwelling footprint or design, however, a new hardstand carparking space will be constructed.
Lot 9C	1,169.82sqm	This lot will be situated towards the higher northern end of the site and will contain a dwelling house as proposed under this application and as described further below.

All three allotments have been designed and oriented based principally on the inherent site characteristics and are afforded direct frontage to Mirrool Street. Though this section of Mirrool Street is unformed, it is proposed to construct a new vehicular driveway within the road reserve so that each of the three allotments are afforded direct and reasonable street frontage and access. The design of the allotments will allow adequate solar orientation, protection of the natural landform and retention of significant landscape features and to take advantage of the near and distant lake and ocean views to the south and southeast. Refer to further discussion below.

In addition, all allotments will permit the accommodation of dwelling houses that are capable of being developed in an orderly manner and achieving compliance with the relevant development controls of the LEP and DCP.

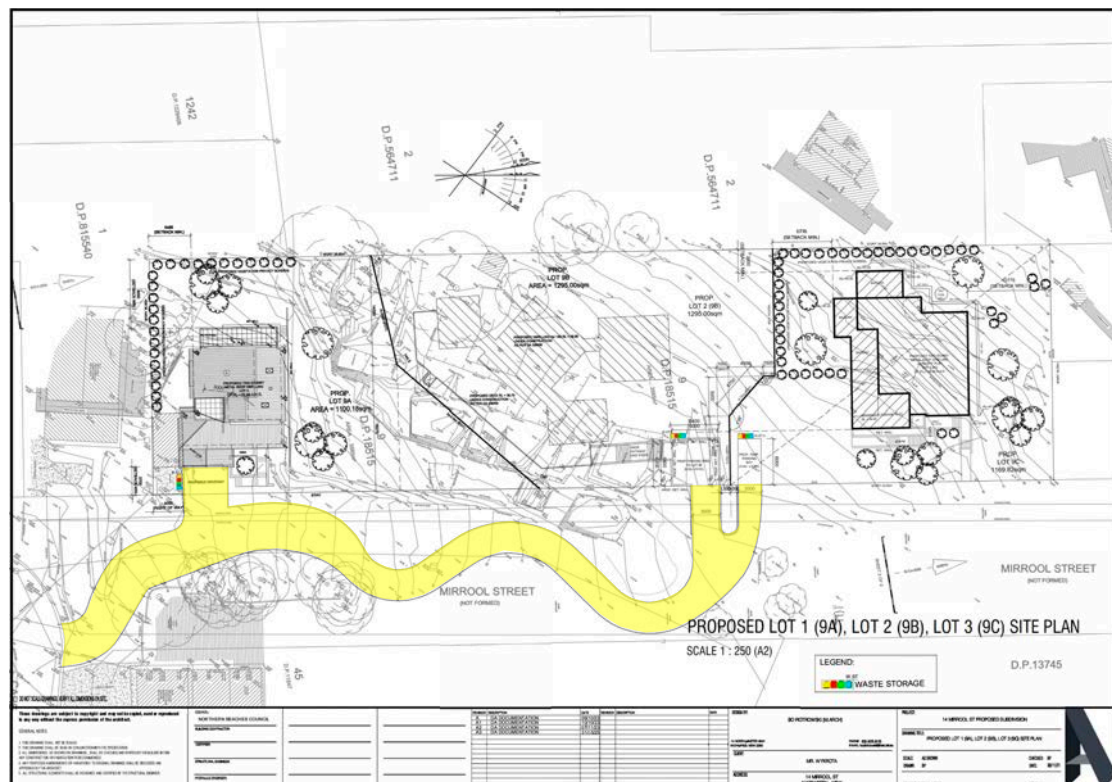


**Figure 25:** Plan showing the proposed subdivision. Note: the two vertical lines shown at the centre of the image are the borders of the survey plan as shown on the electronic PDF document. They are not indicative of any easements or the like.  
[Source: Bo Piotrowski Architect, with EHC overlay]

## 5.5 Services and Infrastructure

Vehicular access is to be provided via a new formal driveway built within the unformed road reserve that immediately adjoins the site.

The new vehicular driveway will connect to Mirrool Street with a new layback and crossover, with the driveway then winding sinuously up the site to provide an acceptable trafficable gradient and direct vehicular access to each of the three allotments.



**Figure 26:** Plan showing the proposed vehicular driveway (shaded in yellow) within the unformed road reserve of Mirrool Street.  
[Source: Bo Piotrowski Architect, with EHC overlay]

## 5.6 Dwelling houses

The proposal involves the creation of a dwelling on Lots 9A and 9B.

On proposed Lot 9A, it is proposed to retain the existing detached garage / gymnasium which was approved under DA336/09 (and subsequently modified by DA336/09/S96/1), with conversion of the structure to a detached style dwelling house.

The proposed conversion to a dwelling house will be achieved by internal alterations and a new first floor addition.

Proposed Lot 9B will contain the detached-style dwelling house which was previously approved by the former Pittwater Council per Development Consent DA336/09. There are no physical changes proposed to the approved footprint or silhouette of the dwelling, maintaining the existing quantum of that development consent.

On proposed Lot 9C, an indicative building footprint is provided to demonstrate that the site is capable of accommodating future orderly development, with the construction of a dwelling house on this lot forming 'Stage 2' and being subject to a separate future Development Application. Additionally, in response to submissions received during the public notification period of the previous DA, in which concerns were raised by a neighbour over the view loss from any future dwelling on proposed Lot 9C, a series of view diagrams have been prepared (see **Appendix A**), which demonstrate that the finished height of a numerically compliant dwelling house (based on the principal development standards applicable to the site) would allow for the continuation of long-distant view corridors over the subject site, with no anticipated obscuration to significant views from neighbouring properties.

## 5.7 Tree removal

The proposal involves the removal of sixteen (16) trees and shrubs from the site to accommodate the proposed dwelling and vehicular driveway. All trees have been assessed within the Arboricultural Impact Assessment Report (see **Appendix C**) as having low retention value.

## 5.8 Snapshot of the Proposed Development

The key elements of the proposed development are described in Table 4 below:

TABLE 4 – Development Statistics		
Element	Element	Proposal
Site elements	Lot size	Existing – 3,565sqm
	Zoning	C4 Environmental Living
Principal Development Standards	Floor Space Ratio	Not applicable
	Maximum Height of Buildings	8.5m permissible. Proposed Lot 9A – 8.5m maximum Proposed Lot 9B – No change to approved building height Proposed Lot 9C – No dwelling proposed
	Minimum Lot Size	550sqm minimum Proposed Lot 9A – 1,100.18sqm Proposed Lot 9B – 1,295.00sqm Proposed Lot 9C – 1,169.82sqm
Development Statistics	Building Description	Detached style
	Number of Storeys	Proposed Lot 9A – 2 storeys Proposed Lot 9B – No change to approved single storey Proposed Lot 9C – No dwelling proposed

---

## 5.9 Intended Urban Design Outcomes

The intended urban design outcomes from the proposed development are as follows:

- To facilitate the orderly development of the site, by creating three (3) new allotments which will accommodate a single occupancy residential dwelling house on each lot, whereby reinforcing the established low-density residential housing character of the surrounding locality and streetscapes (the dwelling on proposed Lot 9C will be subject to a separate future Development Application).
- To protect the scenic quality of the landscape and natural landform.
- To enhance stormwater management and reduce soil erosion through improved stormwater drainage and ground stabilisation.
- To enhance the sensory appeal and quality of the natural landscape through the removal of invasive weed vegetation within the unformed road reserve.
- To deliver a contemporary style development that strives for high-amenity and embraces principles of passive solar design and water and energy efficiency.
- To ensure an interesting built form that responds to Council's strategic vision for development of the locality including the anticipated scale and character of new buildings, whereby responding positively to the desired future character of the locality.
- To improve amenity for residents through articulation of the built form to increase solar access and visual and aural privacy.

This section of the page has been intentionally left blank.

---

## 6.0 OTHER APPROVALS, PERMITS AND LICENCES

### 6.1 Introduction

Some development proposals require additional approvals, consents, licenses, permits or permissions from various Commonwealth and State governmental departments, pursuant to legislation other than the *EP&A Act 1979*.

In several cases, these requirements trigger the 'Integrated Development' provisions of Part 4 Division 5 of the *EP&A Act 1979*.

This section outlines legislation relevant to the proposed development, including the approvals, consents, licences, permits or permissions, which may need to be sought concurrently with the subject Development Application.

### 6.2 Commonwealth Legislation

#### 6.2.1 Environment Protection and Biodiversity Conservation Act 1999

Part 3 Division 1 Subdivision C of the *Environment Protection and Biodiversity Conservation Act 1999* (*EPBC Act 1999*) provides, amongst other things, that a person must not take an action that has, will have, or is likely to have a significant impact on:

- a listed threatened species included in the extinct in the wild, critically endangered, endangered or vulnerable categories; or
- a listed threatened ecological community included in the critically endangered or endangered categories,

unless a 'controlled action approval' has been granted under Part 9 Section 133 of the *EPBC Act 1999*. The Commonwealth Minister for Sustainability, Environment, Water, Population and Communities is responsible for the decision on such an approval.

Pursuant to section 45 of the *EPBC Act 1999*, a bi-lateral agreement has been signed between the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and the NSW Office of Environment and Heritage (OEH), which authorises the OEH to undertake the environmental assessment required pursuant to the *EPBC Act 1999* and to furnish the Commonwealth Minister with an assessment report which may recommend whether or not approval should be granted and conditions that may be imposed on such an approval. The Commonwealth Minister is responsible for the final decision.

A Flora and Fauna Impact Assessment (see **Appendix D**) has been prepared for the subject site and proposed development to assess potential direct and indirect impacts on any threatened species, populations, and communities as per section 5A of the *Environmental Planning & Assessment Act 1979* (*EP&A Act 1979*).

The Flora and Fauna Impact Assessment demonstrates the suitability of the site for the proposed subdivision and residential development, and demonstrates that the proposal will not have any unacceptable impacts on flora and fauna whereby a 'controlled action approval' under the *EPBC Act 1999* is not required in this instance.

---

## 7.0 ENVIRONMENTAL PLANNING ASSESSMENT

### 7.1 Overview

The relevant statutory planning framework considered in the preparation of this SoEE includes:

- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning and Assessment Regulation 2021.*
- *State Environmental Planning Policy (Building Sustainability Index) 2004.*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- *Pittwater Local Environmental Plan 2014.*
- *Pittwater 21 Development Control Plan.*

The relevant provisions of the abovementioned statutory legislation, environmental planning instruments and development control plans are summarized and addressed as follows:

### 7.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) is the principal planning and development legislation in New South Wales.

Section 1.3 of the *EP&A Act 1979* sets out the overarching objectives of the Act, which are to:

- a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) *to promote the orderly and economic use and development of land,*
- d) *to promote the delivery and maintenance of affordable housing,*
- e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g) *to promote good design and amenity of the built environment,*
- h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j) *to provide increased opportunity for community participation in environmental planning and assessment.*

Section 4.15 of the *EP&A Act 1979* establishes the relevant matters for consideration, which are addressed in the proceeding sections of the SoEE.

### 7.3 Environmental Planning Instruments

Section 4.15 of the *EP&A Act 1979* requires consideration to be given to the provisions of any environmental planning instruments.

Consideration against the provisions of the environmental planning instruments both relevant and applicable to the site and development proposal are as follows:



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

*State Environmental Planning Policy – (Resilience and Hazards) 2021* ('the SEPP') contains provisions that relate to the remediation of contaminated land and seek to provide a state-wide approach to the remediation of contaminated land.

The provisions of Chapter 4 of the SEPP prescribe that Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A visual inspection of the site and desktop study demonstrate that the site has remained substantially unimproved, excepting the partially constructed detached garage / gymnasium structure which was erected c2015. There is no evidence of previous use or occupation that suggest of any previous or current site contamination and further investigation and assessment is not required.

Accordingly, the site is considered suitable for the proposed development and the development satisfies the applicable provisions of the SEPP.

### 7.3.2 State Environmental Planning Policy (Building Sustainability Index) 2004

*State Environmental Planning Policy – Building Sustainability Index (BASIX)* ('the SEPP') aims to deliver equitable, effective water and greenhouse gas reductions across the state.

The SEPP requires, inter-alia, incorporation of cost effective and practical measures to be implemented within new building and alterations and additions to existing buildings, which achieve set targets for reducing potable water consumption and greenhouse gas emissions, together with improving thermal comfort and performance of a building.

The BASIX Certificate (see **Appendix B**) demonstrates that the proposed dwelling on Lot 9A incorporates sufficient features to achieve the required targets, satisfying the relevant provisions of the SEPP.

### 7.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

*State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('the SEPP') contains provisions that seek to ensure the protection and management of places of ecological and natural importance to the State.

The SEPP comprises a series of focus areas, including the protection and management of vegetation in non-rural areas (Chapter 2), koala habitat protection (Chapter 4), bushland in urban areas (Chapter 6), Hawkesbury-Nepean River (Chapter 9), Sydney Harbour Catchment (Chapter 10), foreshores and waterways areas (Chapter 11).

The chapters of the SEPP relevant to the subject site are identified and considered in the ensuing assessment.

#### a) *Vegetation in Non-Rural Areas*

The provisions of Chapter 2 of the SEPP applies to the non-rural areas of the State, inclusive of the subject local government area and aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and also to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal involves the removal of sixteen (16) trees and shrubs from the site to accommodate the proposed dwelling and vehicular driveway. An Arboricultural Impact Assessment Report has been prepared (see **Appendix C**), which provides an assessment of the proposed development.



The proposal involves the removal of sixteen (16) trees and shrubs, all of which have been assessed in the Aboricultural Impact Assessment Report as having low retention value and justifies the extent of tree removal proposed.

#### 7.3.4 Pittwater Local Environmental Plan 2014

The *Pittwater Local Environmental Plan 2014* (*Pittwater LEP 2014*) applies to the subject site.

This section of the SoEE provides an assessment against the provisions of the *Pittwater LEP 2014* that are relevant to the proposed development:

i) *Part 2 – Permitted or Prohibited Development*

a) *Zoning*

Pursuant to clause 2.2 of the *Pittwater LEP 2014*, the subject site is zoned as C4 Environmental Living.

The objectives of the C4 Environmental Living zone are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

b) *Permissibility of the development and land use*

The development proposal involves three key elements:

1. The alterations and additions to the existing detached garage / gymnasium structure (which was approved in 2015 ancillary to the approved dwelling house) and its subsequent conversion to a dwelling house.
2. The construction of a new detached style dwelling house.
3. Torrens Title subdivision of the existing one (1) lot into three (3) lots.

In relation to points 1 and 2 above, a 'dwelling house' is identified as a permissible land use within the C4 Environmental Living zone.

In relation to point 3, clause 2.6 of the LEP stipulates that land may be subdivided, subject to development consent, the permissibility of which is addressed in more detail below.

Consequently, the proposed development is identified as a permissible land use activity within the C4 Environmental Living zone.

ii) *Part 4 – Principal Development Standards*

a) *Minimum subdivision lot size*

Clause 4.1 of the LEP specifies that the size of any lot resulting from a subdivision of land is not to be less than the minimum size shown on the Lot Size Map.

The Lot Size Map specifies a minimum lot size of 550sqm for the subject site.

The proposed subdivision results in the creation of three (3) allotments, with the resulting lot sizes shown in Table 5 below:

TABLE 5 – Subdivision lot size compliance		
Proposed Lot:	Proposed lot size:	Compliance:
9A	1,100.18sqm	Complies
9B	1,295.00sqm	Complies
9C	1,169.82sqm	Complies

b) *Height of Buildings*

Clause 4.3 of the LEP specifies that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height of Buildings Map specifies a maximum building height of 8.5m for the subject site, with the compliance of the proposed dwellings shown in Table 6 below:

TABLE 6 – Height of buildings compliance		
Proposed Lot:	Proposed maximum height:	Compliance:
9A	8.5m	Complies
9B	No change to existing	Complies
9C	None proposed under Stage 1	Capable of future compliance

c) *Floor Space Ratio*

Clause 4.4 of the LEP specifies that the maximum floor space ratio for any building on any land is not to exceed the Floor Space Ratio (FSR) shown for the land on the Floor Space Ratio Map.

The Floor Space Ratio Map does not prescribe any minimum or maximum FSR applicable to the subject site.

iii) *Part 5 – Miscellaneous Provisions*

a) *Public Bushland*

Clause 5.23 of the LEP aims to protect and ensure the ecological viability of public bushland, including rehabilitated areas in urban areas,

The provisions of clause 5.23 prescribed that development consent is required for any works that will disturb or are reasonably likely to disturb public bushland.

The subject site contains some existing remnant bushland; however this is situated on private land and is not defined as 'public bushland'.

The proposed access driveway which is to be situated within the unformed road reserve of Mirrool Street, contains some existing vegetation, some of which is proposed to be removed to accommodate the new access driveway.

An Arboricultural Impact Assessment Report (see **Appendix C**) and a Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest (see **Appendix G**) demonstrate the suitability of the proposed tree removal as part of this application. The Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest (see **Appendix G**) establishes a series of recommendations to guide new landscaping works to be undertaken for areas being disturbed by the proposed development, including the driveway within the unformed road reserve.

A site-specific landscape plan (see **Appendix A**) has also been developed, which identifies the proposed landscaping works within the allotments and shared access handle, designed to enhance the local visual and scenic amenity and ecological value and quality of the natural environment.

iv) *Part 7 – Additional Local Provisions*

a) *Acid Sulfate Soils*

Clause 7.1 of the LEP seeks to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is shown on the Acid Sulfate Soils Map as being within Class 5 acid sulfate soils.

The provisions of clause 7.1 prescribe that development consent must not be granted for the carrying out of certain works, unless an acid sulfate soils management plan has been prepared for those works in accordance with the *Acid Sulfate Soils Manual* and that plan has been provided to the Consent Authority.

Development consent is not required however, for the carrying out of these works pursuant to this clause, as the works are sited above 5m Australian Height Datum and are not likely to lower the water table on the adjacent Class 2 & 3 land. On this basis, an acid sulfate soils management plan is not considered required in this instance.

i) *Earthworks*

Clause 7.2 of the LEP seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed excavation works will not disrupt or detrimentally affect drainage patterns and soil stability in the locality, with the proposal involving minimal excavation and ground disturbances. An Excavation Cut and Fill Plan and Bulk Earthworks Cut and Fill Plan (see **Appendix A**) demonstrates the extent of proposed changes to the natural landform.

Any excavated material is understood to be virgin material and unlikely to be contaminated given the long-standing undeveloped use and occupation of the site. It is anticipated that the imposition of standard conditions of consent will adequately address the discovery of unexpected contamination during works and disposal of excavated material.

Where earthworks are within or adjacent to the zone of influence of neighbouring structures, specific excavation and earth retention methods will be implemented to ensure the structural integrity of adjacent buildings is not compromised.

It is considered unlikely that the site contains relics or any items of historic significance. However, it is anticipated that the imposition of conditions of consent would ensure that in the unlikely event that any such items be encountered during site preparation works, excavation will cease immediately and the appropriate government authority will be notified.

The subject site is not located adjacent to any waterways or other environmentally sensitive areas. In any event, appropriate sediment and erosion controls will be installed and maintained for the duration of the demolition, excavation and construction phases to ensure there is no risk of sediment laden water leaving the site.

Excavation techniques which focus on minimising disturbance resulting from noise and vibration transmission will be implemented.

In summary, the proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, whereby satisfying the requirements of this clause.

b) *Biodiversity*

Clause 7.6 of the LEP applies to all land identified on the 'Biodiversity Map' accompanying the LEP and seeks to maintain terrestrial, riparian and aquatic biodiversity by protecting native flora and fauna, the ecological process necessary for their continued existence and encouraging the conservation and recovery of native flora and fauna and their habitats.

The subject site is identified as being within the mapped areas of biodiversity on the Biodiversity Map, consequently the provisions of clause 7.6 apply.

The proposed development involves the removal of existing vegetation, which will be offset by proposed revegetation particularly within the unformed road corridor. An Aboriginal Impact Assessment Report (see **Appendix C**) demonstrates that the sixteen (16) trees proposed for removal are each of low retention value and 9 of the 16 trees are recommended for removal irrespective of this proposed development.

Similarly, the Flora and Fauna Impact Assessment (see **Appendix E**) demonstrates that the proposed development will not result in any unacceptable ecological impacts and sets in place a series of recommendations to manage the biodiversity of the site and immediate locality.

Additionally, the Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest (see **Appendix G**) establishes a series of recommendations to guide new landscaping works to be undertaken for areas being disturbed by the proposed development, including the driveway within the unformed road reserve. The removal of weed vegetation and revegetation of the unformed road corridor with select local native species, will substantially improve the biodiversity and ecological values of the site and streetscape.

c) *Geotechnical Hazards*

Clause 7.7 of the LEP applies to land identified as 'Geotechnical Hazard H1' and 'Geotechnical Hazard H2' on the 'Geotechnical Hazard Map' accompanying the LEP.

The provisions of clause 7.7 seek to ensure that development on land susceptible to geotechnical hazards matches the underlying geotechnical conditions of the land, is restricted on unsuitable land and, ultimately, does not endanger life or property.

The subject site is identified as being situated within the 'Geotechnical Hazard H1' zone on the 'Geotechnical Hazard Map', whereby the provisions of clause 7.7 apply.

A Geotechnical Report (see **Appendix F**) has been prepared for the proposed development, which identifies that the most significant risk to the site was to the existing partially constructed garage within proposed Lot 9A in the event of a boulder roll, though the likelihood of the boulder impacting the structure or adjacent driveway is low due to the location of the boulder and existing separation distances / topography below the boulder.

The Geotechnical Report also demonstrates that the risks associated with the proposed development can be maintained within acceptable levels with negligible impact to

properties or structures, subject to the implementation of the recommendations made within Table 2 of that report.

d) *Essential Services*

Clause 7.10 of the LEP prescribes that development consent must not be granted to development unless the consent authority is satisfied that provision is made for the connection to services that are essential for the development.

The subject site is presently connected to essential utility services, including electricity, telecommunications, reticulated water and sewerage, with individual connection to those services capable for each new residential allotment.

The site also has direct frontage to Mirrool Street via the unformed road reserve, and the proposed development includes the construction of a new shared access driveway within the road reserve, which will afford each residential allotment direct frontage to a public road for vehicular access.

The Stormwater Management Plan (see **Appendix H**) and Traffic and Parking Assessment (see **Appendix J**) demonstrate the suitability of the site for connection to essential services and accessibility.

#### 7.4 Draft Environmental Planning Instruments

Section 4.15(1)(a)(ii) requires consideration to be given to the provisions of any draft environmental planning instrument.

There are no exhibited draft environmental planning instruments applicable to the site or proposed development at the time of preparing this SoEE.

#### 7.5 Development Control Plans

Section 4.15(1)(a)(iii) requires consideration to be given to the provisions of any Development Control Plan.

##### 7.5.1 Pittwater 21 Development Control Plan

The *Pittwater 21 Development Control Plan (Pittwater 21 DCP)* applies to all land within the former Pittwater Council local government area, including the subject site.

The *Pittwater 21 DCP* supports the provisions of the *Pittwater LEP 2014* by providing additional objectives together with numerical-based and prescriptive-based development controls to guide and enhance development within the Northern Beaches (formerly Pittwater) local government area.

The following table provides an assessment of the proposed development against the relevant provisions of the *Pittwater 21 DCP*. Note that the bulk of the provisions within the *Pittwater 21 DCP* have been deliberately omitted from this table because they are not applicable to the subject site or proposal.

TABLE 7 – Development Control Plan Compliance			
Provision	Control	Response	Consistency
<b>Section A – Shaping Development in Pittwater</b>			
A3.2 Desired Character of Pittwater	Desired character of Pittwater	The proposed development has been designed to respond to the inherent site characteristics and will protect and enhance the natural environment and beauty of the area through the removal of weed vegetation and revegetation with local native species.	Consistent

		<p>The proposed subdivision will create three new residential allotments which are well in excess of the minimum lot size, creating allotments that will reinforce the established low-density residential housing character of the precinct and protect the unique landform and natural features on the site.</p> <p>Overall, the assessment throughout this SoEE and accompanying Appendices, demonstrates that the proposed development is consistent with the established and desired future character of the broader locality.</p>	
A4.5 Elanora Heights Locality	Elanora Heights Locality	<p>Despite the subject site being situated in North Narrabeen, for the purposes of the various defined localities of the <i>Pittwater 21 DCP</i>, the subject site is situated within the Elanora Heights Locality.</p> <p>The character statement for the Elanora Heights locality describes the established character as being predominantly low-density residential, with dwellings built along the plateau and slopes. The locality is characterised by mainly one and two-storey dwelling houses 700-950sqm allotments.</p> <p>The proposed subdivision creates three new residential allotments that are in excess of the minimum lot sizes and larger than the identified average lot size. The proposed subdivision and dwelling house on Lot 9A have been designed to protect significant rock outcrops on the site and to integrate with the natural landform to the greatest extent.</p> <p>Overall, the assessment throughout this SoEE and accompanying Appendices, demonstrates that the proposed development is consistent with the established and desired future character of the Elanora Heights Locality.</p>	Consistent
<b>Section B – General Controls</b>			
B2.2 Subdivision	Lots to have a minimum lot depth of 27m.	All allotments achieve a minimum lot depth of 27m and comply with this required.	Consistent
	Lots to have a minimum lot width of 16m at the building line.	All allotments achieve a minimum lot width of 16m at the building line and comply with this required.	Consistent
	Not to have a slope in excess of 16.7 degrees (30%) measured between the highest and lowest points on any such allotment	<p>The subject site has a lowest level of RL18.72 and highest level of RL58. Over the full length of the existing allotment (measured diagonally), the site has a combined total vertical difference of 39.28m, representing a cross fall of 32.57%.</p> <p>While this is a departure to the development control, the assessment within this SoEE together with the Geotechnical Report (see <b>Appendix F</b>), demonstrates that the site is suitable for the proposed development and can accommodate residential development in an orderly manner. The subdivision pattern has been designed to correspond to the natural landform, with the design of the dwellings equally responding to the inherent site conditions.</p> <p>The proposed access driveway within the unformed road reserve achieves an acceptable and navigable gradient.</p>	Consistent
B3.1 Landslip Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater	<p>The subject site is identified as being within the 'Geotechnical Hazard H1' zone on the 'Geotechnical Hazard Map' accompanying the LEP.</p> <p>The Geotechnical Report (see <b>Appendix F</b>) demonstrates that the site is suitable for the proposed development and that, subject to the recommendations of that report, the development complies with the requirements of the Geotechnical Risk Management Policy for Pittwater.</p>	Consistent
B3.2 Bushfire Hazard	Development to be designed and constructed to manage risk due to the effects of bushfire.	The subject site is not identified as bushfire prone land.	Not applicable

B4.1 Flora and Fauna Conservation	Development is not to negatively impact on threatened species, endangered populations or endangered ecological communities	<p>The proposed development involves the removal of existing vegetation, which will be offset by proposed revegetation particularly with the unformed road corridor. An Aborigicultural Impact Assessment Report (see <b>Appendix C</b>) demonstrates that the sixteen (16) trees proposed for removal are each of low retention value.</p> <p>Similarly, the Flora and Fauna Impact Assessment (see <b>Appendix E</b>) demonstrates that the proposed development will not result in any unacceptable ecological impacts and sets in place a series of recommendations to manage the biodiversity of the site and immediate locality.</p> <p>Additionally, the Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest (see <b>Appendix G</b>) establishes a series of recommendations to guide new landscaping works to be undertaken for areas being disturbed by the proposed development, including the driveway within the unformed road reserve. The removal of weed vegetation and revegetation of the unformed road corridor with select local native species, will substantially improve the biodiversity and ecological values of the site and streetscape.</p>	Consistent
B4.5 Landscape and Flora and Fauna Enhancement	Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and locally native species.	See comments above.	Consistent
	Landscaping is not to include environmental weeds	See comments above.	Consistent
B4.22 Preservation of trees and bushland vegetation	Approval is required for removal of trees or bushland vegetation.	See comments above.	Consistent
B5.15 Stormwater	Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on receiving infrastructure.	A Stormwater Management Plan (see <b>Appendix G</b> ) has been prepared for the proposed development which demonstrates that the subdivision and associated stormwater drainage works will set in place appropriate infrastructure and systems to effectively control and manage stormwater and reduce the effects of downstream flooding and soil erosion.	Consistent
B6.1 Access driveways and works on the public road reserve	Access driveways to be designed per the relevant Australian Standards.	<p>The subject site directly adjoins the unformed road reserve of the northern end of Mirrool Street, which presently contains an informal access driveway.</p> <p>The proposal will construct a formal shared access driveway within the road reserve to provide direct vehicular access to each of the three new allotments.</p> <p>The shared access driveway has been designed to follow the contour of the landform, minimising ground disturbance and impacts on significant natural landform features. The civil drawings and specifications for the shared access road (see <b>Appendix A</b>) together with the Traffic and Parking Assessment Report (see <b>Appendix J</b>) demonstrate the suitability of the proposed driveway design and works within the public road reserve.</p>	Consistent
B6.2 Internal driveways	Internal driveways are to be designed and constructed to provide safe access.	Each allotment is afforded direct and separate driveway access, with the driveways having been designed (see <b>Appendix A</b> ) to achieve acceptable gradients, sight lines and opportunity for safe and convenient vehicle manoeuvring.	Consistent
B6.3	2 bedrooms or more per dwelling requires 2 parking spaces	Proposed Lot 9A contains an existing partially constructed double car garage, which will be converted to a separate dwelling, retaining provision for two carparking spaces.	Consistent



Off-street vehicle parking requirements		<p>Proposed Lot 9B will contain the previously approved dwelling and while the associated detached garage on proposed Lot 9A will be divorced from the dwelling, there is adequate area available for the future provision of a garage or carport structure. In the interim, the proposed subdivision creates a hardstand area for the accommodation of two parking spaces.</p> <p>Similarly on proposed Lot 9C, there is sufficient area accommodated for two hardstand parking spaces.</p>	
B8 Site works management	Excavation, landfill and construction not to have an adverse impact.	<p>The assessment throughout this SoEE together with the supporting plans and documentation referenced in the Appendices, demonstrate the suitability of the site for the proposed development and that the subdivision, construction of dwelling houses and new access driveway can all be undertaken in a manner that minimises the impacts on the natural and built environments.</p> <p>It is anticipated that the imposition of conditions of consent would address issues pertaining to waste management, dust suppression and soil erosion during construction and earthworks.</p>	Consistent
<b>Section C – Development Type Controls</b>			
C1.1 Landscaping	Various	<p>The configuration, size and dimension of each allotment, together with the footprint of the dwellings thereon, provide adequately dimensioned areas for the accommodation of landscaped plantings.</p> <p>A specific landscape plan has not been developed for each allotment (excepting proposed Lot 9B, for which an existing landscape plan was approved under DA 336/09), however the Landscape Plan for Sydney Coastal Sandstone Foreshores Forest (see Appendix F) generally indicate the location of proposed plantings, which are capable of achieving a landscaped setting that is compatible with the established setting and sensory appeal of the streetscape.</p>	Consistent
C1.2 Safety and security	Development to be designed to accord with CPTED principles	The proposed dwellings have been designed to orient their primary entry points to be expressly visible from the public domain and incorporate windows and other private open spaces to allow opportunity for passive casual surveillance.	Consistent
C1.3 View sharing	All new development to be designed to achieve a reasonable sharing of views	<p>Owing to the elevated topography of the site, views are obtained from the higher end of the site facing in a southeasterly direction and take in district views of Narrabeen Lagoon.</p> <p>Neither the current dwelling (as approved under DA 336/09) or the proposed new dwelling will block the view corridors of any neighbouring properties, as all of the adjoining properties (excepting 12 Mirrool Street) enjoy views over the subject site owing to their higher elevation above the subject site.</p> <p>This is demonstrated by the view sharing diagrams (see Appendix A), which demonstrate that any future dwelling on proposed Lot 9C (built to the maximum permissible building height under the LEP), will still have a finished RL that sits well below the natural ground levels of the adjoining allotments (which sit higher than the subject site), whereby the site has capability of accommodating a future dwelling in such manner and positioning that will still allow for view sharing over the subject site.</p>	Consistent
C1.4 Solar access	Main private open space of each dwelling and adjoining dwellings to receive a minimum 3 hours on sunlight between 9am and 3pm on June 21 <sup>st</sup> .	<p>The shadow diagrams (see <b>Appendix A</b>) demonstrate that each of the dwellings will receive equitable and compliant provision of solar access and amenity, with a minimum of 3 hours of sunlight achieved between 9am and 3pm on the Winter solstice.</p> <p>The adjoining properties to the north and west are significantly elevated above the subject site such that they will not be affected by the proposed development that they in and of themselves do not unreasonably impact on the solar amenity available to the subject site.</p>	Consistent
C1.5 Visual privacy	Protection of private open spaces	The dwellings have been sufficiently designed to orient windows and private open spaces in such manner that affords visual privacy to the occupants of the subject dwelling and adjoining dwellings.	Consistent

C1.6 Acoustic Privacy	Noise sensitive rooms to be located away from noise sources	The dwellings have been sufficiently designed to orient noise sensitive rooms and spaces in such manner that affords aural privacy to the occupants of the subject dwelling and adjoining dwellings.	Consistent
C1.7 Private open space	Minimum 80sqm of private open space at the ground floor. Minimum dimensions of 3m	<p>The dwelling on proposed Lot 9A is afforded areas of private open space at the ground level which comprise an area of no less than 80sqm, with minimum dimensions of 3m.</p> <p>The areas of private open space are directly accessible from the main living areas of the dwellings.</p> <p>There is no change proposed to the approved dwelling and the associated private open space on proposed Lot 9B.</p>	Consistent
C1.12 Waste and recycling facilities	Various	<p>The dwelling on proposed Lot 9A are afforded sufficient areas for the storage of garbage bins.</p> <p>A Waste Management Plan has been prepared (see <b>Appendix M</b>) and will accompany the Development Application and demonstrates the proposed initiatives to be implemented during the site construction phase regarding waste management.</p>	Consistent
C1.23 Eaves	Dwellings to include eaves on all elevations with at least 450mm width.	The dwelling on proposed Lot 9A includes eaves of at least 450mm to each elevation where eaves overhang windows. Where the eaves are to a gabled roof form, the eaves have a dimension of 300mm and accord with the permissible variations of this development standard.	Consistent
C1.24 Public road reserve – landscaping and infrastructure	Various	<p>The Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest (see <b>Appendix G</b>) establishes a series of recommendations to guide new landscaping works to be undertaken for areas being disturbed by the proposed development, including the driveway within the unformed road reserve.</p> <p>The removal of weed vegetation and revegetation of the unformed road corridor with select local native species, will substantially improve the biodiversity and ecological values of the site and streetscape.</p>	Consistent
C4.1 Subdivision – protection from hazards	All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards.	<p>The subdivision pattern and configuration of allotments has been judiciously designed to respond to the inherent site conditions and known hazards, protecting local amenity and ensuring consistency with the established pattern of development.</p> <p>The subject site is identified as being within the 'Geotechnical Hazard H1' zone on the 'Geotechnical Hazard Map' accompanying the LEP.</p> <p>The Geotechnical Report (see <b>Appendix F</b>) demonstrates that the site is suitable for the proposed development and that, subject to the recommendations of that report, the development complies with the requirements of the Geotechnical Risk Management Policy for Pittwater.</p>	Consistent
C4.2 Subdivision – Access driveways and off-street parking	Various	See discussion above.	Consistent
C4.4 Subdivision – public roads	Various	See discussion above.	Consistent
C4.5 Subdivision – utility services	All lots created are to be fully serviced by essential utilities	The subject site is presently connected to essential utility services, including electricity, telecommunications, reticulated water and sewerage, with individual connection to those services capable for each new residential allotment.	Consistent
C4.7 Subdivision – amenity and design	Subdivision to be designed to ensure all properties are afforded a level of amenity commensurate with the locality.	<p>The proposed subdivision has been designed to respond to the inherent site characteristics, minimising the impacts on the natural landform.</p> <p>The subdivision creates suitably dimensioned allotments that are each capable of accommodating orderly development, demonstrated in the satisfactory compliance of the proposed dwelling houses as evidenced in the above DCP commentary.</p>	Consistent

C4.8 Subdivision – landscaping of the existing and proposed public road reserve frontage	Various	<p>The Landscaping Plan for Sydney Coastal Sandstone Foreshores Forest (see <b>Appendix G</b>) establishes a series of recommendations to guide new landscaping works to be undertaken for areas being disturbed by the proposed development, including the driveway within the unformed road reserve.</p> <p>The removal of weed vegetation and revegetation of the unformed road corridor with select local native species, will substantially improve the biodiversity and ecological values of the site and streetscape.</p>	Consistent
--	---------	--	------------

### 7.5.2 Draft Development Control Plans

There are no exhibited draft development control plans applicable to the proposed development or subject site at the time of preparing this SoEE.

### 7.6 Planning Agreements or Draft Planning Agreements

Section 4.15(1)(a)(iia) requires consideration to be given to the provisions of any Planning Agreement or draft Planning Agreement.

There are no Planning Agreements or draft Planning Agreements applicable to the proposed development or subject site.

### 7.7 Matters Prescribed by the Regulations

Section 4.15(1)(a)(iv) requires consideration to be given to matters prescribed by the Regulations.

The development would be required to comply with the Building Code of Australia.

### 7.8 Impacts on Natural and Built Environment

Section 4.15(1)(b) requires consideration to be given to the impact of development on the natural and built environments.

#### a) Natural Environment Impacts

The subject site is relatively free from any environmental constraints, which would otherwise hinder or prevent the orderly development of the site.

It is anticipated that any impacts to the natural environment that may result from the development that have not already been addressed in this report would be the result of the construction process.

Likely impacts such as dust, noise, vibration, stormwater run-off and sedimentation can be satisfactorily mitigated against with appropriate conditions of consent.

#### b) Built Environment Impacts

The proposed subdivision creates three new allotments which are each of sufficient dimension and configuration that will enable the orderly development of each allotment and are capable of comfortably accommodating residential development which achieves satisfactory compliance with the numerical and prescriptive-based development controls of the LEP and DCP.

The assessment throughout this SoEE and accompanying Appendices, demonstrates that the proposed development will have an acceptable impact on the built environment.

## 7.9 Social and Economic Impacts

Section 4.15(1)(b) requires consideration to be given to the likely social and economic impacts that the proposed development may have on the locality.

Consideration of the social and economic impacts of the proposed development are addressed as follows:

### a) Social Impacts

The proposed development is unlikely to have any negative social impacts on the locality. The subdivision has been designed to reinforce the low-density residential character of the locality and the positioning and form of the proposed dwellings sufficiently protects existing views obtained from adjoining properties over the subject site.

The proposal will not significantly intensify demand on local services and infrastructure and will maintain the quiet orderly residential amenity of the streetscape.

### b) Economic Impacts

The proposed subdivision will have a positive social and economic impact, as the provision of additional residential allotments will contribute to housing affordability through increasing the provision of available housing stock and cost affordability.

## 7.10 Suitability of the Site for Development

Section 4.15(1)(c) requires consideration to be given to the suitability of the site for the proposed development.

The factors that demonstrate the suitability of the site for the proposed development, include:

- The permissibility of the land use activity within the C4 Environmental Living zone.
- The absence of any detrimental social, amenity, economic or built impacts upon adjoining commercial and residential properties.
- The ability to accommodate orderly development, with the resulting built forms capable of achieving consistency with the principal development standards of the LEP and prescriptive development controls of the DCP.
- The absence of any topographical or environmental constraints, or the demonstrated ability to sufficient mitigate and manage such constraints.

For these reasons, the site is considered suitable for the proposed development.

## 7.11 Submissions Made in Accordance with the Act or Regulations

Section 4.15(1)(d) requires consideration to be given to any submissions made in accordance with the *EP&A Act 1979* or the *EPA Regulations 2021*.

This matter will be addressed by Northern Beaches Council as the Consent Authority.

## 7.12 The Public Interest

Section 4.15(1)(e) requires consideration to be given to the public interest.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this SoEE.

The 'public interest' is not measured by the strength of the public support or opposition to a development proposal. Rather, it is defined and measured in the achievement of future built outcomes adequately responding to and respecting the desired future outcomes expressed in environmental planning instruments and development control plans.

The proposed development is consistent with the statutory and strategic planning frameworks, except where justified within this Statement of Environmental Effects. The proposed development is a permissible land use activity within the C4 Environmental Living zone and achieves consistency with the applicable controls and development standards as specified in the *Pittwater LEP 2014* and *Pittwater 21 DCP*.

The proposed development is considered to align with the desired future character for the precinct and is both compatible with, and reinforces, the established pattern of development within the streetscape.

The proposed development also demonstrates satisfactory compliance with the overarching considerations of Section 4.15 of the *EP&A Act 1979*, insofar as:

- It is consistent with the applicable environmental planning instruments and development control plans.
- There are no applicable Planning Agreements for consideration.
- Compliance with the relevant matters prescribed by the Regulations can be achieved through 'standard' conditions of consent.
- The proposal has an acceptable impact on the natural and built environments with no unacceptable or adverse social or economic impacts identified.
- The site is found to be suitable for the proposed development.

Consequently, the proposal is considered to be in the public interest.

---

## 8.0 CONCLUSION

### 8.1 Summary

This Statement of Environmental Effects (SoEE) has been prepared to accompany a Development Application to Northern Beaches Council, that seeks development consent for the Torrens Title subdivision of the existing one (1) lot into three (3) lots, conversion of an existing detached garage to a dwelling house with alterations and additions, construction of a new hardstand parking bay on proposed Lot 9B, construction of a new dwelling house and access driveway including tree removal.

The proposed development has been considered and assessed against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), as well as the relevant Council guidelines and policies.

The proposed development is consistent with the statutory and strategic planning frameworks, except where justified within this SoEE. The proposed development is a permissible land use activity within the C4 Environmental Living zone and achieves consistency with the applicable controls and development standards as specified in the *Pittwater Local Environmental Plan 2014* and *Pittwater 21 Development Control Plan*.

In summary, this SoEE and supporting documentation referenced throughout, demonstrates that the proposed development is considered to:

- a) Provide an appropriate development outcome and response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the *EP&A Act 1979*.
- b) Provide a built form consistent with and appropriate to the established and desired future character of the site and which will not adversely impact on the amenity of neighbouring residential properties.
- c) Represent an orderly and economic use and development of the site, which has an appropriate size, dimension, topography, environmental character and location, as is envisaged by the planning framework.
- d) Provide a high standard of amenity for the proposed occupants and occupants of adjoining developments in terms of solar amenity, visual and acoustic privacy.
- e) Protects view sharing.
- f) Protects and enhances the ecological and environmental values of the site and locality.
- g) Have no unreasonable or adverse amenity impacts on adjoining development, the environment, traffic network, public domain or other external features or services.
- h) Provide tangible social and economic benefits, with the provision of additional housing supply, enhance opportunities for passive casual surveillance and enhance the resilience of the locality against crime and anti-social behaviour and enhance the local management of soil erosion and stormwater.
- i) Be within the public interest.

### 8.2 Recommendation

For these reasons, the proposed development is considered worthy of approval by Northern Beaches Council.

End of Report

# Appendix A

## Architectural Plans

# Appendix B

## BASIX Certificate



## Appendix C

# Arboricultural Impact Assessment

## Appendix D

# Addendum to Arboricultural Impact Assessment Report

# Appendix E

## Flora and Fauna Impact Assessment

# Appendix F

## Geotechnical Report

# Appendix G

## Landscaping Plan

## Appendix H

# Stormwater Management Plan

# Appendix I

## Hydraulic Analysis

## Appendix J

# Traffic and Parking Assessment



# Appendix K

## Pre-lodgement minutes

# Appendix L

## Breakdown of Costs of Works

# Appendix M

## Waste Management Plan

# Appendix N

## Applicant's response to submission issues