

**Statement of Environmental
Effects**

Proposed New Dwelling

**29 Emerald Street
Narrabeen**



NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2085.

Statement of Environmental Effects

Proposed New Dwelling

29 Emerald Street, Narrabeen

Prepared under instructions from

Ursino Architects

By

Greg Boston

B Urb & Reg Plan (UNE) MPIA

Boston Blyth Fleming Pty Ltd

Town Planners

(ACN 121 577 768)

Suite 1/9 Narabang Way

Belrose NSW 2085

Tel: (02) 99862535

April 2025

TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 SITE DESCRIPTION AND LOCATION

3.0 DEVELOPMENT PROPOSAL

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

4.2 Warringah Local Environmental Plan 2011

4.2.1 Zone and Zone Objectives

4.2.2 Height of Buildings

4.2.3 Acid Sulfate Soils

4.2.4 Earthworks

4.2.5 Development on Sloping Land

4.2.6 Flood Planning

4.3 Warringah Development Control Plan

4.3.1 Wall Height

4.3.2 Number of Storeys

4.3.3 Side Boundary Envelope

4.3.4 Side Boundary Setbacks

4.3.5 Front Boundary Setbacks

4.3.6 Rear Boundary Setbacks

4.3.7 Foreshore Building Setback

4.3.8 Parking Facilities

4.3.9 Stormwater

4.3.10 Landscaped Open Space

4.3.11 Private Open Space

4.3.12 Access to Sunlight

4.3.13 Views

4.3.14 Privacy

4.3.15 Building Bulk

4.3.16 Glare and Reflection

4.3.17 Landslip Risk

4.3.18 Flood Prone Land

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.5 Matters for Consideration Pursuant to section 4.15(1) of the EP&A Act

5.0 CONCLUSION

1.0 INTRODUCTION

This document forms a component of a development application proposing the demolition of the existing dwelling and the construction of a new single storey dwelling with carport.

The Architect has responded to the client brief to provide a new dwelling of exceptional quality which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a dwelling of enhanced design quality which displays a highly modulated and articulated form consistent with that established by other recently constructed dwelling houses with frontage to Narrabeen Lagoon. The proposed dwelling will not give rise to any inappropriate or jarring streetscape or unacceptable residential amenity impacts and has been designed in accordance with the applicable flood management controls.

In the preparation of this document consideration has been given to the following statutory planning regime:

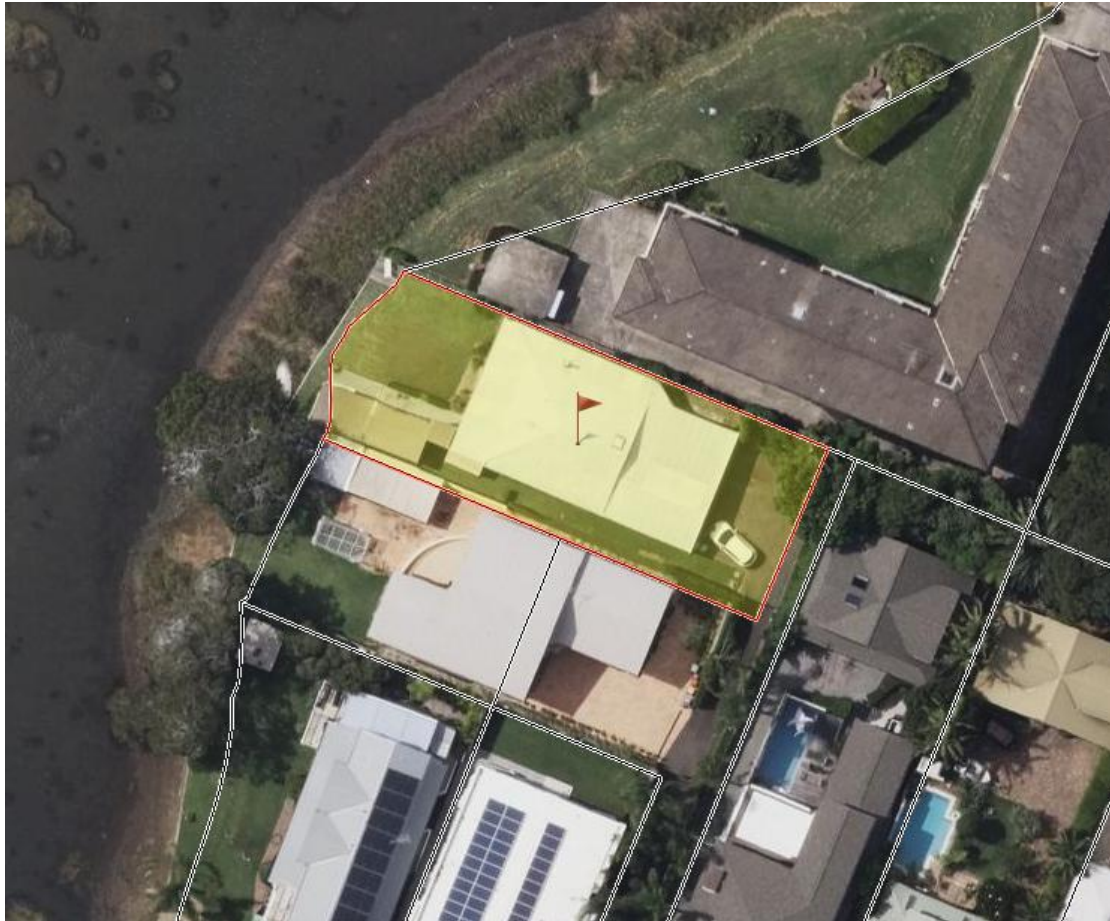
- The Environmental Planning and Assessment Act, 1979
- The Environmental Planning and Assessment Regulation
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan
- State Environmental Planning Policy (Resilience and Hazards) 2021

Architectural drawings including floor plans, sections, elevations and shadow diagrams have been prepared in relation to the development proposed. The application is also accompanied by a survey, site analysis plan, Flood Risk Management Plan, landscape plan, schedule of finishes, stormwater management plans, waste management plan and a BASIX certificate.

The proposed works are permissible and consistent with the built form controls as they are reasonably applied. The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of 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 site known as Lot 1, DP 947441, 29 Emerald Street, Narrabeen is a predominately rectangular shaped battle-axe allotment with a 4.57 metre wide handle providing access from Emerald Street. The property is generally flat with a slight fall towards Narrabeen Lagoon. An aerial photograph depicting the site and its surrounds is below.



Source: SIX Maps

Figure 1 – Aerial Location Map

Standing upon the allotment is a single storey weatherboard house with pitched metal roof. An ancillary structure is situated between the house and the waterfront. A pebblecrete driveway is utilised as a hardstand parking area on front of the dwelling.



Source: Google Earth

Figure 2 – Battle-axe handle providing access to the subject property as viewed from Emerald Street

The properties to the south of the subject property 31 and 33 Emerald Street are occupied by 2 storey rendered dwelling houses with No 31 having a recently approved development application (DA2023/1668) for alterations and additions. These properties, along with No. 35 Emerald Street, share a right of carriageway from Emerald Street.

The property further to the north is occupied by a 4 storey residential flat building with frontage and address to Malcolm Street with the property to the east 27 Emerald Street occupied by a 2 storey weatherboard dwelling with detached pavilion at the rear. A number of these properties are depicted in the images over page.

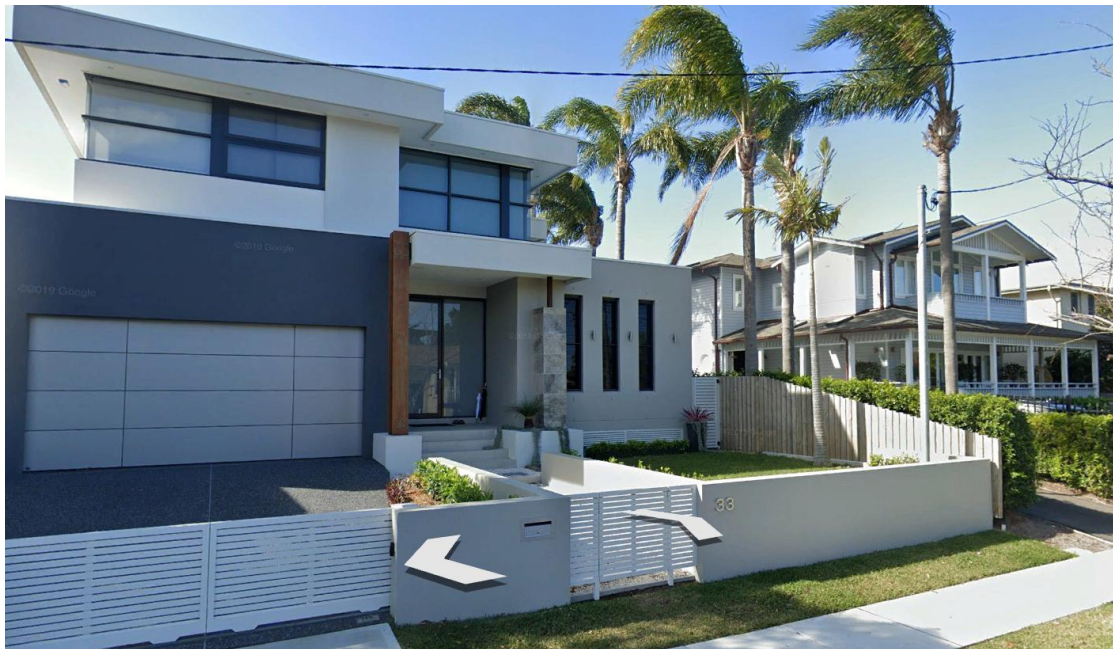


Figure 3 – Existing development to the south of the site fronting Emerald Street



Figure 4 – Four storey residential flat building to the north of the subject property

3.0 DEVELOPMENT PROPOSAL

The application proposes the demolition of the existing dwelling and the construction of a new dwelling as depicted on the following plans prepared by Ursino Architects:

DRAWING LIST

A101	BASIX REQUIREMENTS	A	20.03.2025
A201	SITE ANALYSIS PLAN	A	20.03.2025
A202	SITE PLAN	A	20.03.2025
A203	DEMOLITION PLAN	A	20.03.2025
A301	GROUND FLOOR PLAN	A	20.03.2025
A302	ROOF PLAN	A	20.03.2025
A401	SECTION AA	A	20.03.2025
A402	SECTION BB	A	20.03.2025
A403	SECTION CC	A	20.03.2025
A501	EAST ELEVATION	A	20.03.2025
A502	WEST ELEVATION	A	20.03.2025
A503	SOUTH ELEVATION_01	A	20.03.2025
A503A	SOUTH ELEVATION_02	A	20.03.2025
A504	NORTH ELEVATION_01	A	20.03.2025
A504A	NORTH ELEVATION_02	A	20.03.2025
A601	CALCULATIONS_01	A	20.03.2025
A602	CALCULATIONS_02	A	20.03.2025
A603	CALCULATIONS_03	A	20.03.2025
A604	SEDIMENT AND EROSION CONTROL PLAN	A	20.03.2025
A701	SHADOW DIAGRAMS - JUNE 21 - 9AM	A	20.03.2025
A702	SHADOW DIAGRAMS - JUNE 21 - 12PM	A	20.03.2025
A703	SHADOW DIAGRAMS - JUNE 21 - 3PM	A	20.03.2025
A704	BUILDING HEIGHT PLANE DIAGRAM	A	20.03.2025
A801	PERSPECTIVES	A	20.03.2025
A802	PERSPECTIVES 01	A	20.03.2025
A901	MATERIALS & WINDOW SCHEDULES	A	20.03.2025

Specifically, the proposal provides for a single storey dwelling which comprises the following:

- Open plan living/dining/kitchen which will open out to the rear deck and garden.
- 2 Bedrooms including the master suite which will include an ensuite and WIR
- Guest bedroom, study, bathroom and laundry
- Double Carport forward of the dwelling with new driveway

The existing boat shed and deck will be retained and restored.

A landscape plan is provided detailing the new treatments proposed across the site.

The BASIX certificate confirms the dwelling will meet the energy efficiency standards

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Act. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.2 Warringah Local Environmental Plan 2011

4.2.1 Zone and Zone Objectives

The subject property is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (WLEP). Dwellings are permissible in the zone with consent. The site is not heritage listed or located within a heritage conservation area.

The stated zone objectives are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

This report demonstrates that the development is permissible and not antipathetic to the zone objectives given the maintenance of a detached dwelling house building form within a landscaped setting.

4.2.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres above existing ground level. The stated objectives of this clause are as follows:

- (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.*

The new dwelling will sit comfortably below the 8.5m height limit given its single storey nature. This is depicted on the elevations and sections provided within the architectural set.

4.2.3 Acid Sulfate Soils

The site is identified as being within Area 3 of the Acid Sulfate Map of WLEP 2011. The application does not involve works more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. As such, Council can be satisfied that the proposal is consistent with the provisions of clause 6.1 of WLEP 2011.

4.2.4 Earthworks

The application does not propose excessive excavation other than that required to accommodate footings for the proposed ground floor additions. Accordingly, the consent authority can be satisfied that the excavation proposed will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of WLEP 2011.

4.2.5 Development on Sloping Land

Pursuant to Clause 6.4 WLEP 2011 the subject site is identified as Area A on the Landslip Risk Map and accordingly no geotechnical reporting is required.

4.2.5 Flood Planning

The subject property is identified as flood prone land and accordingly pursuant to the clause 5.21 Flood Planning provisions within WLEP 2011 the application is accompanied by a Flood Risk Management Plan prepared by ACOR Consultants which contains the following conclusion:

Based on the foregoing, subject to the implementation of recommendations contained in this report, we have formed the view that proposed development can comply with the flood related development controls of Northern Beaches Council Water Management for Development Policy; Warringah Development Control Plan Section E11 Flood Prone Land and clause 5.21 of Warringah Local Environmental Plan 2011 (Warringah LEP 2011). We have assessed the flood risk for the proposed development and have located the proposed building footprint outside of the high flood risk extents and lies in the medium flood risk precinct.

We note that such recommendations include a requirement that all works constructed below RL3.53m AHD are to be of flood compatible material able to withstand the forces of flooding.

Council can be satisfied that the proposal is consistent with the flood planning requirements and the applicable flood planning level.

4.3 Warringah Development Control Plan

The following built form controls apply to the subject development.

4.3.1 Wall Height

Pursuant to these provisions walls are not to exceed a height of 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

The accompanying architectural plans demonstrate that the proposed dwelling will comply with the wall height provisions given its single storey form.

4.3.2 Number of Storeys

These provisions require dwelling houses to maintain a 2 storey building form. The proposal is appropriately defined as a single storey building form in strict accordance with the control.

4.3.3 Side Boundary Envelope

Pursuant to these provisions buildings must be sited within a building envelope determined by projecting planes at 45° from a height above ground level (existing) at the side boundaries of 4 metres. The stated objectives of the control are as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The application proposes a minor variations to the building envelope control isolated to the northern elevation. The southern elevation is compliant with the control.

Having regard to the objectives of such control it is considered that strict compliance is both unreasonable and unnecessary given the following circumstances:

- The land has a slight crossfall in a northerly direction resulting in the minor breach along the northern elevation. The southern elevation is in strict accordance with the control due to it being slightly higher at the boundary than the northern boundary.
- The non-compliant elements relate to a chimney and a portion of roof which does not result in any unreasonable amenity impacts with regard to solar access, views or privacy.
- The flood planning level requires the dwelling to be raised above ground level. If there was no flood planning level the dwelling would comply with the envelope control.
- The bulk and scale of the development will not be perceived as inappropriate, jarring or visually dominant as viewed from the neighbouring properties with appropriate building separation maintained between neighbouring properties.
- In our opinion, the breaches to the building envelope do not result in any adverse impacts to the neighbouring properties.

In this regard, it can be demonstrated that strict compliance is both unreasonable and unnecessary having regard to the developments ability to satisfy the underlying objectives of the control.

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.

4.3.4 Side Boundary Setbacks

Pursuant to these provisions, development is to maintain a 900mm minimum setback from side boundaries. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences. Consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause. The stated objectives of this control are as follows:

- *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*

The proposed dwelling achieves compliant setbacks to both side boundaries in strict accordance with the control.

4.3.5 Front Boundary Setbacks

In accordance with this control a minimum front setback of 6.5 metres applies.

- *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.*

Being a battle-axe allotment all proposed works are located in excess of 6.5 m from the Emerald Street frontage.

4.3.6 Foreshore Building Setback

Pursuant to clause B11 WDCP the subject site is subject to a 15 metre foreshore building setback. Development is to be setback a minimum 15 m from the property boundary which adjoins the waterway or waterfront reserve. The foreshore building setback area is to be a deep soil landscaped area and free of any above or below ground structures. The stated objectives of this control are as follows:

- To provide a reasonable sharing of views.
- To reduce the visual impact of development when viewed from the waterway.
- To enhance the scenic amenity of the foreshore areas.

The proposed works are located partially within the foreshore setback area as depicted in the images below.

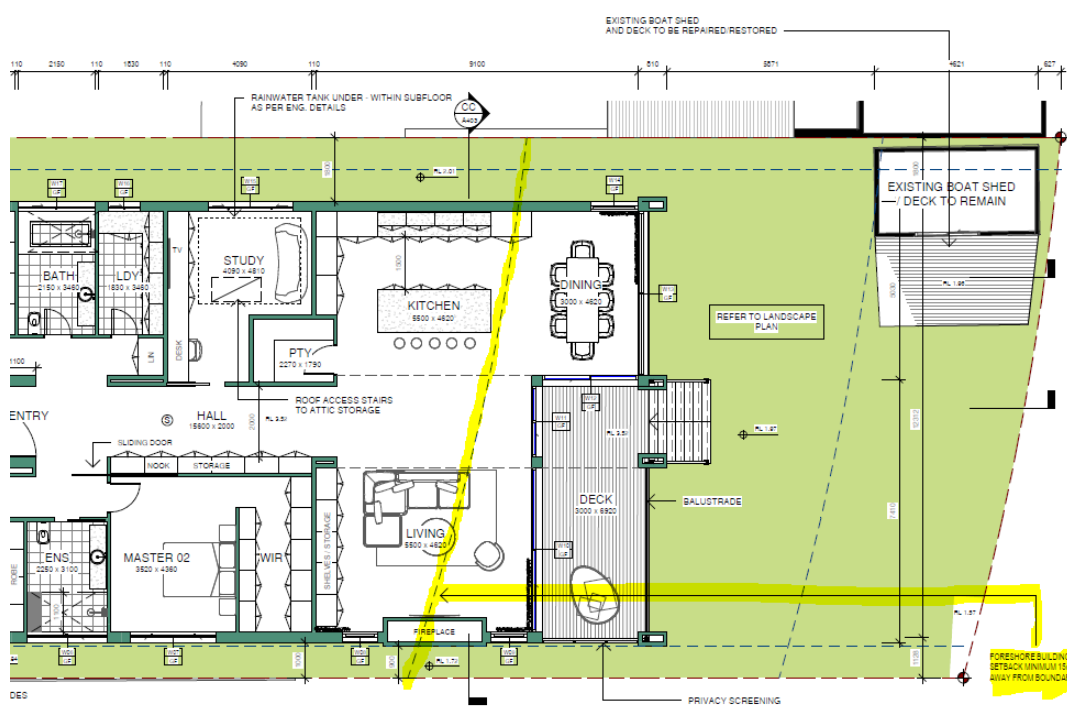


Figure 6 – Plan extract showing extent of foreshore building line breach at ground floor level

We note that the new dwelling will generally maintain the existing rear alignment of the dwelling to be demolished.

Having regard to the objectives of the control we provide the following analysis:

- The foreshore building line breaching elements will not impact existing public or private views with a view sharing outcome maintained between adjoining development.
- The foreshore building line breaching elements will not result in any inappropriate or jarring visual impacts as viewed from Narrabeen Lagoon having regard to the built form characteristics established by surrounding development including the 4 storey residential flat building to the north of the site.
- The contemporary dwelling will enhance the built form quality of development on the site and in doing so enhance the scenic amenity of the foreshore area.
- Strict application of this control would result in heavily constrained buildable area.
- The rear alignment will be consistent with the recently approved alterations and additions relating to 31 Emerald Street to the south.

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.

4.3.7 Parking Facilities

A double carport is proposed which provides for more formalise parking and achieves compliance with Councils parking rate. This is an improvement from the existing circumstance which relied on the driveway as hardstand parking.

The carport is forward of the dwelling however it has no direct street frontage given the battle-axe subdivision arrangement.

4.3.8 Stormwater

All stormwater will be gravity drained to Narrabeen Lagoon as detailed on the accompanying stormwater management plans.

4.3.9 Landscaped Open Space

Pursuant to these provisions a minimum 40% landscaped open space is to be provided.

We note that the existing landscape area is measured at 188.14m² (31.33%) and the proposed is measured at 126.27m² when measured in strict accordance with the control parameters. When including all soft landscaping areas (i.e. those with dimensions less than 2m) the existing is measured at 196.5m² (32.7%) and the proposed is measured at 206m² (34.3%).

The reduction in landscape area when strictly applying the controls is reflective of the new side setback to the southern boundary, which is now proposed at 1.8m, and the inclusion of a new driveway and carport arrangement at the front of the dwelling.

The proposal seeks to improve the amount of soft landscaping to the rear along the waterfront. To the rear of the dwelling the soft landscaping will be increased by 32.59m². Furthermore, as mentioned, when measuring the soft landscaping areas in totality it does represent an increase in soft landscaping across the site.

The site does not have a direct street frontage and does not contribute to the streetscape character. In this regard, providing an improved off-street parking arrangement at the front of the dwelling is considered more integral than providing soft landscaping that contributes to the streetscape character in this instance.

As the proposal represents an improvement in soft landscaping when measuring all landscaped areas, 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.

4.3.10 Private Open Space

The proposal maintains well in excess of the required 60 square metres of private open space. These open space areas are of a size and dimension capable of accommodating both passive and active recreational activities. These areas receive compliant levels of solar access and amenity throughout the day.

4.3.11 Access to Sunlight

Pursuant to these provisions, development is not to unreasonably reduce sunlight to surrounding properties. In the case of housing:

- Sunlight, to at least 50% of the principle private open spaces, is not to be reduced to less than 2 hours between 9am and 3pm on June 21, and
- Where overshadowing by existing structures and fences is greater than this, sunlight is not to be further reduced by development by more than 20%.

The shadow diagrams demonstrate that at least 3 hours of solar access will be maintained to the east and west facing living rooms of the neighbouring property to the south between 9am and 3pm on 21st June with at least 3 hours also maintain to at least 50% of the front and rear private open space area in strict accordance with Council's solar access provisions.

4.3.12 Views

The properties to the north and south of the site obtain uninterrupted views across their rear boundaries towards Narrabeen Lagoon with such views not compromised as consequence of the works proposed,

Accordingly, a view sharing scenario is maintained between adjoining properties in accordance with the principles established in the matter of *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC140 and *Davies v Penrith City Council* [2013] NSWLEC 1141.

4.3.13 Privacy

Careful consideration has been given to ensuring that privacy attenuation was integrated into the overall building design and façade detailing. The fenestration and balconies that are orientated towards side boundaries are either recessed or orientated to minimise any adverse privacy issues for the subject site and neighbouring properties noting that a degree of mutual overlooking exists given that all properties are orientated to take advantage of views towards Narrabeen Lagoon.

Furthermore, the dwelling is single storey and unlikely to result in any unreasonable privacy impacts.

Such an outcome is consistent with that reasonably anticipated in a low-density residential environment with appropriate levels of privacy maintained between the living and private open space areas of adjoining dwellings. These provisions are satisfied.

4.3.14 Building Bulk

The Architect has responded to the client brief to provide a contemporary dwelling through the design which take advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development. The outcome is a dwelling of enhanced design quality which displays a highly modulated and articulated form consistent with that established by other recently constructed dwelling houses with frontage to Narrabeen Lagoon.

The height, bulk and scale of development on this site is entirely commensurate with that of detached style dwelling house development generally within the site's visual catchment.

4.3.15 Glare and Refection

The proposed glazing and roof finishes will not give rise to any unacceptable glare or reflection.

4.3.16 Landslip Risk

The subject site is identified as Area A on the Landslip Risk Map and accordingly no additional geotechnical reporting is required.

4.3.17 Flood Prone Land

We rely on the analysis at section 4.2.5 of this report.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of SEPP (Resilience and Hazards) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner that is consistent with the objects of the *Coastal Management Act 2016*.

The site is identified as “coastal use area” on the Coastal Use Area Map and as “coastal environment area” on the Coastal Environment Area Map and the provisions of Chapter 2 of this policy are applicable to the proposal.

The proposed development will not create an adverse impact on the biophysical, hydrological or ecological environment, and has been designed to withstand coastal processes. The development will not impact upon marine vegetation, fauna or their habitats, with no works proposed in the vicinity of undeveloped headlands or rock platforms. The proposed development is consistent with the provisions of clause 2.10 of this policy.

The proposed development will not result in any adverse impacts upon access along the foreshore, overshadowing of the foreshore, the visual amenity of the coastline, or any items of heritage significance. Further, the proposal will not result in any adverse impacts upon views to the foreshore.

The application has considered the surrounding coastal and built environment, and the bulk, scale and size of the proposed development, with a high-quality architectural solution that appropriately responds to the context of the site. The proposed development is consistent with the provisions of clause 2.11 of this policy.

Clause 2.12 of SEPP (Resilience and Hazards) prescribes that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. The proposed development is not likely to cause increased risk at the site or for adjoining land, and the consent authority can be satisfied in this regard.

4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Act. Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

4.5.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposed works are permissible and consistent with the built form controls as they are reasonably applied for a new dwelling.

4.5.2 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 height and scale of the proposed development are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of visual bulk, views, privacy or overshadowing.

- 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?*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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 proposal incorporates compliant off-street parking.

Public domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will adequately service the development.

Flora and fauna

No unacceptable impacts as addressed in the report.

Waste collection

Normal domestic waste collection applies.

Natural hazards

Flooding hazard has been addressed in this report.

Economic impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate short term employment opportunities through the construction period of the development.

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?*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

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 can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

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.

4.5.3 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 unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

The area of the site upon which the works are proposed is of moderate grade and adequate area. Having no identified physical or engineering constraints the site is suitable for the works proposed.

4.5.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that Council will appropriately consider any submissions received.

4.5.5 The public interest.

The proposed works are permissible and consistent with the built form controls as they are reasonably applied to the proposed works. The development would not be contrary to the public interest.

5.0 CONCLUSION

The proposed works are permissible and consistent with the built form controls as they are reasonably applied to the proposed new dwelling. The Architect has responded to the client brief by providing a contemporary new dwelling that contributes positively to the built form character along the waterfront and provides a dwelling of high amenity for the occupants.

The identified non-compliances with the minor building envelope breach, foreshore setback and landscaped area controls contained within WDCP have been acknowledged and appropriately justified having regard to the associated objectives. 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 the DCP standard for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15 of the Act it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Ltd



Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director