

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Alterations and additions to an  
existing dwelling including a new  
carport

**95 WIMBLEDON AVENUE  
NORTH NARRABEEN**

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# Statement of Environmental Effects

**Alterations and additions to an existing dwelling including a new carport**

**95 Wimbledon Avenue, North Narrabeen**

Prepared under instructions from

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## 1.0 INTRODUCTION

This document forms a component of a development application proposing alterations and additions to the existing dwelling house located on the subject allotment. The application also seeks to address the existing antiquated narrow single garage off-street parking circumstance through the introduction of a double carport structure at the front of the property.

The architect has responded to the client brief to enhance the amenity and liveability of the existing dwelling through the internal reconfiguration and augmentation of floor space and the provision of a new water facing deck. The scope of works is relatively modest involving an additional 23 square metres of floor space at established floor levels. The maintenance of the existing floor levels is addressed in detail within the accompanying flood report prepared by Akuna Engineering with such report containing the following commentary:

*The existing dwelling has an FFL of 2.66 mAHD which is below the FPL (3.6 mAHD) as well as the predicted 1% AEP level (3.06 mAHD) flood level. The new extension to the rear of the dwelling proposes to match the existing FFL of the primary dwelling. The proposed rear extension is considered acceptable for the following reasons:*

- Raising the extension to meet the FPL would place the extension 1m above the existing development and render the extension incompatible with the existing development.*
- The extension is relatively small (23m<sup>2</sup>) and ties into the existing dwelling.*
- The extension does not increase the flood risk to the occupants and surrounding properties.*
- The Land and Environment Court ruled in favour of a similar development (4 Rolfe Street, Manly) against Manly council in 2015. In summary, the commissioner concluded that:*

*“Nevertheless, strict compliance with this numerical requirement of the FPL is, in this instance, unreasonable, as it would be impossible to achieve a satisfactory architectural outcome...”*

Given the single storey and modest nature of the works proposed we have formed the considered opinion that the works will not give rise to any unacceptable residential amenity impacts in terms of privacy, overshadowing or view loss with the proposed open carport complimentary and compatible in a streetscape context. In the preparation of this document consideration has also been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended (“The Act”).
- The Environmental Planning and Assessment Regulation.
- Pittwater Local Environmental Plan 2014 (“PLEP”).
- Pittwater 21 Development Control Plan (“P21DCP”).

A complete set of architectural drawings including floor plans, elevations, sections and shadow diagrams have been prepared in support of the development proposed. The application is also accompanied by landscape plans, a survey, waste management plan and flood report.

The proposed works are permissible, being ordinarily ancillary to the existing dwelling house, and consistent with the desired outcomes contained within PLEP 2014 and P21DCP. The identified non-compliance with the P21DCP front boundary setback, side boundary setback and flood hazard floor level controls have been acknowledged and appropriately justified having regard to the associated objectives and the historical floor level and carparking circumstances established on this particular site and by existing development along Wimbledon Avenue.

Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the heads of consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 (the Act). It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE DESCRIPTION AND LOCATION

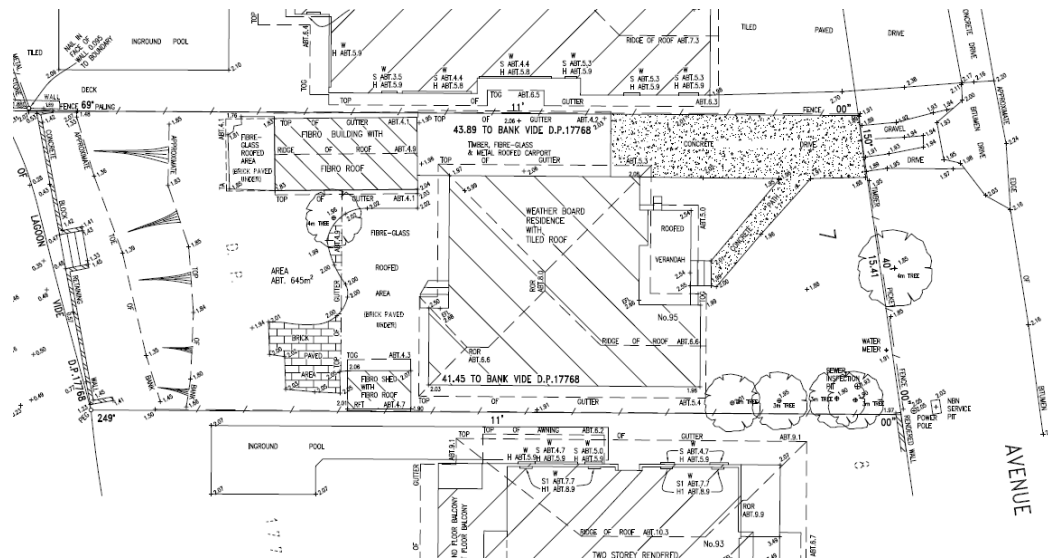
The subject property is known as Lot 7, DP17768, No. 95 Wimbledon Avenue, Narrabeen. The property is irregular in shape having splayed frontage to Wimbledon Avenue of 15.41 metres, variable depth of between 41.45 and 43.89 metres, an irregular frontage to Narrabeen Lagoon and an area of 645 square metres. A concrete block wall delineates the land/ water interface. The site does not contain any remarkable landscape features. An aerial location/ context photograph is at Figure 1 below.



Source: SIX maps

Figure 1 - aerial location/ context photograph

The subject property is occupied by a single storey weatherboard cottage with pitched and tiled roof. A single carport is located between the dwelling and the northern boundary of the property with a detached shed located on the water side of this structure. The carport is accessed via driveway from Wimbledon Avenue. The built form characteristics of the site are depicted in Figures 2 and 3 over page.



**Figure 2 – Survey extract**



Source: Google Maps

**Figure 3 – Subject site as viewed from Wimbledon Avenue**

Surrounding development is characterised by 1 and 2 storey detached dwelling houses which do not display any consistent form, scale or street setback alignment with a number of car parking structures located either partly or wholly within 6.5 metres of the front boundary.

### **3.0 PROPOSED DEVELOPMENT**

The application proposes alterations and additions to the existing dwelling house located on the subject allotment. The application also seeks to address the existing antiquated narrow single garage off-street parking circumstance through the introduction of a double carport structure at the front of the property.

The proposed works are depicted on drawings HM1478/DA100-103, 200-201, 300, 900-902 and DP100-101. Prepared by Hosking Munroe Pty Limited Architects. Specifically, the application proposes the following works:

- Internally the existing bathroom will be renovated and new doors provided to Bedrooms 1 and 2.
- The living room will be converted into a master bedroom suite with bathroom.
- Bedroom 3 will be removed and a new living/dining room added with an enlarged kitchen and laundry.
- There would be a new raised deck at the rear.
- The workshop would be upgraded and the side garage demolished.
- There would be a new double carport to the front.
- All finishes would match existing externally.

The application also proposes the implementation of an enhanced site landscape regime as depicted on the accompanying plans prepared by Site Design+Studios. All stormwater will be connected to the existing drainage system which gravity drains to Narrabeen Lagoon.



## 4.0 STATUTORY PLANNING FRAMEWORK

### 4.1 Pittwater Local Environmental Plan 2014

#### 4.1.1 Zone and zone objectives

The subject property is zoned E4 Environmental Living pursuant to the provisions of Pittwater Local Environmental Plan 2014 (“PLEP 2014”). The stated objectives of the 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.*

Dwelling houses are permissible in the zone with the consent of the consent authority. We have formed the considered opinion that the proposed development is consistent with the zone objectives as it retains a low impact residential use on the site.

Accordingly, there is no statutory impediment to the granting of consent.

#### 4.1.2 Height of buildings

Pursuant to clause 4.3 PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The stated objectives of such control are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*

- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

**Building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

**ground level (existing)** means the existing level of a site at any point.

We confirm that the established overall building height is maintained with all proposed works sitting well below the 8.5 metre height standard.

As the proposal complies with the 8.5 metre numerical height standard it is also deemed to comply with the associated objectives. Accordingly, there is no statutory impediment to the granting of consent.

#### **4.1.3 Acid Sulfate Soils**

The site is identified as Acid Sulfate Soils Class 3. As the proposal does not involve works more than 1 metre below the natural ground surface or by which the watertable is likely to be lowered more than 1 metre below the natural ground surface no further investigation is required pursuant to clause 7.1 of PLEP 2014.

#### **4.1.4 Flood Planning**

Pursuant to clause 7.3 of PLEP 2014 the property is identified as being flood effected during the 1% annual exceedance period (AEP) storm event. In this regard, the application is accompanied by a floor report prepared by Akuna Engineering which assesses the performance of the development against the applicable DCP provisions. In relation to the maintenance of established floor levels the report contains the following commentary:

*The existing dwelling has an FFL of 2.66 mAHD which is below the FPL (3.6 mAHD) as well as the predicted 1% AEP level (3.06 mAHD) flood level. The new extension to the rear of the dwelling proposes to match the existing FFL of the primary dwelling. The proposed rear extension is considered acceptable for the following reasons:*

- *Raising the extension to meet the FPL would place the extension 1m above the existing development and render the extension incompatible with the existing development.*
- *The extension is relatively small (23m<sup>2</sup>) and ties into the existing dwelling.*
- *The extension does not increase the flood risk to the occupants and surrounding properties.*
- *The Land and Environment Court ruled in favour of a similar development (4 Rolfe Street, Manly) against Manly council in 2015. In summary, the commissioner concluded that:*

*“Nevertheless, strict compliance with this numerical requirement of the FPL is, in this instance, unreasonable, as it would be impossible to achieve a satisfactory architectural outcome...”*

The flood report also contains the following conclusions:

*Provided that the recommendations within this report are followed, the development not likely to:*

- *increase the risk posed to the occupants of the site,*
- *adversely affect flood behavior of neighbouring upstream and downstream properties with regard*
- *to flood affectation; and,*
- *result in unsustainable social and economic costs to the community as a consequence of flooding.*

#### **4.1.5 Biodiversity**

Pursuant to clause 7.6 of PLEP 2014 the subject property is mapped as biodiversity. The proposal does not require the removal of any significant vegetation with erosion and sediment control measures to be implemented to prevent pollution of Narrabeen Lagoon. The application also proposes the implementation of an enhanced site landscape regime as depicted on the accompanying plans prepared by Site Design+Studios. As such, there will be no unacceptable biodiversity impacts.

#### 4.1.6 Limited Development on Foreshore Area

Pursuant to clause 7.8 PLEP the site is within a foreshore area and the subject of a foreshore building line as depicted in Figure 7 below.



**Figure 4** – PLEP Foreshore Building Line Map extract

We note that as all proposed works are located landward of the foreshore building line in strict accordance with these provisions.

## 4.2 Pittwater 21 Development Control Plan

This policy document came into effect on 1<sup>st</sup> February 2004. Pittwater 21 DCP contains development controls for the design and construction of buildings and the development of land in this area. The proposed development has been assessed against the relevant provisions of Pittwater 21 DCP as outlined in the following sections of this report.

### 4.2.1 Palm Beach Locality

The property is located in the North Narrabeen Locality. The desired future character of the locality is identified as being:

*The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*The design, scale and treatment of future development within the North Narrabeen commercial centre on Pittwater Road will reflect the status of the centre as the 'gateway' to Pittwater through building design, signage and landscaping, and will reflect principles of good urban design.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.*

*Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

We have formed the considered opinion that the proposed single storey works and off-street parking arrangement will not give rise to any adverse streetscape impacts or give rise to any unacceptable residential amenity impacts in terms of privacy, overshadowing or view loss.

The proposal does not require any significant excavation and maintains a height well below the 8.5 metre height control, will sit within a landscape setting and incorporates a palette of materials and finishes complimentary and compatible with that of the existing dwelling.

Council can be satisfied that the proposal will reinforce the desired future character of the North Narrabeen Locality.

#### **4.2.2 General Controls**

##### **Hazards**

The subject property is identified as being affected by flooding hazard.

We note that the flooding hazard has previously been addressed in this report.

##### **Stormwater Management**

All stormwater will be connected to the existing drainage system which gravity drains to Narrabeen Lagoon.

##### **Off-street Vehicular Parking Requirements**

Pursuant to Clause B6.3 a minimum number of 2 parking spaces are to be provided for a dwelling house.

There is currently 1 formal carparking space on the site with a second tandem space available within the driveway alignment. The proposal provides for 2 x side by side off-street parking spaces with a carport over accessed via an expanded driveway

The proposal provides safe, convenient and numerically compliant off-street vehicle parking requirement with the access driveway compliant with Council's gradient provisions.

## **Site Works Management**

In accordance with Part B8 appropriate measures are to be undertaken to address the issues of construction and demolition impacts, erosion and sedimentation management, waste minimisation, site fencing and security, works in the public domain and traffic management where required.

Normal site management practices will be adopted to prevent public access during demolition and construction and to prevent erosion and sedimentation.

### **4.2.3 Development Type Controls**

#### **Landscaping**

Pursuant to clause C1.1 all canopy trees and a majority of other vegetation shall be locally native species. A range of low lying shrubs and canopy trees shall be provided to soften the built form. Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and natural features such as rock outcrops.

As previously indicated, the application also proposes the implementation of an enhanced site landscape regime as depicted on the accompanying plans prepared by Site Design+Studios.

#### **View Sharing**

Pursuant to clause C1.3 building lines and height are to be sympathetic to the topography of the site and to maintain a reasonable sharing of views available from surrounding and nearby properties and those available to the public from nearby public domain areas.

Having inspected the site and surrounds and identified potential view lines over and across the property, we have formed the considered opinion that the proposed development will have no adverse impact on any private views having regard to the view loss “Planning Principle” established in the matter of Tenacity Consulting v Warringah [2004] NSWLEC 140.



## **Solar Access**

In accordance with Clause C1.4 the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21<sup>st</sup>.

Windows to the principal living areas of the proposal and windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21<sup>st</sup> to at least 50% of the glazed area.

The accompanying shadow diagrams demonstrate that the height and location of the proposed works ensure that complaint levels of solar access will be maintained to the west facing living and private open space areas of the southern adjoining property between 9am and 3pm on 21<sup>st</sup> June. These provisions are satisfied.

## **Visual Privacy/ Acoustic Privacy**

Pursuant to clause C1.5 private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation.

The proposed works will not compromise the level of visual or acoustic privacy currently achieved between surrounding development given the maintenance of appropriate spatial separation and the primary orientation of adjoining development to the west to take advantage of views.

## **Private Open Space**

Pursuant to Clause C1.7, a minimum area of 80 square metres is to be provided at ground level with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard. Within the private open space area, a minimum principle area of 16sq metres with a minimum dimension of 4m and a grade no steeper than 1 in 20.

Private open space areas should have good solar orientation and where orientation is difficult the area should have access to some direct sunlight throughout the year.

The existing compliant areas of private open space are not compromised as a consequence of the works proposed. It is considered that there are more than adequate private open space areas provided on site to cater for a range of amenity needs including full and partial privacy. The areas are of adequate size and dimension and receive good levels of solar access at various times throughout the day.

### **Waste and Recycling Facilities**

Clause C1.12 states that all waste and recycling receptacles are to be stored within the property boundaries. These are to be provided at or behind the front, side and rear setback requirements.

Waste storage is provided in the redundant garage structure. Such location will not give rise to any adverse streetscape or residential amenity impacts.

#### **4.2.4 Locality Specific Development Controls**

##### **Character as Viewed from Public Place**

The proposed works will not be perceived as inappropriate or jarring having regard to the built form characteristics established by adjoining development and development generally within the sites visual catchment.

The proposed development complies with these provisions.

##### **Building Colours, Materials and Construction**

Materials and finishes will match those of the existing dwelling with the pitched roof form reflecting the architectural vernacular established by the existing dwelling house.

## Front Building Line

In accordance with clause D11.6 the minimum front building line setback along Wimbledon Avenue is 6.5 metres. Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:

- *considering established building lines;*
- *degree of cut and fill;*
- *retention of trees and vegetation;*
- *where it is difficult to achieve acceptable levels for building;*
- *for narrow or irregular shaped blocks;*
- *where the topographic features of the site need to be preserved;*
- *where the depth of a property is less than 20 metres.*

The stated outcomes of the control are as follows:

*Achieve the desired future character of the Locality.  
Equitable preservation of views and vistas to and/or  
from public/private places.*

*The amenity of residential development adjoining a  
main road is maintained.*

*Vegetation is retained and enhanced to visually  
reduce the built form.*

*Vehicle manoeuvring in a forward direction is  
facilitated.*

*To preserve and enhance the rural and bushland  
character of the locality.*

*To enhance the existing streetscapes and promote a  
scale and density that is in keeping with the height of  
the natural environment.*

*To encourage attractive street frontages and improve  
pedestrian amenity.*

*To ensure new development responds to, reinforces*

*and sensitively relates to the spatial characteristics of the existing urban environment.*

The proposed double carport is located predominantly within the 6.5 metre front setback maintaining a variable setback of between 1.8 and 2.8 metres from the front boundary.

As previously stated, the application seeks to address the existing antiquated narrow single garage off-street parking circumstance through the introduction of a double carport structure at the front of the property. The width of the existing garage structure is such that it is extremely difficult to open the doors to a sufficient width to enter and exit the vehicle once within this structure. The second required car space is located within the driveway alignment and forward of the dwelling alignment to the street.

The proposed carport remedies this circumstance by providing 2 x side by side carparking spaces which are conveniently located to facilitate safe access and egress into the vehicles and to and from the subject site. Both car spaces are able to be accessed independently without the need to shuffle cars. The front setbacks proposed are dictated by the location of the existing dwelling house and the inability to push the carport further into the site.

Having regard to the stated outcomes it is considered that strict compliance is both unreasonable and unnecessary for the following reasons:

- Precedence exists along the length of Wimbledon Avenue for both dwelling houses and carparking structures located wholly or partly within the required 6.5 metre front setback. These properties are identified in Figure 5 over page. The relatively shallow available building depth of these properties created by the foreshore building line and front setback controls places pressure on the front setback given that the foreshore building line is a development standard contained within PLEP 2014.



**Figure 5** – Aerial photography showing properties with structures forward of the 6.5 metre front building line control along this section of Wimbledon Avenue. Note: There are a greater number of structures within the front setback along the eastern arm of Wimbledon Avenue as depicted.

- The open carport will not give rise to any adverse streetscape or residential amenity impacts in terms of view loss, overshadowing, privacy or visual bulk. IN this regard we note the existing dwelling maintains setbacks well in excess of the 6.5 metre setback control.
- The proposed setbacks will not give rise to any adverse public view affectation.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed carport offensive, jarring or unsympathetic in a streetscape context nor the built form characteristics of development within the sites visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.
- Having regard to the matter of Veloshin v Randwick City Council [2007] NSWLEC 428 this is not a case where the difference between compliance and non-compliance is the difference between good and bad design.

Weight must also be given to the variation provisions within P21DCP and the section 4.15(3A)(b) provisions of the Act which require Council to apply DCP provisions with a degree of flexibility.

We consider strict compliance to be both unreasonable and unnecessary under the circumstances including the developments ability to satisfy the underlying objectives/ outcomes of the control.

### **Side Building Line**

Pursuant to clause D11.7, the minimum side building line shall be 2.5m to at least one side and 1.0 metres for the other side.

The alterations and additions to the dwelling maintain the setbacks established by the existing dwelling on the site

which in relation to the living/ dining room extension are compliant with the control to the southern boundary. The proposed open carport is located 100mm from the northern boundary with such setback considered acceptable given that it is located over the existing driveway alignment and the absence of any direct adverse residential amenity consequences.

Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

### **Building Envelope**

Pursuant to clause D11.9, buildings are to be sited within a building envelope projected at 45 degrees from a height of 3.5 metres above natural ground level at the side boundaries to a maximum height of 8.5 metres. The stated outcomes of the control are to minimise the bulk and scale of the built form, maintain an equitable sharing of views, to afford reasonable levels of privacy, amenity and solar access and to retain and enhance vegetation to reduce the visual impact of the built form.

It has been determined that all works sit comfortably within the prescribed building envelope in strict accordance with the control.

### **Landscaped Area**

Section D11.11 states that development shall have a total landscaped area of 60% of the site area. The use of porous materials and finishes is encouraged where appropriate. The stated outcomes of this control are to minimise the bulk and scale of the development, maintain reasonable levels of amenity to adjoining properties, to retain and enhance vegetation to reduce the visual impact of the built form, conserve natural biodiversity and landform and reduce stormwater runoff.

The proposal maintains a landscaped area of 46.1% of the site area and in doing so maintains the existing landscaped

area on the site. This has been achieved through the demolition of a number of ancillary structures.



### **4.3 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979(as amended):

#### **4.3.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

The proposed works are permissible, being ordinarily ancillary to the existing dwelling house, and consistent with the desired outcomes contained within PLEP 2014 and P21DCP. The identified non-compliances with the P21DCP front boundary setback, side boundary setback and flooding controls have been acknowledged and appropriately justified having regard to the associated objectives and the historical carparking and floor level characteristics established on this particular site and by existing development along Wimbledon Avenue.

#### **4.3.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.**

##### *Context and Setting*

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
  - *the character and amenity of the locality and streetscape?*
  - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
  - *the previous and existing land uses and activities in the locality?*

The proposed development will achieve the objectives and intent of the Council's planning regime set out in the LEP and the applicable DCP.

The proposal will maintain the visual amenity of the area through the design principles adopted and will not result in any unreasonable amenity impacts on the adjoining properties or adverse streetscape consequences. The development has been found to be consistent with the desired future character statement for the North Narrabeen Locality.

ii) *What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed development will have no significant impacts on the adjacent properties. The development maintains good levels of aural and visual privacy, will not impact on views and maintains compliant levels of solar access.

#### *Access, transport and traffic*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposed development provides appropriately for off-street car parking.

#### *Public domain*

The proposed development will relate positively to the public domain.

### *Utilities*

Existing utility services will adequately service the development.

### *Flora and fauna*

The proposal will have minimal impact on existing flora and fauna.

### *Waste*

Normal domestic waste collection applies to this development.

### *Natural hazards*

The site is not affected by any known hazards other than those identified and addressed in this report.

### *Economic impact in the locality*

The proposed development will not have any significant impact on economic factors in the area.

### *Site design and internal design*

i) *Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The impact of the proposal with respect to design and site planing is positive. The scheme is in accordance with the thrust of the planning regime and results in a high standard of design. These matters have been discussed in detail in the body of this report.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will be able comply with the provisions of the Building Code of Australia without difficulty.

#### *Construction*

i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **4.3.3 The suitability of the site for the development.**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any insurmountable development constraints. The site is well located with regards to utility services and public transport. There will be no excessive levels of transport demand created.

*Are the site attributes conducive to development?*

The site has no prohibitive physical or engineering constraints and is suitable for the proposed development.

#### **4.3.4 Any submissions received in accordance with this Act or the regulations.**

It is envisaged that any submissions made in relation to the proposed development will be appropriately considered by Council.

#### **4.3.5 The public interest.**

The proposed works are permissible, being ordinarily ancillary to the existing dwelling house, and generally consistent with the desired outcomes contained within Pittwater 21 Development Control Plan and the built form characteristics established by existing development located within the site's visual catchment.

The proposal will not give rise to any adverse residential amenity or streetscape impacts and to that extent its approval would not be antipathetic to the public interest.

## 5.0 CONCLUSION

The proposed works are permissible, being ordinarily ancillary to the existing dwelling house, and consistent with the desired outcomes contained within PLEP 2014 and P21DCP.

The identified non-compliance with the P21DCP front boundary setback, side boundary setback and flood hazard floor level controls have been acknowledged and appropriately justified having regard to the associated objectives and the historical floor level and carparking circumstances established on this particular site and by existing development along Wimbledon Avenue. Such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Given the single storey and modest nature of the works proposed we have formed the considered opinion that the works will not give rise to any unacceptable residential amenity impacts in terms of privacy, overshadowing or view loss with the proposed open carport complimentary and compatible in a streetscape context.

The proposal succeeds when assessed against the heads of consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 (the Act). It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.



Greg Boston  
Boston Blyth Fleming Pty Ltd  
Director