

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

**PROPOSED MINOR
ALTERATIONS AND ADDITIONS TO
RESIDENTIAL FLAT BUILDING**

**UNIT 3
74-76 OLD PITTWATER ROAD
BROOKVALE**

NOVEMBER 2020

statement of environmental effects

Submission to

NORTHERN BEACHES COUNCIL

**PROPOSED ALTERATIONS AND ADDITIONS TO
RESIDENTIAL FLAT BUILDING**

UNIT 3/74-76 OLD PITTWATER ROAD BROOKVALE

Prepared on behalf of

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This statement has been prepared in consideration of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence. The opinions in the statement represent the professional opinions of the authors, based on an assessment of the facts and circumstances as have been cited in the document.

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1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a development application (the 'development application') seeking consent for the construction of an access staircase extending from the balcony to the court yard of an existing residential flat building (the 'proposed development'). The existing dwelling is located on the land known as Nos 3/74-76 Old Pittwater Road, Brookvale (the 'site'), and forms part of the residential flat building.

Consideration has been given to the environmental merit of the proposal, as well as in relation to the following legislature, statutory planning instruments and subordinate policies:

- *Environmental Planning and Assessment Act 1979 ('EPAA');*
- *Environmental Planning and Assessment Regulation 2000 ('EPAR');*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;*
- *Warringah Local Environmental Plan 2011 ('WLEP');*
- *Warringah Development Control Plan 2011('WDCP').*

In our opinion, the development application succeeds on the merits, and, pursuant to the relevant legislation, is suitable for the grant of development consent by Council.

1.1 Our Client

Name	Address
Ms Suzanne P Edwards	Unit 3/ 74-76 Old Pittwater Road Brookvale 2100

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The property, the subject of the development application, is located on the northern side of Old Pittwater Road in the suburb of Brookvale. The property comprises an existing residential flat building. Unit 3/74-76 is located on the North-Western side of the Building, on the lower level. It currently has a veranda and a courtyard, but no internal access to use said courtyard/private open space.

The development character of the locality is mixed and consists of a variety of uses including low to medium density residential, retail, commercial and industrial. The site is in close proximity to Warringah Mall, located to the south and within the immediate area of the Brookvale industrial area.

A location plan is provided at **Annexure 1**.

An aerial photograph is provided at **Annexure 2**.

2.2 The Site

The site is legally described as Lot 16 in Strata Plan 69096 and has an area of approximately 1532.70 sqm.

The land slopes from the rear of the site towards the front boundary.

The subject site includes a two-storey residential flat building with an underground lock up carpark for residents. Pedestrian and vehicle access is available from Old Pittwater Road.

Photographs of the site and the surrounding streetscape are provided at **Annexure 3**.

2.3 Development History

The subject site was the subject of a previous development application that was withdrawn in early 2020 (DA2019/1360) at the request of Council. The previous application was withdrawn by the applicant due to a 'defective' landowners consent. This application seeks to clarify and expand upon the



previous development application, and is accompanied by the appropriate land owners consents from both the owner of unit 3 and the Owners Corporation.

3.0 DEVELOPMENT PROPOSAL

The proposal involves changes to previous plans submitted in DA2019/1360. This development application now seeks approval for construction of an access stair and work regarding fire egress from the basement.

Currently, there is no method of accessing the courtyard from the apartment internally. If access is required, it must be provided externally.

Specifically, the works involve the following:

- Installation of a platform for entry from the Lot 3 owners main balcony within the common property air space above the fire exit and adjoining the car park driveway entry;
- Providing a masonry support wall for the stairwell landing into the common property retaining wall as required and in accordance with the plans referred to above;
- Adjusting the brushwood fence to enable stairs to be fitted from the landing to the Exclusive Use Area of Lot 3;
- Reconfiguring the entrance to the fire exit from the garage in accordance with the plans referred to above; and
- Installing stairs from the landing down to the Exclusive Use Area for Lot 3 to be constructed of hardwood and powder coated steel/aluminium and the railings of powder coated steel/aluminium to match the existing railings per the above plans.

The application is supported by the following documentation:



- Architectural plans, prepared by JJ drafting and showing the existing residential flat building and proposed access staircase,
- a Survey plan, prepared by Wumara Group;
- BCA Compliance report prepared by All State Building Surveying; and
- Structural Engineering drawings & a Letter, associated with the structural integrity of the proposed staircase prepared by NB Consulting.

The proposed staircase will be built to match the staircase at Unit 2/74-76 Old Pittwater Road. The colours and materials will be similar to ensure symmetry between both units, when viewed from the street.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Exempt and Complying Development Codes SEPP

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ('Codes SEPP') aims to provide a streamlined assessment process for development that complies with specified development standards.

'Exempt development', within the meaning of the EPAA, may be carried out under the Exempt Development Codes and, relevantly, under clause 2.20A of the Codes SEPP for any of the purposes referred to in the table in the clause. Complying Development may also be carried out without the need to obtain development consent.

The land comprising the site is located within 'Landslide Risk land' (being located within an Area A - Slope <5), precluding the application of the SEPP to the extent of which, at least some of its provisions might otherwise have been applicable. Development consent is therefore sought in respect of the proposed development.

4.2 Vegetation SEPP

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ('Vegetation SEPP') identifies



the subject land as being affected by the SEPP. The objectives of the Vegetation SEPP are as follows:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

As the proposal does not involve the clearing of any vegetation on the site and the works involved are not deemed to have any impact on any surrounding vegetation, we believe that the proposal is reflective of the objectives of the Vegetation SEPP. As such, the proposal is compliant with the Vegetation SEPP and warrants support from Council.

4.3 Warringah Local Environmental Plan 2011

4.3.1 General

Warringah Local Environmental Plan 2011 ('WLEP') is the relevantly applicable Local Environmental Plan.

4.3.2 Aims

The aim of WLEP is, among other things, to promote economically, environmentally and socially sustainable development in the former Warringah local government area (now part of the Northern Beaches local government area) and to ensure that development is consistent with the desired character of Warringah's localities.

4.3.3 Zoning and Permissibility

The subject property is zoned R3 'Medium Density Residential' pursuant to the provisions of WLEP.

Within the R3 zone, 'Residential Flat Buildings', not being prohibited, is permitted with the development consent of the consent authority (refer Land Use Table; Zone R3).

The definition of a residential flat building is as follows:

"residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing."

The existing land use is consistent with the above definition. As the proposed works are considered '**ancillary**' to the main function of the 'use' of the existing residential flat building, the proposed development is considered to be permissible with consent.

A zoning map extract from WLEP depicting the site is provided at **Annexure 4**.

4.3.4 Zone Objectives

The relevantly applicable R3 Zone Objectives under WLEP (refer Land Use Table, item 3, R3 Zone) are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
- To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.

In our opinion, the proposed development is consistent with such of the zone objectives referred to above as are of relevance.

The proposed works are unlikely to adversely affect the surrounding residential units and will not impact the surrounding area. We note that the works complement the primary purpose of

the land, improving amenity for the residents of 3/74-76 Old Pittwater Road.

Furthermore, the proposed works will provide a symmetrical aesthetic to the front elevation of the site, as the next-door unit has a near identical set of stairs to those proposed, that similarly extend from the balcony to the courtyard.

Additionally, the proposed staircase, will enable the occupant's direct access to their private open space, which they currently don't have access from the internal spaces of their unit. Access to their POS, requires direct access from Old Pittwater Road. Furthermore, the proposed works will enable the occupants of the Unit to 'Age in Place'.

4.3.5 Height of buildings

Clause 4.3 'Height of Buildings' is a principal development standard of WLEP, controlling the height of buildings.

The objectives of clause 4.3 are as follows (refer clause 4.3(1), WLEP):

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

By virtue of clause 4.3(2) of WLEP, 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. As such, the relevantly applicable maximum building height applicable to the site is 8.5m (refer WLEP 'Height of Buildings Map' - Sheet HOB_008A).

As the proposal will not change the height of the existing residential flat building, this specific clause is not relevant to the proposal.

Furthermore, the proposed staircase will not disrupt views, create material overshadowing, reduce solar access or create any adverse impacts on the surrounding environment, consistent with the objectives of clause 4.3(1).

In our opinion, the proposal meets the objectives of the zone and, as such, warrants support.

An extract from the WLEP 'Height of Buildings Map', depicting the site, is provided at **Annexure 5**.

4.3.6 Development Near Zone Boundaries

Clause 5.3 'Development near zone boundaries' is a miscellaneous provision within WLEP and, as the subject site lies within 10m of a zone boundary (relevantly, the boundary between the R3 'Medium Density Residential' and IN1 'General Industrial' zones), is applicable to the proposed development. The objectives of this clause are (refer clause 5.3, WLEP);

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres.

Whilst it is noted that this clause applies to the subject site, we submit the proposed works will be consistent with the R3 'Medium Density Residential' Zone and the proposed works will not detract from the surrounding medium density residential environment.

Furthermore, the works are considered to be 'compatible' with the surrounding developments.

Annexure 4 provides understanding of the site's proximity to the surrounding zones (extract from WLEP).

Therefore, we respectfully submit to Council that the proposal is consistent with the above clause and warrants support for this reason.

4.3.7 Earthworks

Clause 6.2 'Earthworks' of WLEP is an additional local provision that is applicable in the consideration of the minor earthworks associated with the proposed development, given that the site is identified to lie within a 'landslide risk area' (refer WLEP 'Landslip Risk Map' - Sheet LSR_008A).

The objectives of clause 6.2 are as follows (refer clause 6.2(1), WLEP);

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighboring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.

Clause 6.2 also mandates that development consent is required for earthworks unless (refer clause 6.2(2), WLEP):

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
- (b) the work is ancillary to other development for which development consent has been given.

and that the consent authority must consider (refer clause 6.2(3), WLEP):

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

before the granting development consent.

As the works occur in a 'landslip area', and minor earth works will be required to install the access staircase, development consent is therefore required. This notwithstanding, the works involved are minor, will not disturb more than 1 tonne of soil and will not excavate more than 2m of soil.

Whilst the proposal is not expected to affect any drinking water, pollute watercourses or create any adverse runoff effects, the installation of a sediment barrier, should Council request it, would successfully address any concerns regarding surface runoff during the construction period of the proposed development.

Any excavation to be undertaken will mostly be done by hand. Furthermore, the works are not expected to affect the stability of the ground.

As the land is within a landslip zone area A, a geotechnical report may be required to address the issues of possible landslip. However, the proposed works, namely the construction of a staircase, are considered to be minor. As such, a geotechnical report is not necessary in this case.

In our opinion, the works will be compliant with the control.

A map extract depicting the landslip area has been provided at **Annexure 6**.

4.3.8 Development on Sloping Land

As the subject site is identified to be within a 'Landslip risk area' under Area A of the Landslip Risk Map - Sheet LSR_008A, clause 6.4 of WLEP is applicable to the subject site.

Due to this identification, the proposal, which would usually be dealt with using the CODES SEPP, instead involves seeking development consent through the development application process, and the objectives for development on sloping land under WLEP as follow must be considered by the consent authority (refer clause 6.4(1) and clause 6.4(2), WLEP);

(1) The objectives of this clause are as follows—

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and



- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
- (c) the development will not impact on or affect the existing subsurface flow conditions.

The proposed works are not expected to have any adverse impacts on the surrounding properties, water table or effect the stability of the slope. Please refer to section 4.3.7 'Earthworks' of this document for additional information.

Furthermore, there is no excavation to occur on site, as such no preliminary assessment is required for the proposal.

In our opinion, the proposal is consistent with the control.

4.4 Warringah Development Control Plan 2011

4.4.1 General

Warringah Development Control Plan 2011 (WDCP) applies to the carrying out of development on the site.

The primary objective of WDCP is to create and maintain a high level of environmental quality in the former local government area of Warringah.

However, it must be stressed that development control plans contain **guideline** controls at best: see *Zhang v Canterbury City Council* (1999) 105 LGERA 18. This is enshrined in sections 3.42 and 4.15(3A) of the *Environmental Planning and Assessment Act 1979* (NSW), which are as follows:

3.42 Purpose and status of development control plans

(cf previous s 74BA)

- (1) The principal purpose of a development control plan is **to provide guidance** on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:



- (a) giving effect to the aims of any environmental planning instrument that applies to the development,
- (b) facilitating development that is permissible under any such instrument,
- (c) achieving the objectives of land zones under any such instrument.

The provisions of a development control plan made for that purpose are not statutory requirements.

- (2) The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).
- (3) Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development. *[Our emphasis]*

4.15 Evaluation

(cf previous s 79C)

... ..

(3A) **Development control plans** If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be ***flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development***, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, ***standards*** include performance criteria. *[Our emphasis]*

The principal controls in WDCP relating to the development proposal are referred to and

discussed below, to the extent to which they are relevant to the proposed development.

4.4.2 Objectives

The development is consistent with the objectives referred to in part A.5 of WDCP. The objectives state (refer part A.5, WDCP);

- To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood
- To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome
- To inspire design innovation for residential, commercial and industrial development
- To provide a high level of access to and within development.
- To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained
- To achieve environmentally, economically and socially sustainable development for the community of Warringah [sic.]

In respect of those objectives, the development will respond to the character of the site upon which it is proposed, it will provide a higher level of access, specifically to the residence and will not result in any significant environmental impacts.

Furthermore, the design will correlate to the neighbouring staircase, which leads to their courtyard, creating architectural symmetry. This will improve the aesthetics of the building.

We submit that the proposal meets the objectives of WDCP.

4.4.3 Side Boundary Setbacks

Part B5 'Side Boundary Setbacks' of WDCP is applicable to the proposal. The objectives of the control are as follows (refer part B5, WDCP);

- To provide opportunities for deep soil landscape areas.
- To ensure that development does not become visually dominant.
- To ensure that the scale and bulk of buildings is minimised.
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- To provide reasonable sharing of views to and from public and private properties.

This control stipulates that there must be a 2m setback from the side boundary, even for properties within an R3 zone. However, there are exceptions to this control in R3 zones. Relevantly, these exceptions are (refer part B5, WDCP);

- Light fittings, electricity or gas meters or other services infrastructure and structures not more than 1 metre above ground level (existing) (including steps, landings, pedestrian ramps and stormwater structures) may encroach beyond the required setback up to 2 metres from a side boundary; and
- Entrance and stair lobbies at ground floor level may encroach the required setback up to 2 metres from a side boundary.

As the exception suggests, there is scope to consider encroachments into the side boundary setback controls set out in part B5 of WDCP. As the proposal is a side staircase providing access to the external courtyard, a merit-based assessment of this non-compliance is called up.

Furthermore, Unit 2, which is directly adjacent to the subject site, has an existing access staircase leading from the balcony to the courtyard.

The staircase will not be visible from the street due to the high fence (2.1m), that screens the subject site, further assisting in alleviating any concerns as regards the potential loss of amenity area. The works will also be undertaken using similar finishes and colours as existing.

As the proposal involves approx. 1m encroachment into common property airspace, significant consultation has been undertaken with them to reach a resolution in respects to this issue. The current proposal has seen significant amendments to ensure, that the amenity impacts associated with encroachment into common property airspace have being mitigated. Land owners consent from the Owners Corporation is submitted with this application.

Whilst a minor non-compliance arises, we feel that due to the minor nature of the works, support is warranted for the application.

4.4.4 Front Boundary Setback

Part B7 of WDCP is applicable to the proposal. The objectives of the control are (refer part B7, WDCP);

- To create a sense of openness.
- To maintain the visual continuity and pattern of buildings and landscape elements.
- To protect and enhance the visual quality of streetscapes and public spaces.
- To achieve reasonable view sharing.

The control provides that a 6.5m front building setback is applicable to the site. We note that the existing setback is 7.5m, while the proposal will see a 1.0m decrease to the existing setback, bringing the front boundary setback from the staircase to 6.5m and maintaining compliance with the control.

We submit that the proposal is consistent with the control objectives and complies with the requirements.

4.4.5 Rear Boundary Setbacks

We note that this specific control is not relevant to the present proposal.

4.4.6 Traffic Access and Safety

Part C2 of WDCP, 'Traffic, Access and Safety' is applicable to the proposal.

The proposed development will not alter the existing parking arrangements at the subject site. However, if approved, the proposal will result in a significant improvement to access afforded by the development. Specifically the BCA compliance upgrades associated with the re-location of the fire egress door, will greatly improve the access to the basement carpark.

We submit that the proposal is consistent with the control. For additional information please refer to the BCA report submitted with this application.

4.4.7 Stormwater

Part C4 of WDCP regulates stormwater management for adequate drainage and environmental protection and is applicable to the proposal.

The proposal will not create any adverse impacts in relation to stormwater runoff. The stair will be an open structure.

Furthermore, any runoff issues will be contained within the site.

We submit that the proposal is compliant with the control.

4.4.8 Erosion and Sedimentation

Part C5 of WDCP is a siting regulation that aims to reduce soil erosion and prevent sediment migration, to preserve water quality.

The proposed development will not disturb more than 2500m of soil and, as such, a sediment and erosion plan has not been prepared.

The proposed works are considered minor in nature and are not expected to disturb the soil at all. In the unlikely event of any disturbance, sediment will be controlled and will not migrate from the site boundaries. We note there is a retaining wall trapping runoff.

We submit that the application is compliant with the control.

4.4.9 Demolition and Construction

Part C8 of WDCP aims to manage demolition and construction sites to minimise waste and ensure development does not result in the loss of amenity, safety or environmental value.

The construction process of the proposed development will be minimal as the staircase will be prefabricated and prebuilt, making installation quick and efficient.

We note there will be a small amount of demolition which will include removing a section of the existing handrail to make way for the new staircase. Any waste associated with this removal will be disposed of safely and sustainably.

We submit that the proposal is consistent with the control.

4.4.10 Waste Management

Part C9 of WDCP regulates the management of waste from development.

As the works involved are considered quite minimal, it is not expected that a large amount of waste will be generated during construction and demolition. Nevertheless, all waste generated will be disposed of sustainably and safely and will be reused or recycled where possible.

A waste management plan accompanies this application.

4.4.11 Landscaped Open Space and Bushland

Part D1 of WDCP, regulating the provision of adequate open space, is applicable to the proposal.

However, as the proposed works will only occur adjacent the existing balcony and courtyard area and as there are no proposed changes to landscaping or open space on the site, landscaped open space will remain unchanged at 43% of the site area.

We submit that the proposal should be judged on its merits in terms of compliance.

4.4.12 Private Open Space

Section D2 of WDCP is applicable to the proposal. The objectives of this control are;

- To ensure that all residential development is provided with functional, well located areas of private open space.
- To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.
- To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.
- To ensure that private open space receives sufficient solar access and privacy.

The proposal will increase the useability of private open space.



Currently, to access the courtyard, the occupant must enter from the street. This is impractical. The proposal seeks to improve access to private open space and allow the occupants of the unit direct access. Furthermore, the proposal will allow the occupants of the lot to 'Age in Place'.

Amenity impacts are mitigated through the use of similar colours and materials, which are currently present at unit 2.

In our view the proposal is consistent with the control.

4.4.13 Noise

Part D3 of WDCP aims to minimise the impacts of noise and improve the quality of the urban environment.

As the proposal is expected to create no additional impacts relating to acoustic privacy, the application is therefore compliant with the control.

4.4.14 Access to Sunlight

Part D6 of WDCP aims to ensure adequate access to sunlight, promote passive solar design and the use of solar energy and thus maintain adequate living conditions.

The proposed works will create virtually no overshadowing impacts.

4.4.15 Views

Part D7 of WDCP aims to reduce view loss and enhance the level of visual amenity within residential areas.

The proposal will not impact on any surrounding properties views. Furthermore, when viewed from a public place, the proposed development will be screened by an existing 2.1m high fence.

In our opinion, the proposal is compliant with the control.

4.4.16 Privacy

Part D8 of WDCP exists to ensure that an acceptable level of privacy is maintained within all developments.

The proposal is not expected to create any overlooking impacts. Furthermore, an existing privacy screen is located on the balcony to screen Unit 3 from Unit 2 for the maintenance of privacy.

We submit that the proposal is compliant with the control.

4.4.17 Building Bulk

Part D9 of WDCP also applies to the proposal. Currently unit 2 has an external staircase leading from the balcony to the courtyard. The proposal will not materially increase building bulk and creating symmetry when viewed from the street.

We submit that the application is compliant with the control.

4.4.18 Building Colours and Materials

Part D10 of WDCP exists to ensure the use of colour and materials sympathetic to the natural environment.

The staircase is proposed to be constructed from steel frame with timber treads; a suitable material which is strong and has a lower susceptibility to damage caused by the elements.

The proposed handrails will match the existing handrails. We therefore submit that the proposal is consistent with the control.

The new masonry wall will form stair landing support and will be paint to match the existing building.

4.4.19 Accessibility and Adaptability

Part D18 of WDCP aims to ensure that site access is convenient, comfortable and safe for all users. The current design of the apartment is extremely impractical and does not allow adequate accessibility to existing private open space.

The proposal will deliver a much-needed improvement to the internal accessibility of the apartment, assisting in providing a 'ageing in place' feature for the occupant.

We submit that the proposal is compliant with the control.

4.4.20 Landslip Risk

Part E10 of WDCP controls issues of geotechnical hazard on landslip risk land.

As the site is identified as an 'Area A - Slope <5' landslip risk area, it is considered to have a minimal risk of landslip.

As stated in sections 4.3.7 and 4.3.8 of this document, the proposal will have no impact on the ground stability or will affect any waterways.

The objectives of this control state to following (refer part E10, WDCP);

- To ensure development is geotechnically stable.
- To ensure good engineering practice.
- To ensure there is no adverse impact on existing subsurface flow conditions.
- To ensure there is no adverse impact resulting from stormwater discharge.

No adverse impacts will occur and no material excavation is expected to be necessary.

In our opinion, the proposal is compliant with the control.

5.0 KEY ISSUES

5.1 Development History

As aforementioned, this application has sought to improve, clarify and expand upon a previous development application for the subject site that was withdrawn in early 2020 at the request of Council. This application incorporates the requirements of the owners corporation.

5.2 Permissibility

The proposed works are ancillary to the existing residential flat building which, under the WLEP land use table, is a purpose permissible with consent.

Please refer to section 4.3.3 'Zoning and Permissibility' of this document for greater detail.

5.3 Development Near Zone Boundaries

The proposal is within 10m of the IN1 zone. The proposal will not affect the surrounding industrial uses. The works are for a residential purpose and don't affect any other occupants of the building.

Please refer to section 4.3.6 'Development Near Zone Boundaries' of this document for additional information.

5.4 Earthworks

The property is identified to be within a landslip risk area. The proposal is minimal in scope.

Please refer to section 4.3.7 'Earthworks' of this document for additional information.

5.5 Development on Sloping Land

The property is identified to be at the lowest risk level for sloping land.

The works do not involve excavation greater than 2m, and a preliminary assessment has not been prepared.

Please refer to section 4.3.8 'Development on Sloping Land' for further discussion of this issue.

5.6 Side Boundary Setbacks

A minor non-compliance arises as regards the proposed development in relation to the side setback. As the controls set out in WDCP are 'guidelines' (see section 4.4.1 'General' of this document for greater detail) we respectfully submit that this minor departure from the 'control' does not detract from the appropriateness of the development and will not cause an offence to relevant objectives.

The adjacent unit has a staircase leading from balcony to courtyard. We note the proposal will improve the architectural symmetry of the building. In our opinion, the proposal succeeds on its merits and meets the objectives of this control.

Please also refer to section 4.4.3 'Side Boundary Setbacks' of this document for additional information.

6.0 CONCLUSION

This document addresses the statutory regime applicable to the application and demonstrates that the proposed access staircase leading to the courtyard is appropriate and will be complementary to both the site, the existing residential flat building and will not affect the surrounds. The proposal now seeks to comply with fire egress from the garage and it now supported by both landowners consent.

The proposal is consistent with the desired future character of the locality.

The heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* have been considered and there are no matters which would prevent Council from granting consent to the proposal in this instance.

In our opinion, the proposal merits support by the consent authority.



ANNEXURE 1

LOCALITY MAP



LOCALITY MAP
EXTRACT FROM SIX MAPS

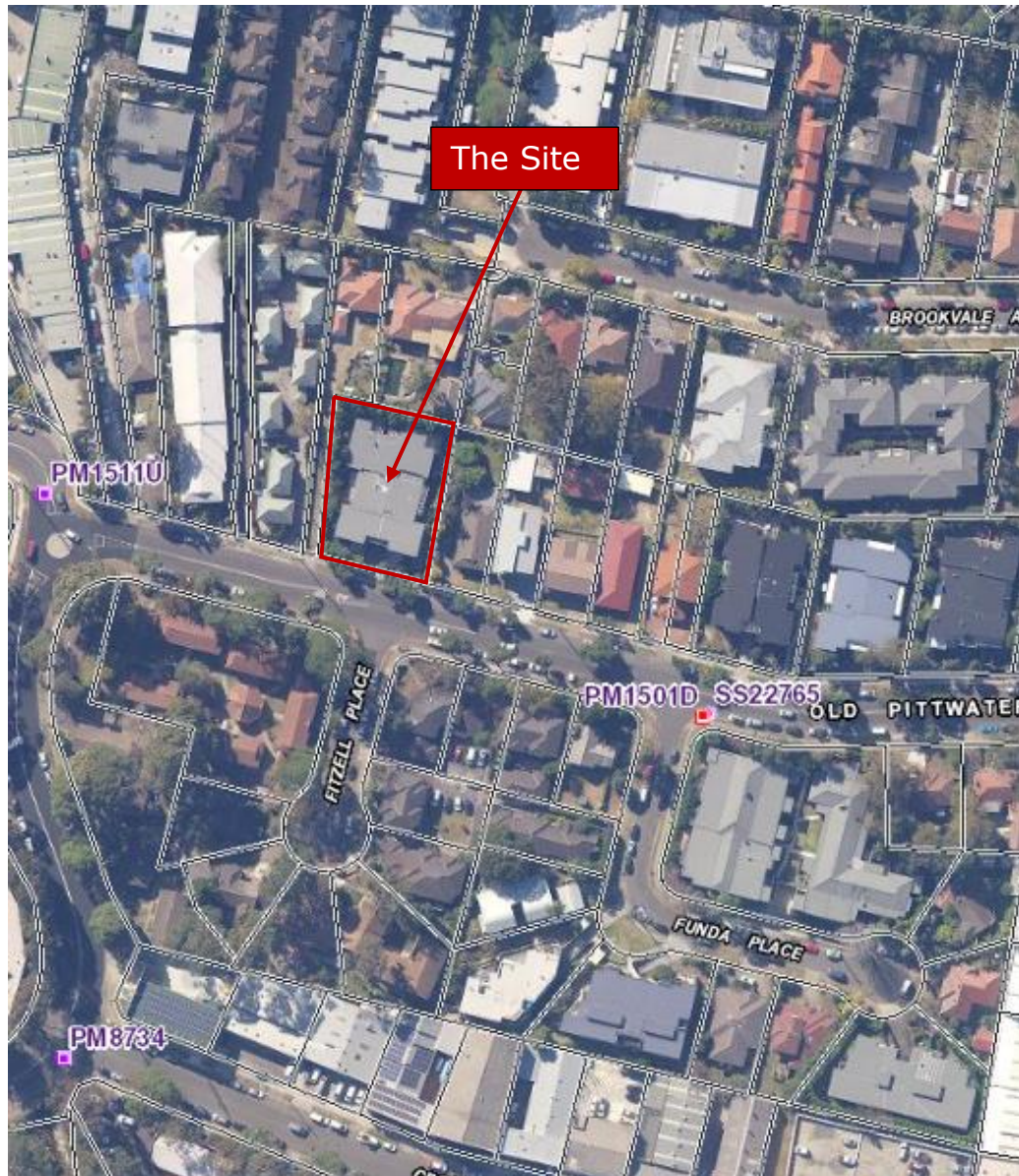


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	DRAWN: TG	3/74-76 Old Pittwater Road Brookvale



ANNEXURE 2

AERIAL PHOTOGRAPH



AERIAL PHOTOGRAPH

EXTRACT FROM SIX MAPS



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	<p>DRAWN: TG</p>	<p>3/74-76 Old Pittwater Road Brookvale</p>



ANNEXURE 3

PHOTOGRAPHIC PALETTE



PHOTOGRAPH 1 – Showing proposed location of the external staircase looking north



PHOTOGRAPH 2 – Showing adjoining external staircase for adjoining unit (east side of driveway)



PHOTOGRAPH 3 – External view of unit 3 from driveway and looking north west



PHOTOGRAPH 4 – View of existing courtyard looking east



PHOTOGRAPH 5 – View of adjoining neighbour's external staircase leading to courtyard

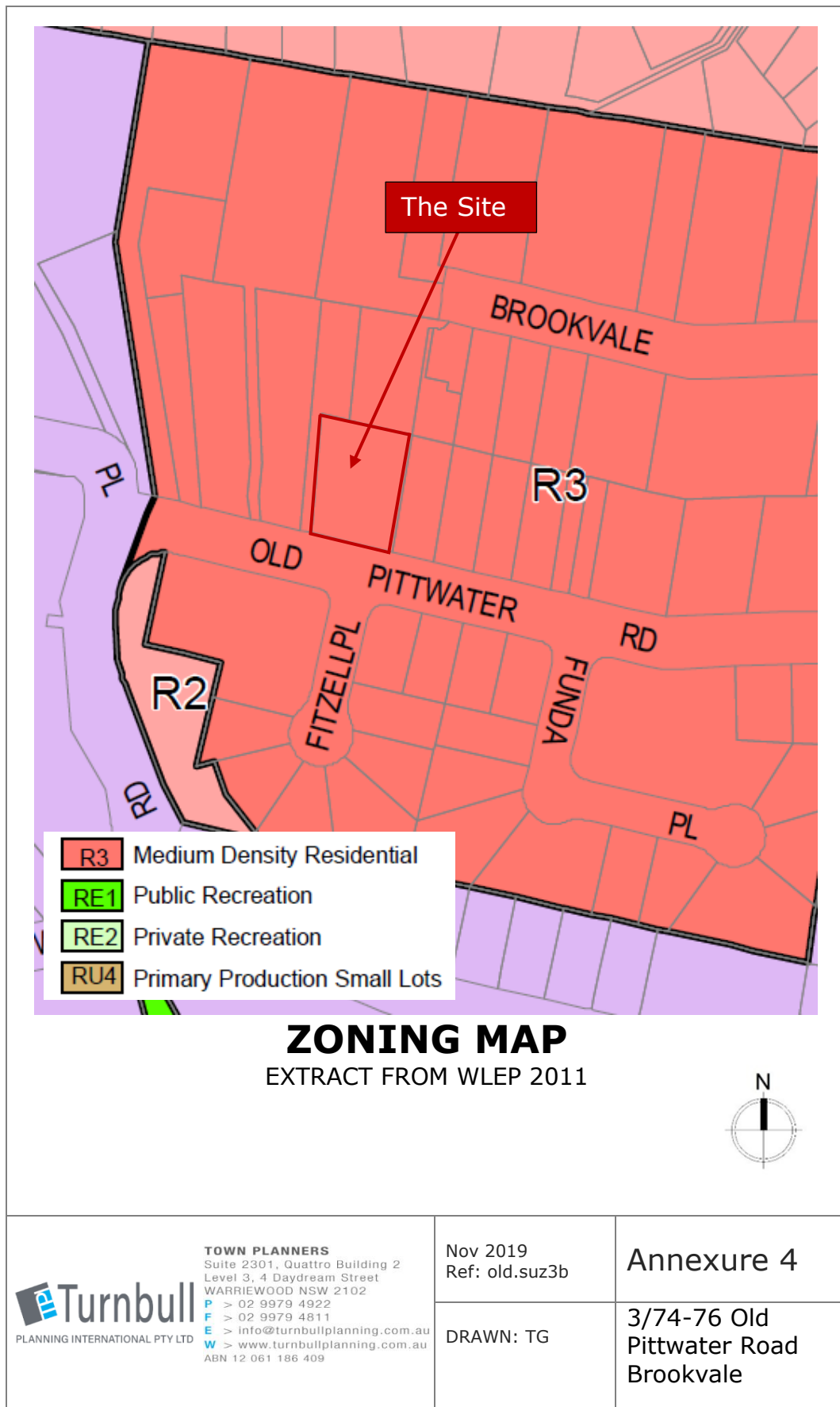


PHOTOGRAPH 6 – View showing position of proposed staircase



ANNEXURE 4

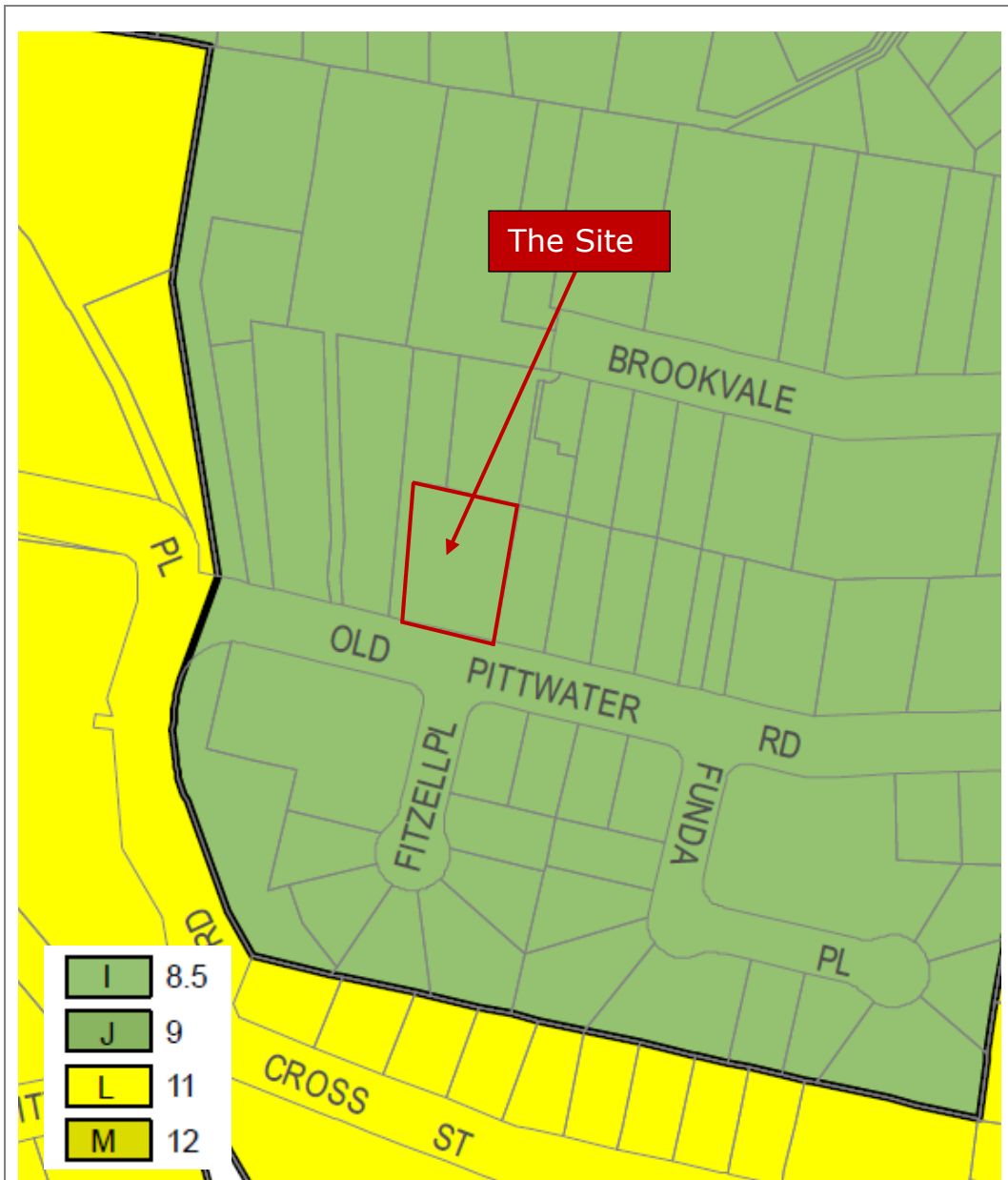
ZONING MAP (EXTRACT FROM WLEP)





ANNEXURE 5

HEIGHT OF BUILDINGS MAP (EXTRACT FROM WLEP)

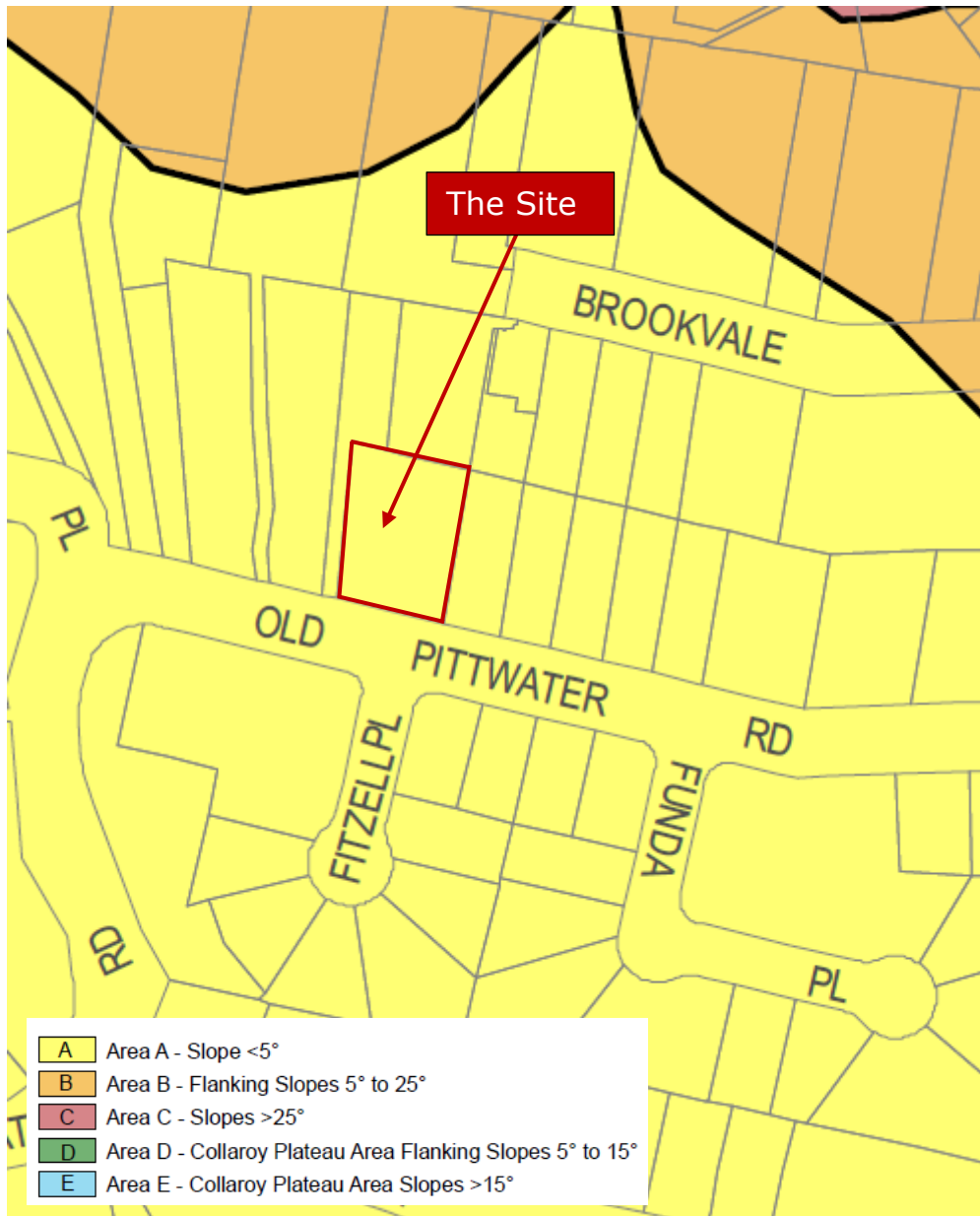


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ANNEXURE 6

LANDSLIP RISK MAP (EXTRACT FROM WLEP)



LANDSLIP RISK MAP

EXTRACT FROM WLEP 2011



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Annexure 6

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