

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition and new
dwelling house**

**13 Garden Street, North
Narrabeen**

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1 Introduction

1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for demolition of the existing development and development of a new dwelling house at 13 Garden Street, North Narrabeen.

The proposal is depicted in the accompanying architectural plans by Blue Sky Building Designs and includes:

Demolition

Demolition of the existing elements as shown on the plans along with retention of some elements like the swimming pool.

Ground floor level

- entry
- carport
- bedroom
- bathroom
- home gym
- living, dining, kitchen
- pantry and laundry
- deck to rear

First floor level

First floor addition, comprising:

- 4 bedrooms
- 2 bathrooms
- retreat/study
- rumpus room

Landscaping works

Driveway, new paving, pool fencing.

No works are proposed within the Council's road verge, and the existing infrastructure will be retained and reused. For clarity, a photograph illustrating the current site condition is provided within the plan set.

1.2 Statement of Environmental Effects

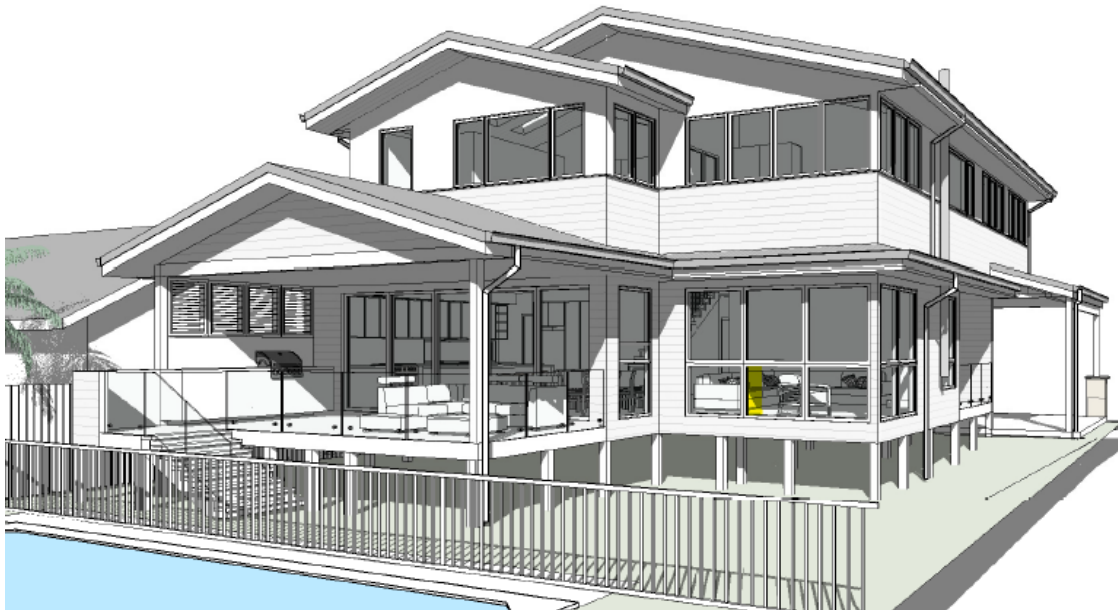
This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.



Perspective A – rear and north side perspective of the proposed development



Perspective B – proposed development frontage

2 Site Analysis

2.1 Site and location description

The site is located 13 Garden Street, North Narrabeen and legally described as Lot 1 in Deposited Plan 24227. The site has an area of 717.2 m². It is trapezoidal in shape and contains a single storey dwelling house of brick and tile construction, a swimming pool at rear, and a driveway along northern side.

The land is zoned R2 Low Density Residential. Parkland zoned RE1 Public Open space is to the northern side. Mullet Creek, a tributary to Narrabeen Lagoon, is to north and east of the site.

The land is not identified in the LEP as being affected by heritage conservation, bushfire, biodiversity, coastal risk or landslip, The land is identified in the LEP as being affected by flooding and acid sulfate soils and these are addressed within Section 4 of this report.



Figure 1 – Location of the site within its wider context (courtesy Northern Beaches Mapping)



Figure 2 – Location, orientation and configuration of the subject site (courtesy Northern Beaches Mapping)



Figure 3 – existing property's streetscape character



Figure 4 – existing property's streetscape character



Figure 5 – character of existing dwelling as viewed from park / north west



Figure 6 – character of existing dwelling as viewed from park / northern side

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 (the Act).

Under the provisions of the Act, the key applicable planning considerations, relevant to the assessment of the application are:

- Pittwater Local Environmental Plan 2014
- State Environmental Planning Policies – as relevant
- Pittwater Development Control Plan

The application of the above plans and policies are assessed against the proposal in the following sections of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; these matters are summarised latter in this report.

4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

4.1 Pittwater Local Environmental Plan 2014

4.1.1 Zoning

The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 (LEP).

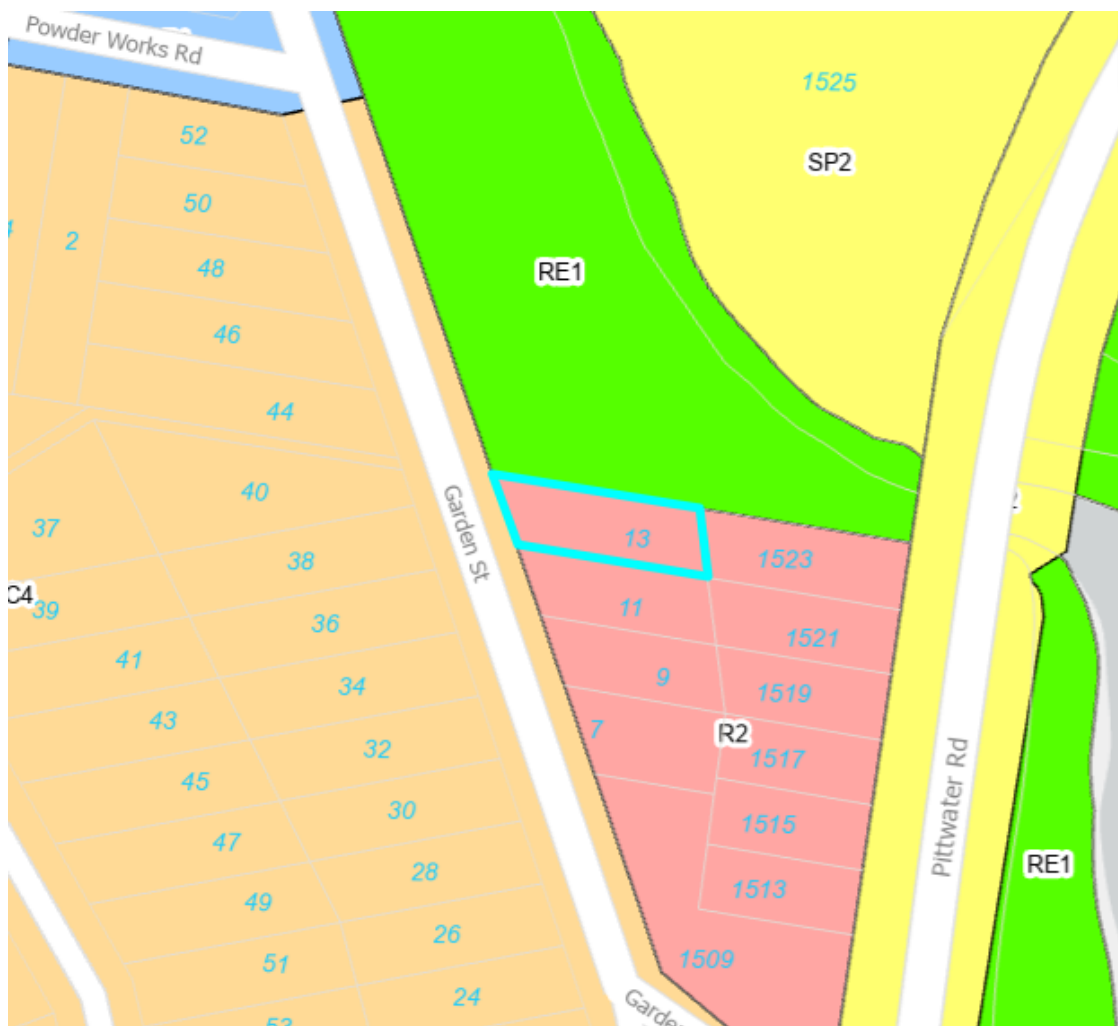


Figure 7 – zone excerpt (Council's website)

The proposal constitutes demolition of the existing development and development of a new dwelling house. The proposal is permitted within the zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal.

It is assessed that the proposed development is consistent with the zone objectives as it will provide for the housing needs of the community within a low density residential environment, within a landscaped setting, compatible with the surrounding development. Accordingly, the proposal has had sufficient regard to the zone objectives.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are identified and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size 600m ²	NA	NA
LEP Clause 4.3 – Height of Buildings 8.5m	The proposed development complies with the 8.5m building height standard as documented on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
LEP Clause 5.21 Flood planning Clause 5.21(2) states: <i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the</i>	Council's maps identify the site as being flood affected. In response, the proposal is accompanied by a flood risk management report. The DA proposes floor levels that satisfy the contemporary flood planning level applicable to the land. In response to clause 5.21(2), the assessment report confirms that the consent authority may be satisfied that the proposed development: ▪ is compatible with the flood hazard of the land, and ▪ the proposed development is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and ▪ The proposal is on a property that includes	Yes

LEP Provision	Response	Complies
<p>surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>a first-floor level facilitating safe occupation of the land during a flood event. Furthermore, there remains adequate egress to and from the property. Therefore, the proposal will not inappropriately affect the safe occupation or efficient evacuation of people in the event of a flood. Noting the above, the proposal incorporates appropriate measures to manage risk to life in the event of a flood.</p> <ul style="list-style-type: none"> ▪ The proposal is appropriately setback from riparian land / water courses. the proposal will not adversely affect the environment by causing avoidable erosion or siltation. Conditions regarding the control of storm water and siltation may be imposed to regulate this outcome ▪ The design has appropriately responded to the flood planning levels. <p>The provisions of the clause are assessed as being satisfied by the proposal.</p>	
Part 7 of LEP – Additional Local Provisions		
<p>LEP Clause 7.1 Acid sulfate soils</p> <p>Relevant to the subject site the clause states:</p> <p>4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</p> <p>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</p>	<p>The proposal is within acid sulphate soils Class 2 on the LEP maps. Excavation is proposed for footings.</p> <p>For Class 2 land clause 7.1 states:</p> <p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</p> <p>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</p> <p>As a result of the above, a preliminary geotechnical report including acid sulfate soils assessment accompanies the proposal.</p> <p>The report finds that the proposed development upon the site is satisfactory subject to compliance with recommendations made to mitigate any potential impacts.</p> <p>Based on the above, the provisions of the clause are assessed as being satisfied by the proposal.</p>	NA

LEP Provision	Response	Complies
<p>(a) the works involve the disturbance of less than 1 tonne of soil, and</p> <p>(b) the works are not likely to lower the watertable.</p>		
LEP Clause 7.2 Earthworks	<p>Excavations for footings are proposed below the existing site levels. The application is accompanied by a geotechnical assessment, architectural and stormwater management plans that demonstrate that the proposal is appropriate for the site.</p> <p>Drainage patterns and soil stability are not adversely impacted by the proposal which are supported by stormwater management plans.</p> <p>The architectural plans make appropriate provision for the design and treatment of the site's external areas. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development.</p> <p>Heritage is not relevant to the proposed development. It is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or environmentally sensitive areas proximate to the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p>	Yes
LEP Clause 7.5 Coastal risk planning	NA	NA
LEP Clause 7.6 Biodiversity	NA	NA
LEP Clause 7.7 Geotechnical hazards	NA	NA

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

4.3.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspects of The State Environmental Planning Policy (Biodiversity and Conservation) 2021 are applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Pittwater DCP for the purposes of the SEPP. The DA does not involve the removal of designated vegetation.

The potential to adversely impact upon nearby vegetation has been considered with the DA accompanied by an arborist report. It concludes:

4 Conclusions

- 4.1.1 A total of seven (7) trees are included in this Arboricultural Impact Assessment.
- 4.1.2 No assessed tree has been identified as endangered or threatened under State or Federal Government legislation nor is the site identified on the Department of Planning and Environments Biodiversity Values Map (BV).
- 4.1.3 One (1) assessed tree located on neighbouring property adjacent to the subject site (Tree 1) will incur 'major' encroachment under AS4970. Tree species and design methods have been assessed, tree protection and retention are considered viable for this specimen.
- 4.1.4 The remaining assessed trees will incur nil to minor encroachment, impact on tree health is considered unlikely – Tree 2-7.

Based on the above, the proposal will have an acceptable impact, and the provisions of this policy are satisfied by the proposal.

4.3.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The following aspects of State Environmental Planning Policy (Resilience and Hazards) 2021 - are applicable to the land and the proposed development:

- Chapter 2 – Coastal Management
- Chapter 4 - Remediation of Land

These matters are addressed below.

Chapter 2 – Coastal Management

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by Chapter 2 Coastal Management. It is applicable because the site is within the designated:

- Division 3 - coastal environment area
- Division 4 - coastal use area

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

Division 3 - Coastal environment area

The provisions of clause 2.10 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical inputs. The proposal is assessed as satisfactory in relation to this consideration.
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical inputs. The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. ▪ Provision for improved stormwater management is proposed for the site. ▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i>. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public,</i>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.

13 Development on land within the coastal environment area	Response
including persons with a disability,	
(f) Aboriginal cultural heritage, practices and places,	<ul style="list-style-type: none"> The proposal is not known to be positioned on a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.
(g) the use of the surf zone	<ul style="list-style-type: none"> Not relevant to the assessment of the proposal.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	<ul style="list-style-type: none"> Responses have been made above in relation to the considerations within subclause (1). The proposal is assessed as satisfactory in relation to these considerations.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	<ul style="list-style-type: none"> The proposal is assessed as satisfactory in relation to this consideration.
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	<ul style="list-style-type: none"> Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. The proposal is assessed as satisfactory in relation to this consideration.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u> .	<ul style="list-style-type: none"> Noted; not applicable.

Division 4 - Coastal use area

The provisions of Division 4 *Development on land within the coastal use area* are addressed as follows:

14 Development on land within the coastal use area	Response
(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i> (a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons</i>	<ul style="list-style-type: none"> The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in

14 Development on land within the coastal use area	Response
<i>with a disability,</i>	relation to this consideration.
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	<ul style="list-style-type: none"> ▪ The proposal will not result in any overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<ul style="list-style-type: none"> ▪ The proposal will not result in any additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> ▪ See above response.
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> ▪ See above response.
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. A characteristic, 2 storey dwelling house is proposed. ▪ The proposal will not result in any additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> ▪ Noted; not applicable.

4.3.4 Chapter 4 - Remediation of Land

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

5 Development Control Plan

5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Pittwater Development Control Plan (DCP) is applicable to the property. Relevant provisions are addressed below.

5.2 North Narrabeen Locality

The property is within the North Narrabeen Locality. This report, the accompanying plans, and DA documents demonstrate that the proposal has been designed to meet the desired future character through its, siting, form, configuration, height, extent, and compatibility with nearby development. Notably, the proposed development:

- will maintain a building height limit below the tree canopy
- responds to the physical and environmental site conditions and will harmonise with the features of the site and character of development within the locality.
- The resulting development is compatible with the character, siting, extent, type, and scale of development within the local area.
- involves floor levels of the dwelling house that satisfy the contemporary the flood planning level applicable to the land. Therefore, it has been designed to be safe from hazards including flooding. There are various LEP and DCP controls relating to flooding. Of relevance to the DCP is the building envelope control D11.9 which states:

Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.

The building envelopes are projected from the designated Flood Planning Level, and the proposed design is fully compliant within these parameters. This is further addressed in the table below.



Figure 8 – zone excerpt (Council's website)

5.3 Key DCP controls

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows.

Control	Requirement	Proposed	Complies
PART D: LOCALITY SPECIFIC DEVELOPMENT CONTROLS			
Front setback	<p>6.5m or established building line, whichever is the greater.</p> <p>Existing:</p> <ul style="list-style-type: none"> 4.6m to north western corner of veranda 9.47m to south western corner of veranda there is no consistent front setback on the adjoining properties. 	<p>The are variable front setbacks due to angular front boundary alignment.</p> <p>The proposed dwelling house maintains a similar alignment to the existing dwelling house. Minimal change is proposed, however numerical compliance is increased noting the proposed setback ranges from 5.25m to 7.5m</p> <p>Elements of the proposal are less than 6.5m. Notwithstanding, the proposed development satisfies the provisions of the planning control by increasing the existing setback, maintaining the established pattern, enhancing the existing built form, enhancing the streetscape character, minimising shading impacts as further address below, and satisfying the control objectives.</p>	Yes
Side and rear setbacks	Side: 2.5m one side 1m to other side	<p>Ground floor level North: 0.3m to carport (to provide for 2 vehicles and trailer parking. 2.230m to the dwelling house South: 1.24m</p> <p>First floor level North: 2.21m to 6.67m South: 2.39m to 3m</p>	<p>No*</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Objectives	<p><i>To achieve the desired future character of the Locality.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i></p> <p><i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.</i></p>	<p>North side setback - Variation proposed to carport. 900mm required 300mm proposed To provide for 2 vehicles and trailer parking.</p> <p>The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below.</p> <p>In support of this setback:</p> <ul style="list-style-type: none"> The carport is a single storey element with a short length of 7m or 17% of the boundary length, There are no dwellings adjoining north side and 	

Control	Requirement	Proposed	Complies
	<p><i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.</i></p> <p><i>Substantial landscaping, a mature tree canopy and an attractive streetscape.</i></p> <p><i>Flexibility in the siting of buildings and access.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>To ensure a landscaped buffer between commercial and residential zones is established.</i></p>	<p>therefore no inappropriate amenity impacts,</p> <ul style="list-style-type: none"> ▪ The setback will improve the utility of the site, making on-site provision for trailer parking, enabling the housing of a caravan. On-street parking of caravans is a known/publicised compliance matter for Council which the proposal positively addresses. ▪ The setback will not disturb the function of the adjoining parkland [to the north]. ▪ There are no adjacent buildings to the north. The adjacent Parkland provides a relatively large area of open space, significant spatial separation. The area is landscaped with grass and established trees. ▪ No vegetation is inappropriately impacted by the side setback. ▪ The proposed setback allows for flexibility in the siting of buildings and access on the property. <p>The proposed development satisfies the provisions of the planning control by maintaining generous side setbacks, increasing on-site car parking provision, in-setting the first-floor level on both sides to exceed the minimum requirements, providing a recessive upper level, achieving appropriate amenity impacts and satisfying the control objectives.</p> <p>The proposed development will present appropriately to the site's street frontage and adjacent open space employing an articulated design with an inset and recessive upper level.</p> <p>The bulk and scale is appropriate in its context and compatible with the scale of development within the local area.</p>	
	Rear: 6.5 m	Proposed: 15.4m to rear deck at ground floor level.	Yes
Building Envelope	<p>3.5m at 45 degrees plane to maximum building height boundary.</p> <p>Control- eave heights (incorporating the proposed upper level side setbacks): North: 5.71m to 10.2m South: 5.89m to 6.5m</p> <p>The control states (emphasis added): 'Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls,</p>	<p>The subject site is subject to Flood Controls meaning "the building envelope shall be measured from a height above the minimum floor level...".</p> <p>The flood planning level is shown on the plans in figures 9 and 10.</p> <p>Proposed eave heights: North: complies as shown in figure 9 South: complies as shown in figure 10</p>	<p>Yes Yes</p>

Control	Requirement	Proposed	Complies
	<p><i>the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</i></p> <p><i>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</i></p> <p><i>Council may consider a variation for the addition of a second storey where the existing dwelling is retained'.</i></p>		
Landscaped Area – (area 3)	50% minimum. Site area: 717.2m ² , Required: 358m ²	358.7m ² /50%	Yes
PART B: GENERAL CONTROLS			
B5.10 Stormwater Discharge into Public Drainage System.	Connected by gravity means to street or established piped system.	The DA is accompanied and supported by stormwater management plans that address the control provisions.	Yes
Car Parking (B6.3 DCP)	<p>2 spaces per 2 or more bedroom dwelling</p> <p>1 space per (secondary dwelling)</p>	<p>Existing - 1 separately accessible space behind the front building line space.</p> <p>Proposed - 2 separately accessible spaces behind the front building line. Compliance improved</p>	<p>No</p> <p>Yes</p>
PART C: DEVELOPMENT TYPE CONTROLS			
Private Open Space (PoS) (C1.7 DCP)	<p>80 m² at ground floor</p> <p>16 m² (out of the 80m²) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%)</p>	A lawn area and ground level deck are proposed to the rear, adjacent the main living areas.	Yes
Solar Access (C1.4 DCP)	Min 3 hours to the dwelling within the site. Min 3 hours to neighbouring dwellings	The application is supported by Solar Access Diagrams which depict the overshadowing from the proposed	Yes

Control	Requirement	Proposed	Complies
	<p>PoS areas.</p> <p>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 21st.</p> <p>Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.</p>	<p>development.</p> <p>Given the forward positioning of the proposed dwelling at 13 Garden Street relative to the dwelling at 11 Garden Street, the design ensures a minimum of three hours of sunlight to the rear garden area of number 11 Garden Street.</p> <p>Overshadowing of the adjoining property at 11 Garden Street is limited to the front yard and roof area between 9am and 12pm, with no additional overshadowing of the rear open space [primary outdoor amenity space, including a pool and garden] for 3 hours during this time.</p> <p>Therefore, the sunlight available to the adjoining dwellings will not be impacted by more than 3 hours, between 9am and 12pm on 21 June and the control is satisfied.</p> <p>Council can be satisfied the shading impact is reasonable.</p>	
Views (C1.3 DCP)	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>The property is within a level, non-elevated area within the local visual catchment.</p> <p>No inappropriate view sharing impacts are anticipated by the proposed development.</p> <p>Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties.</p> <p>At this stage, it is assessed that the proposal is unlikely to inappropriately impede significant established views from surrounding residential properties or public vantage points.</p>	Yes
Privacy (C1.6 DCP)	The control establishes that private open space and living rooms of adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater	<p>Privacy has been considered in the proposed design. The following key aspects are noted:</p> <p>Appropriate side building setbacks are exhibited by the proposal including the upper level.</p> <p>Side boundary facing window openings are limited and appropriate in terms of</p>	Yes

Control	Requirement	Proposed	Complies
	spatial separation.	<p>their separation, function (the rooms that they serve), location, sill height, and extent.</p> <p>Window openings in the northern side will appropriately overlook the adjacent Parkland.</p> <p>The proposed elevated east facing deck off the living room incorporates a full height privacy screen and is significantly setback from the rear eastern adjoining property.</p> <p>The proposed ensures that direct overlooking within 9m of adjoining sensitive private open spaces or windows will not arise without attenuation proposed.</p> <p>It is concluded that the proposal will not generate inappropriate impacts on the visual privacy of the neighbouring properties.</p>	
OTHER RELEVANT RESIDENTIAL DEVELOPMENT CONTROLS			
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	<p>The proposed development will present appropriately to the site's street frontage and adjacent open space employing an articulated design with an inset and recessive upper level.</p> <p>The proposed materials employ and appropriate range of textures and finishes, compatible with the location and context.</p> <p>The bulk and scale is appropriate in its context and compatible with the scale of development within the local area.</p>	Yes
Building Colours and Materials	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of</p>	<p>The proposed development will present appropriately to the public spaces and adjoining land.</p> <p>The proposed materials and finishes employ earthy tones, compatible with the location and context.</p> <p>External materials and finishes will be consistent with the surrounding environment. The development responds positively to the desired future character of the locality and will contribute to the visual amenity of the</p>	Yes

Control	Requirement	Proposed	Complies
	<p>Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p>	locality.	
Scenic Protection – General D1.4	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>The proposed development will be within a landscaped setting and will be compatible with similar structures that are characteristic of the local area.</p>	Yes

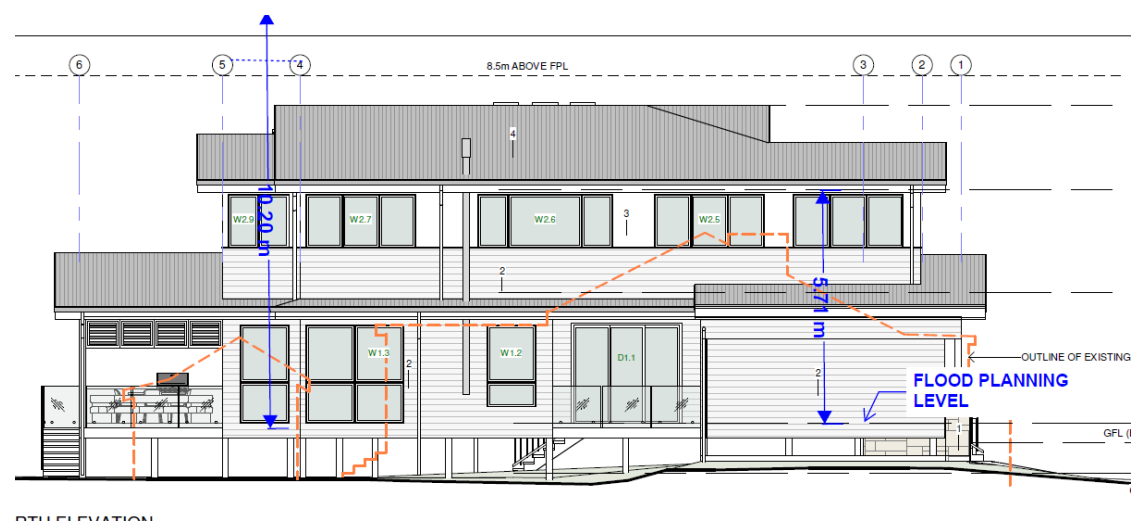


Figure 9 – north side boundary envelope compliance

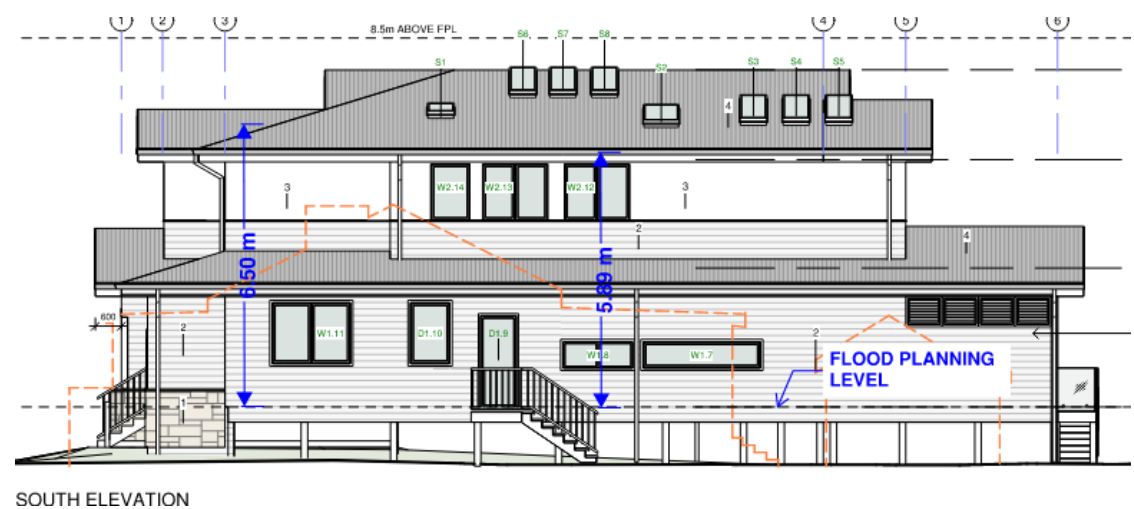


Figure 10 – south side boundary envelope compliance

5.3.1 Conclusion - variations to numerical aspects of the DCP

The proposed variations to the numerical requirements are contextually appropriate and satisfy the objectives of the planning controls.

Clause (3A)(b) of Section 4.15 of the Act states in relation to compliance with DCP controls:

“(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards council 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,”

In this instance the appropriate circumstances are established for the consent authority to be flexible in applying the numerical controls because the objectives of those controls are satisfied. The proposed development is therefore worthy of approval.

6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the renewal of existing housing stock and upgrading to meet BASIX compliance.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The relevant assessment issues have been identified and appropriately addressed.

The proposed development is permissible and consistent with the provisions of the planning controls as they are reasonably applied to the site.

The DA demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character.

The proposed development will not give rise to any unacceptable residential amenity of streetscape impacts.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners

Michael Haynes
Director