

# STATEMENT OF ENVIRONMENTAL EFFECTS

FOR ALTERATIONS AND ADDITIONS TO  
EXISTING DWELLING AND  
ERECTION OF SECONDARY DWELLING AT  
NO.10 THE ESPLANADE NARRABEEN



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## 1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects has been prepared in support of an amended Development Application for the proposed alterations and additions to the existing dwelling and the erection of a Secondary Dwelling at the subject site, No.10 The Esplanade Narrabeen.

In the preparation of this Statement of Environmental Effects, consideration has been given to the following documents:

- Plans of the proposal prepared by Seachange Design and Build
- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011.
- Planning Principles of the NSW Land and Environment Court.
- State Environmental Planning Policy (Coastal Management) 2018
- BASIX Assessment
- Survey Report by CMS Surveys
- Geotechnical Report by Hodgson Geotechnical Engineers
- Stormwater Management Plan and OSD details
- Letter from Northern Beaches Council dated 15 July 2019

During the preparation of this Statement of Environmental Effects, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its future relationship with the streetscape and the immediate surrounding sites.

I have examined a number of iterations of the proposal to ensure that the proposal will make a positive contribution to the locality.

I am satisfied that the amended proposal as submitted will not only offer a high standard of accommodation for future residents but will do so in a manner that

respects its juxtaposition with adjacent and nearby dwellings and will provide a high standard of sustainability and landscaping when completed.

The proposal will retain the majority of the bushland upon the subject site and will satisfactorily integrate with the topography of the subject site and surrounding streetscape.

A pre-lodgement meeting was held with officers of Council to ascertain the attributes Council is seeking to retain or enhance in the locality to endorse the desired future character. The recommendations of this meeting have been incorporated within the proposal.

The amended proposal addresses Councils concerns regarding side boundary setbacks to the proposed deck and increases the quantum of landscaped area proposed in accordance with Councils development controls.



**SUBJECT SITE VIEWED FROM THE ESPLANADE**

## 2.0 SITE AND LOCALITY



### **SUBJECT SITE NO.10 THE ESPLANADE NARRABEEN (SIX MAPS)**

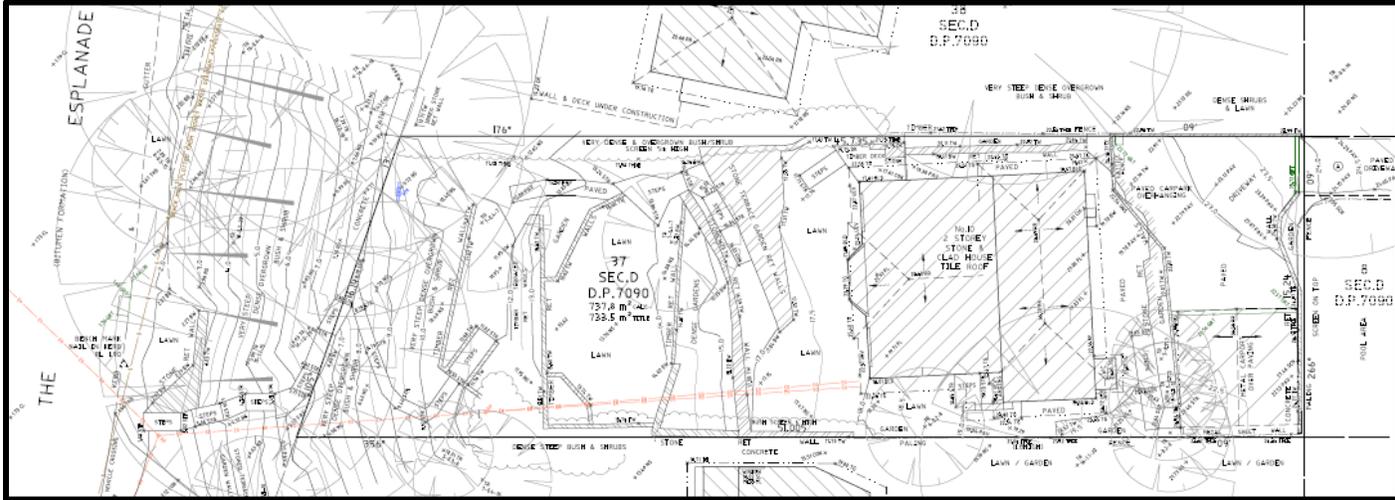
The subject site is located on the southern side of The Esplanade at Narrabeen.

The subject site is legally described as Lot 37 DP7090 and is generally rectangular in shape and contains an existing dwelling, driveway and outbuildings.

The subject site has frontage to The Esplanade and vehicular access is provided by an access handle to Lindley Avenue across No.40 Lindley Avenue.

The subject site is 737.8 square metres in area and slopes from south (RL 24M AHD) to the front boundary (RL 6M AHD) and slopes steeply at the road frontage with a level

area at RL 13.6M AHD, where the proposed structure will be located to minimise site disturbance to accommodate the structure.



**EXTRACT FROM CMS SURVEY REPORT**

The majority of the northern area of the subject site between the existing dwelling and the front boundary is vegetated and is not identified as being prone to attack by bushfire. It is proposed to locate the proposed secondary dwelling in the cleared level area to both preserve bushland and minimise disturbance to the subject site.

The chosen location of the secondary dwelling will result in a structure that will not materially impact upon solar access or views from adjacent sites and will not dominate the streetscape due to its low height and dominance of vegetation. The alterations and additions to the existing dwelling will be compatible with the existing architectural style and will not materially impact upon the locality in terms of building bulk, overlooking or overshadowing.

The amended proposal accords with Councils controls for side boundary setbacks and landscaping by reducing the area of the proposed deck to the proposed secondary dwelling.



**EXISTING DWELLING ON SUBJECT SITE SHOWING EXISTING BAY WINDOW**



**LEVEL AREA OF SITE SHOWING PROPOSED LOCATION OF SECONDARY  
DWELLING**

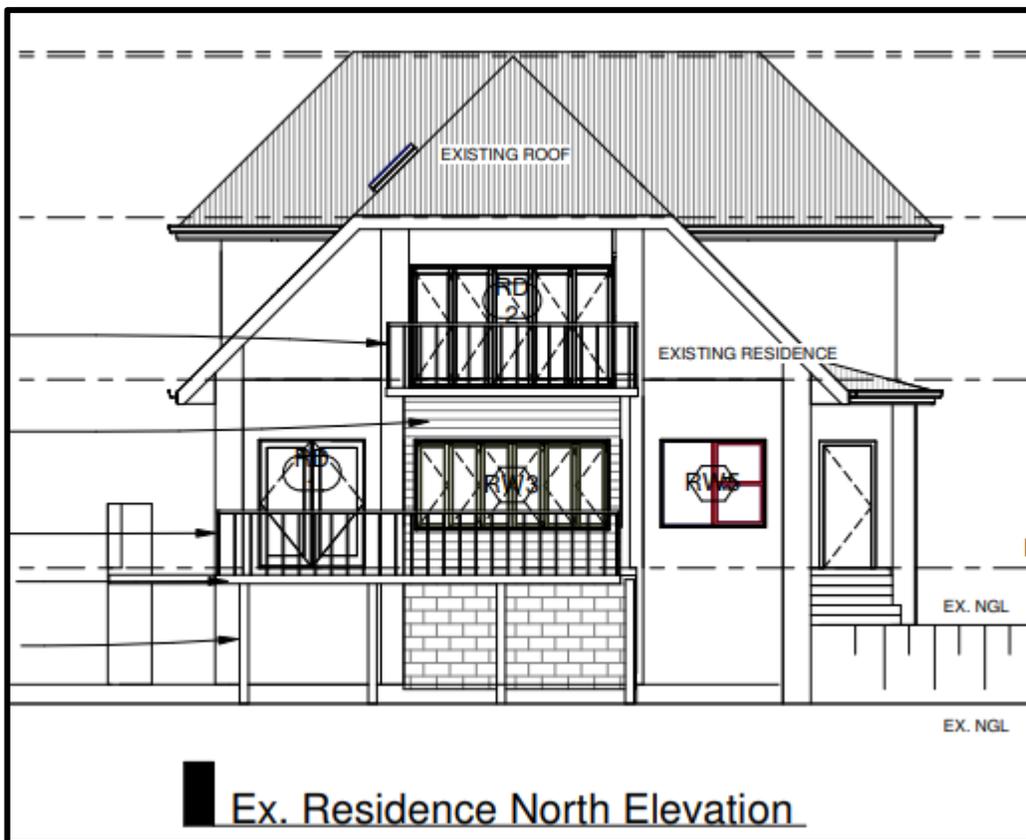
### 3.0 THE PROPOSAL

The proposal seeks consent for alterations and additions to the existing dwelling and the construction of a secondary dwelling in the area between the existing dwelling and the street frontage with a front boundary setback consistent with adjacent and nearby dwellings along The Esplanade.

The alterations and additions to the existing dwelling comprise a deck on the ground floor level accessed from the existing sunroom. This deck will be 4.1 m in depth and 6.9 m in width and will be accessed from the existing living area on the ground floor.

An upper level balcony is proposed to be accessed from the upper level bedroom and sunroom. This will be 1.37 m in depth and 4.3 m in width.

The following elevation represents the proposed works as viewed from the north.



**NORTHERN ELEVATION SHOWING PROPOSED DECK AND BAY WINDOW**

The construction will require minor earthworks to accommodate footings and infrastructure and revegetation of the disturbed area on site. A comprehensive geotechnical investigation has been conducted on the subject site by Jack Hodgson Geotechnical Engineers who have provided structural engineers details for the proposal.

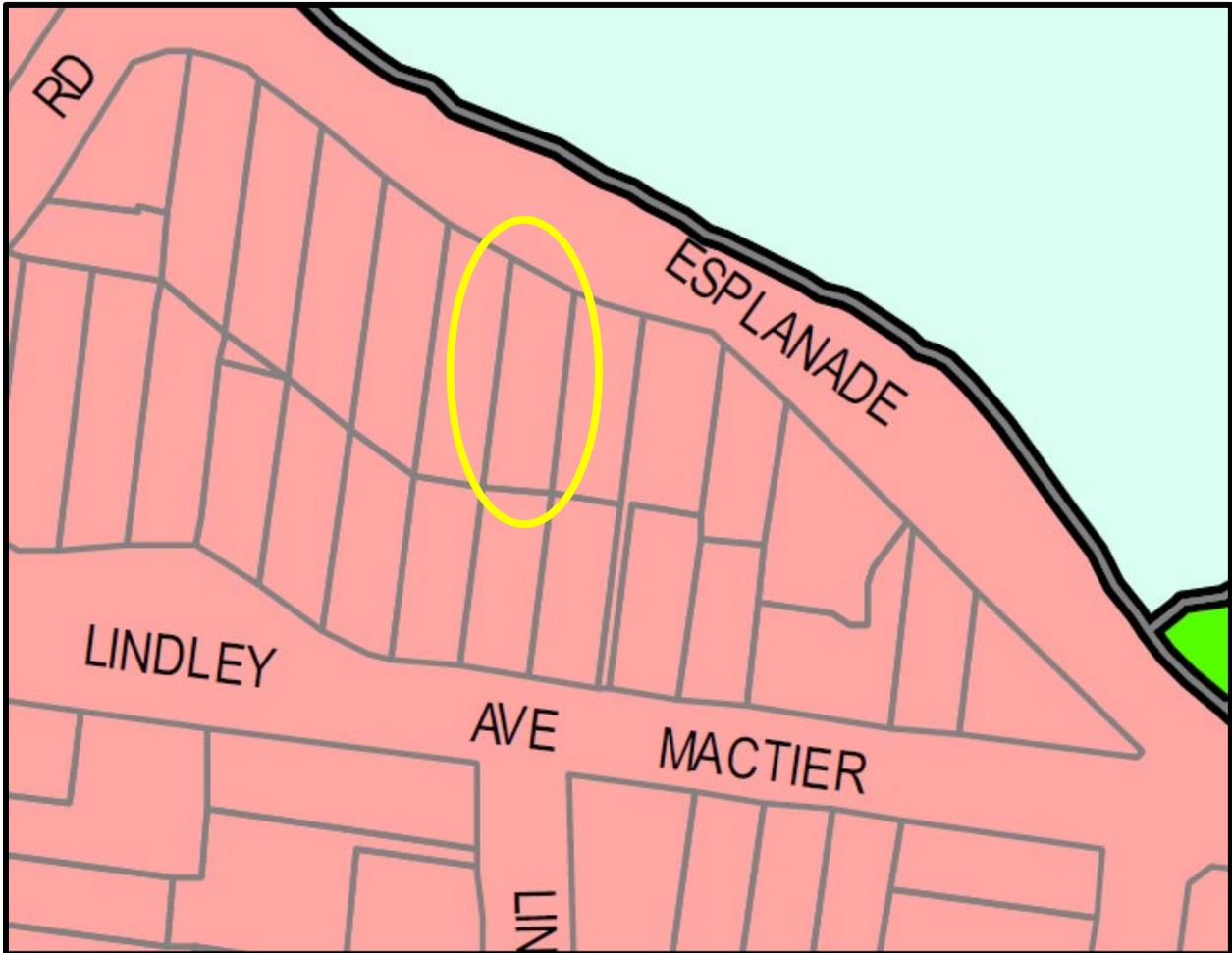


**ARCHITECTURAL RENDERING OF COMPLETED PROPOSAL**

Detailed Plans by Seachange Design and Build provide details of the proposal whilst accompanying reports for sustainability, hydraulics, geotechnical investigations provide further information to assist in the assessment of the proposal.

#### 4.0 PLANNING ASSESSMENT

##### 4.1 Warringah Local Environmental Plan 2011



Extract from Warringah LEP Zoning Map, subject site circled

## **Zoning**

### **Zone R2 Low Density Residential**

#### **1 Objectives of zone**

- *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.*

#### **2 Permitted without consent**

*Home-based child care; Home occupations*

#### **3 Permitted with consent**

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

## **RESPONSE**

**The subject site is zoned R2 Low Density Residential and the proposal, a Secondary Dwelling is permissible within the zone.**

The proposal satisfies the following-

#### **Clause 19: Definition**

Development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

**Note:** The Standard Instrument defines Secondary dwelling as follows:

**"secondary dwelling means a self-contained dwelling that:**

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*

*(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as  
the principal dwelling, and  
(c) is located within, or is attached to, or is separate from, the principal dwelling."*

## **RESPONSE**

**The proposal will satisfy the zone Objectives by generally limiting the extent of works to the current level cleared areas of the subject site and will not hinder the proper and orderly development of the area and will retain the landscape setting.**

**The amended proposal provides the proposal with an enhanced area of landscaping in accordance with Councils DCP controls.**

### **4.3 Height of buildings**

*(1) The 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.*

*(2) 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](#).*

*(2A) If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.*

## **RESPONSE**

**The proposal has been crafted to respect the achievement of the desired future character of Narrabeen by proposing a structure is significantly below the 8.5m Height development standard applicable to the subject site to provide a building that will not dominate the streetscape and is at a human scale.**

**The proposal when completed, with a maximum height of 7.26 metres, will be over one metre below the 8.5metre height limit and will appear as single storey when viewed from the street frontage.**

## **6.2 Earthworks**

*(1) The objectives of this clause are as follows:*

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

*(b) to allow earthworks of a minor nature without requiring separate development consent.*

*(2) Development consent is required for earthworks unless:*

*(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.*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters:*

*(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.*

## **RESPONSE**

The location of the proposed alterations and additions and Secondary Dwelling structure within a level area of the subject site have been chosen to ensure that site disturbance is minimal to satisfy the objectives of this control.

The accompanying Geotechnical Report confirms that the works proposed will not result in any adverse geotechnical impacts and the subject site and surrounds.

### **6.4 Development on sloping land**

(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.*

## **RESPONSE**

The subject site is identified in the WLEP maps as being located within Areas D and E and as such is required to satisfy the above control, where relevant.

The proposal, incorporating minimal excavation or filling has been endorsed in the accompanying geotechnical report.

**6.10 Controls Relating to Miscellaneous Permissible Uses**

*Secondary dwellings* If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 11% of the total floor area of the principal dwelling.

**RESPONSE**

The proposal, with a total floor area of 60 square metres is compliant with this standard.



**LOCATION OF PROPOSED SECONDARY DWELLING**

## 7.6 Geotechnical hazards

(1) *The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:*

- (a) *matches the underlying geotechnical conditions of the land, and*
- (b) *is restricted on unsuitable land, and*
- (c) *does not endanger life or property.*

(2) *This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*

(3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:*

- (a) *site layout, including access,*
- (b) *the development’s design and construction methods,*
- (c) *the amount of cut and fill that will be required for the development,*
- (d) *waste water management, stormwater and drainage across the land,*
- (e) *the geotechnical constraints of the site,*
- (f) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) *Development consent must not be granted to development on land to which this clause applies unless:*

- (a) *the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
- (b) *the consent authority is satisfied that:*
  - (i) *the development is designed, sited and will be managed to avoid any*

*geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*

*(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*

*(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

## **RESPONSE**

The subject proposal has been examined by the Applicants' geotechnical engineers, Hodgson Geotechnical, who have provided a report (prepared in November 2018) accompanying this application to assist Council in its assessment of the proposal and to ensure that the ongoing stability of the site and surrounding locality is maintained.

This report concludes that (subject to appropriate safeguards) the proposal is able to be completed without any significant risk to the subject or adjacent sites due to landslip or the like.

Conditions of consent are recommended within the report to be incorporated within the development consent to ensure that the recommended safeguards contained within the report are adopted.

## 4.2 Warringah Development Control Plan 2011

### Part B Built Form Controls

#### *B1 Wall Heights*

*Walls are not to exceed 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).*

#### **RESPONSE**

**The proposal accords with this control as there are no changes to the existing dwelling wall heights whilst the proposed Secondary Dwelling wall heights are well below this height.**

#### *B3 Side Boundary Envelope*

*Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres*

#### **RESPONSE**

**The proposal accords with this control.**

#### *B5 Side Boundary Setbacks*

*Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map*

#### **RESPONSE**

**The proposal accords with this control with a minimum side boundary setback of 2.1 metres to the western side boundary.**

#### *B7 Front Boundary Setbacks*

*Development is to maintain a minimum setback of 6.5m to road frontages.*

**RESPONSE**

**The proposal accords with this control.**

*B9 Rear Boundary Setbacks*

*Development is to maintain a minimum setback of 6m to rear boundaries.*

**RESPONSE**

**The proposal accords with this control.**

**Part C Siting Factors**

*C1 Subdivision*

*N/A*

*C2 Traffic, Access and Safety*

*Vehicle access is to be obtained from minor streets and lanes where available and practical.*

**RESPONSE**

**The proposal accords with this control by providing and maintaining vehicular access from the rear street accessed by an access handle to the minor street.**

*C3 Parking Facilities*

*To provide adequate off street carparking*

**RESPONSE**

**The proposal accords with this control by providing off street parking accessed from the rear.**

*C4 Stormwater*

*To ensure the appropriate management of stormwater.*

**RESPONSE**

**The proposal will accord with this control as detailed within the accompanying stormwater management plan.**

*C5 Erosion and Sedimentation*

*To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*

**RESPONSE**

**The proposal will accord with this control by providing sediment and erosion control devices to prevent any off-site migration of sediment.**

*C7 Excavation and Landfill*

*To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*

**RESPONSE**

**The proposal will accord with this control as the subject site and its suitability for the proposal has been assessed by the Applicants geotechnical engineer as described in the accompanying geotechnical report and structural engineering design for pile locations.**

*C8 Demolition and Construction*

*To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*

**RESPONSE**

**The construction works will generally be contained within the existing levelled area of the subject site with minimal excavation taking place. Vehicles of tradespersons will be accommodated on site or along The Esplanade.**

*C9 Waste Management*

*To facilitate sustainable waste management in a manner consistent with the principles*

*of Ecologically Sustainable Development.*

## **RESPONSE**

**The accompanying waste management plan addresses this control.**

### **Part D Design**

#### *D1 Landscaped Open Space and Bushland Setting*

*To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

## **RESPONSE**

**The amended proposal further accords with this control by limiting the footprint of the proposal to the existing cleared and levelled area of the subject site whilst allowing in excess of 40% of the subject site to be reserved for landscaping with a variety of species although the subject site is currently well landscaped and the completed proposal will respect and bolster this vegetated buffer.**

#### *D2 Private Open Space*

*To ensure that all residential development is provided with functional, well located areas of private open space.*

## **RESPONSE**

**The proposal accords with this control by providing a level area of decking for private open space with generous solar access, privacy and serves as an extension of the internal living areas.**

**The amended proposal provides for an additional level area of private open space to serve the existing dwelling in the form of an elevated deck abutting the ground floor sunroom whilst the proposed secondary dwelling is provided with two prime areas of private open space, namely an elevated deck readily accessible from the internal living areas along with a level area of private open**

**space accessible via stairs located at the eastern end of the proposed deck.**

**These areas of private open space are well located in terms of privacy to and from the subject site along with excellent solar access due to the northern orientation of the areas of private open space to the existing dwelling and the proposed secondary dwelling.**

*D3 Noise*

*To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

**RESPONSE**

**The proposal incorporates the provision of living areas and decking oriented towards the street frontage which is consistent with the majority of structures in the locality thereby concentrating potential noise generating activities away from adjacent sites.**

*D6 Access to Sunlight*

*To ensure that reasonable access to sunlight is maintained.*

**RESPONSE**

**The proposal accords with this control by ensuring that the peak roof structure is located towards the centre of the subject site resulting in the protection of solar access to adjacent sites whilst the proposed deck to the proposal will be served with generous solar access.**

*D7 Views*

*To allow for the reasonable sharing of views.*

**RESPONSE**

**The proposal has been examined in accordance with the view sharing principles**

expressed within *Tenacity* as follows-

View corridors from adjacent sites are to the north towards Narrabeen Lake and not across the subject site due to vegetated buffers between the sites as shown in the photograph on the following page-



**LOCATION OF PROPOSED SECONDARY DWELLING**



**SUBJECT SITE LOOKING TOWARDS NO.8 THE ESPLANADE NOTING INTERVENING VEGETATION AND ORIENTATION TOWARDS THE NORTH EAST.**

The proposal is fully compliant with development controls for height, setbacks and site cover/landscaping. Any available glimpses across the side boundaries are subsidiary to the principle views to the north currently enjoyed by adjacent dwellings.

*D8 Privacy*

*To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

**RESPONSE**

The proposal is located on a part of the subject site that is well buffered by existing landscaping as shown in the preceding photographs of No's 8 and 12 The Esplanade offering a reasonable standard of privacy. The only window

located adjacent to No.12 is a louvered bedroom window.

Areas of private open space are well separated from adjoining dwellings to bolster the level of privacy available however due to the configuration of dwellings and a predominance of elevated decks in this part of The Esplanade, it is not possible to ensure absolute privacy is maintained.

*D9 Building Bulk*

*To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

**RESPONSE**

**The proposal when completed will be dominated by the landscaped setting and will be visually subservient to the vegetation.**

*D10 Building Colours and Materials*

*To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

**RESPONSE**

**The proposal is to be constructed with an external finish of natural timber and metal roof, sympathetic to the surrounding environment.**

*D11 Roofs*

*To encourage innovative design solutions to improve the urban environment.*

**RESPONSE**

**The proposal incorporates a pitched roof centrally located within the roof structure to add visual interest.**

*D13 Front Fences and Front Walls*

N/A

*D14 Site Facilities*

*To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*

**RESPONSE**

**The proposal ensures that all site facilities are within a constrained footprint to minimize disturbance.**

*D18 Accessibility*

*To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.*

**RESPONSE**

**The subject site, by virtue of its topography will be unable to satisfy this control.**

*D20 Safety and Security*

*To ensure that development maintains and enhances the security and safety of the community*

**RESPONSE**

**The proposal incorporates readily visible entries to the subject site to endorse this control.**

*D21 Provision and Location of Utility Services*

*Utility services must be provided, including provision of the supply of water, gas, telecommunications and electricity and the satisfactory management of sewage and drainage.*

**RESPONSE**

**All necessary utilities will be provided prior to the issue of the Occupation Certificate.**

*D22 Conservation of Energy and Water*

*To ensure energy and water use is minimized.*

## **RESPONSE**

**The proposal is accompanied by a BASIX report.**

### **Part E The Natural Environment**

*E1 Preservation of Trees or Bushland Vegetation*

*To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*

## **RESPONSE**

**The proposal is sensitively located and of a size that preserves and enhances the site vegetation.**

*E4 Wildlife Corridors*

*To preserve and enhance the area's amenity, whilst protecting human life and property*

## **RESPONSE**

**The subject proposal is located within a cleared portion of the site to maintain any wildlife corridors that may be present.**

*E6 Retaining unique environmental features*

*Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*

## **RESPONSE**

**The distinctive environmental features, namely vegetation and topography will be generally retained.**

*E10 Landslip Risk*

## **RESPONSE**

**The proposal has been examined by the Applicant's geotechnical engineers who have concluded that the proposal will satisfy the above outcomes by providing recommendations to be incorporated within any development consent for the ongoing stability of the site and its surrounds.**

## 5.0 SECTION 4.15 Evaluation

### 7.7 Matters for consideration—general

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

### **RESPONSE**

The relevant provisions of the recently gazetted State Environmental Planning Policy (Coastal Management) 2018 are considered as follows-

#### **13 Development on land within the coastal environment area**

(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:*

(a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

(b) *coastal environmental values and natural coastal processes,*

(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,*

(d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

(e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

(f) *Aboriginal cultural heritage, practices and places,*

(g) *the use of the surf zone.*

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

(a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

(b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

(3) *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](#).*

## **RESPONSE**

**The subject proposal has been designed and located to have minimal environmental impacts upon the natural or built environment.**

**The proposal is unlikely to impact upon coastal processes in a negative manner due to the sensitive location of the proposed works and the topography and aspect of the subject site being well above the datum likely to be impacted upon by coastal processes.**

### **14 Development on land within the coastal use area**

(1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

(a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

(i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

(ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

(iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

(iv) *Aboriginal cultural heritage, practices and places,*

(v) *cultural and built environment heritage, and*

*(b) is satisfied that:*

*(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

*(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

*(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

*(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](#).*

**RESPONSE**

**The proposed secondary dwelling will not impact upon public access along the foreshore, nor result in any material impact upon overshadowing, wind funnelling or view loss from public places.**

**The proposal will be of minimal environmental impact in terms of visual amenity or the scenic qualities of the coast, including coastal headlands.**

**The relevant provisions of the WLEP have been addressed in the body of this Statement.**

*(iii) any development control plan,*

**RESPONSE**

**The relevant provisions of the WDCP have been addressed in the body of this Statement.**

*and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,*

**RESPONSE**

**No planning agreements apply to the proposal**

*and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

**RESPONSE**

**The relevant regulations have been given due regard in the construction of this Statement.**

*and*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

**RESPONSE**

**The body of this Statement describes the potential impacts upon the natural and built environments and the mechanisms to be incorporated to reduce or prevent these impacts.**

*(c) the suitability of the site for the development,*

**RESPONSE**

**The subject site, by virtue of its existing layout, topography and locality is suitable for the proposal.**

*(d) any submissions made in accordance with this Act or the regulations,*

**RESPONSE**

Any submissions received in response to Councils notification of the proposal will be considered as part of Councils assessment of the proposal.

*(e) the public interest.*

**RESPONSE**

**The proposal endorses the public interest by developing a part of the subject site which has been disturbed whilst allowing the majority of the remnant**

**vegetation to remain.**

**(2) Compliance with non-discretionary development standards—development other than complying development**

*If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*© must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard. Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

**(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*

*© may consider those provisions only in connection with the assessment of that development application. In this subsection, standards include performance criteria.*

**(4) Consent where an accreditation is in force**

*A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

**(6) Definitions**

*In this section: (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and (b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

*Environmental Planning Instruments*

**The proposal is a permissible use in the R2 Residential zone.**

*Development Control Plans*

**This is addressed in the body of this SEE.**

Impact on the Natural Environment.

The proposal is unlikely to unreasonably impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources due to the sensitive location of the works which will ensure the retention of the remnant bushland on the subject site.

Impact on the Built Environment.

Scenic qualities – the proposal is consistent with the current and future character of the locality as expressed within the provisions of the Warringah Local Environmental Plan and the relevant components of the WDCP.

Compatibility with adjacent land uses – The proposal is for a residential use, compatible with surrounding residential uses.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing development, topography and locality is suitable for the proposal.

## **6.0 CONCLUSION**

The amended proposal as submitted has been mindful of the desire to ensure that the disturbance of the subject site is generally limited to the currently cleared and levelled areas of the subject site, below the maximum height and located to ensure that the vegetated site characteristics are preserved.

It has been a central plank of the development to ensure that the proposal is low key in terms of the footprint and also in terms of overall height.

I am of the view that the amended proposal due to the more sensitive crafting is reasonable and subject to relevant conditions of consent, is worthy of approval.

**LANCE DOYLE**

**M.Plan (UTS), B.App Sc. (UWS) MPIA**

**August 2019.**

7.0

WDPC 2011 COMPLIANCE TABLE

CONTROL	STANDARD	PROPOSAL	COMPLIANCE
<b>WARRINGAH 2011 DEVELOPMENT CONTROL PLAN</b>			
<b>Part B Built Form Controls</b>			
B1 Wall Heights	Max of 7.2m from natural ground level	< 7.2m	Yes
B3 Side Boundary Envelope	45 degree envelope, 4 metres in height	Within envelope	Yes
B5 Side Boundary Setbacks	0.9m	2.1m	Yes
B7 Front Boundary Setback	6.5m to boundary and landscaped	>6.5m and landscaped	Yes
B9 Rear Boundary Setbacks	6m	>6m	Yes
<b>Part C Siting Factors</b>			
C1 Subdivision	N/A	N/A	N/A
C2 Traffic, Access and Safety	N/A	N/A	N/A
C3 Parking Facilities	Adequate carparking provided	No additional parking proposed	Yes
C4 Stormwater	No increase in pollutants discharged with stormwater into the environment and minimise runoff	The submitted Stormwater Management Plan provides details	Yes
C5 Erosion and Sedimentation	All new development is to have sediment and erosion control	Sediment and erosion control devices proposed	Yes

**Statement of Environmental Effects for Alterations and Additions and Secondary Dwelling  
No.10 THE ESPLANADE NARRABEEN**

C7 Excavation and Landfill	Maintain site stability	In accordance with Geotech report recommendations	Yes
C8 Demolition and Construction	Waste Management Plan required	Waste Management Plan provided	Yes
<b>Part D Design</b>			
D1 Landscaped open space and Bushland Setting	40% Landscaped area.	>40% proposed	Yes
D2 Private Open Space	A total of 35m2 with minimum dimensions of 3 metres	Decking and level areas on site exceed the requisite area of 24 sq metres under ARHSEPP	Yes
D3 Noise	No noise disturbance	The location of the living areas is orientated away from noise sensitive receptors	Yes
D6 Access to Sunlight	To ensure that reasonable access to sunlight is maintained.	Solar access to adjacent sites maintained at the requisite 3hrs	Yes
D7 Views	To allow for the reasonable sharing of views	See view assessment	Yes
D8 Privacy	Building layout should be designed to optimise privacy.	Layout endorses this control	Yes

**Statement of Environmental Effects for Alterations and Additions and Secondary Dwelling  
No.10 THE ESPLANADE NARRABEEN**

D9 Building Bulk	To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes	Minimal height and footprint	Yes
D10 Building Colours and Materials	Colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.	Natural timber external finishes.	Yes
D11 Roofs	To encourage innovative design solutions to improve the urban environment.	Roof peaked to add visual interest.	Yes
D12 Glare and Reflection	To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.	Materials used will be of low reflectivity.	Yes
D13 Front Fences	N/A		
D14 Site Facilities	Facilities to have minimal visual impact	See comment	Yes

**Statement of Environmental Effects for Alterations and Additions and Secondary Dwelling  
No.10 THE ESPLANADE NARRABEEN**

D21 Utility Services	To ensure that adequate utility services are provided to land being developed	To be provided during construction	Yes
D22 Conservation of Energy	To ensure energy and water use is minimised	BASIX Certificate provided	Yes
<b>Part E The Natural Environment</b>			
E1 Preservation of Trees or Bushland Vegetation	To guide the management of trees on private property.	No significant trees to be affected	Yes
E2 Prescribed Vegetation	Minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.	Majority of works to take place in current cleared area	Yes
E3 Wildlife Corridors	To retain and enhance native vegetation and the ecological functions of wildlife corridors	Cross site corridors maintained	Yes
E6 Retaining unique Environmental features	To conserve those parts of land which distinguish it from its surroundings.	Topography and vegetation to be retained	Yes
E10 Landslip Risk	To ensure development is geotechnically stable.	See attached report by Hodgson Geotechnical	Yes