

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Strata Title subdivision  
of the existing duplex  
flats**

**124 Queenscliff Road,  
Queenscliff**

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**RESPONSIBLE FOR THIS REPORT:**

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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 Strata Title subdivision of the existing building containing flats (2 dwellings) at 124 Queenscliff Road, Queenscliff.

The development is a long established two-storey building containing flats (two dwellings), one dwelling above the other. The property benefits from existing used rights under Division 4.11 of the Environmental Planning and Assessment Act 1979 (The Act) and Part 5 of the Regulation, as documented within the accompanying submission from Shaw Reynolds Lawyers and as summarised within Section 4.2 of this report.

The proposal is depicted in the accompanying plans for subdivision by Pinnacle Land Surveyors and includes building safety upgrades as recommended in the accompanying building code compliance assessment report.

## 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
- Environmental Planning and Assessment Regulation
- 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.

## 2 Site analysis

### 2.1 Site and location description

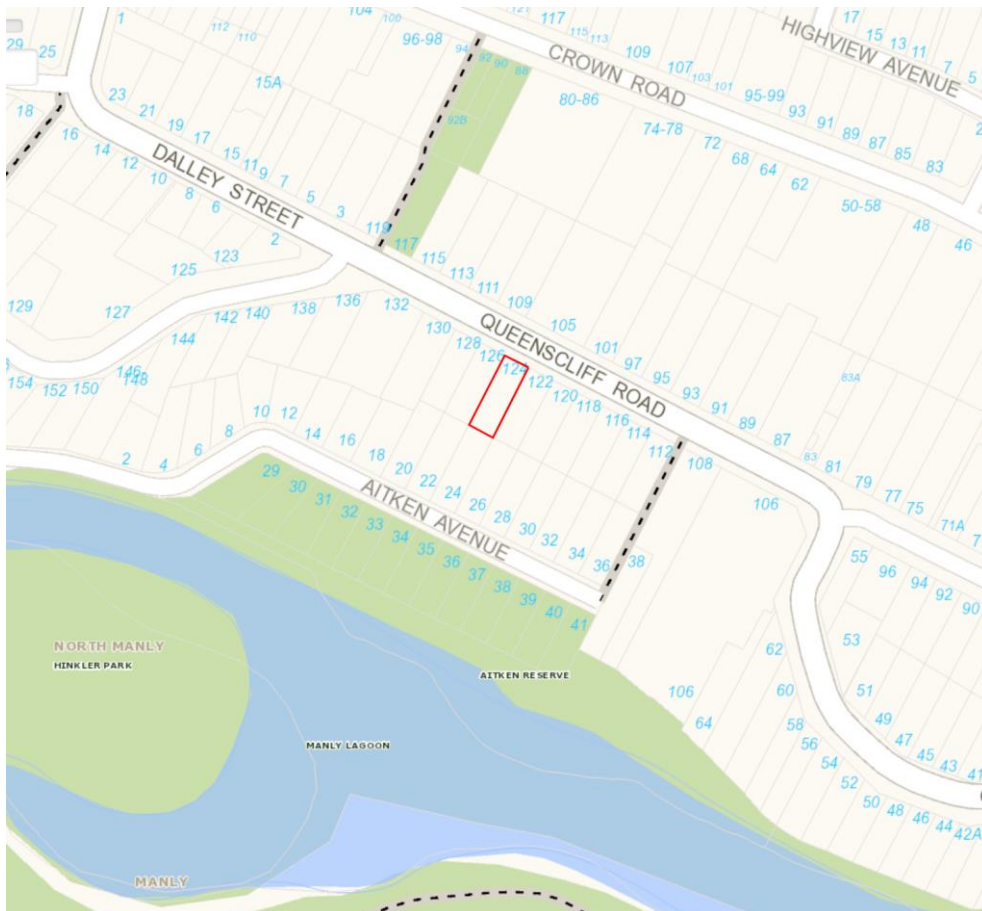
The site is located at 124 Queenscliff Road, Queenscliff. It is legally described as Lot 5 in Deposited Plan 16941 and has a site area of approximately 475m<sup>2</sup>.

The site is rectangular in shape with a northern frontage of 13m to Queenscliff Road, eastern and western side boundaries of 36.5m and a southern (rear) boundary of 13m.

The site is located on the southern side of Queenscliff Road. The topography slopes away from Queenscliff Road with a level difference of approximately 5m between the front and rear boundaries.

The land contains a two to three storey brick building with tile roof containing flats, two dwellings, one above the other. Car parking for two vehicles is provided within the lower ground level of the building accessed along the eastern side and entered from the southern / rear of the building.

The figures on the following pages depict the character of the property and its existing development.



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



**Figure 2 - Alignment, orientation and spatial layout of the subject site and adjoining development (courtesy Northern Beaches Council Maps)**





**Figure 4 – the existing development as viewed from Queenscliff Rd**



**Figure 5 – the driveway along the eastern side of the existing building**



**Figure 6 – the existing development – 2 garages (1 for each dwelling) and manoeuvring areas are located at the rear of the property**



## 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 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policies – as relevant
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan

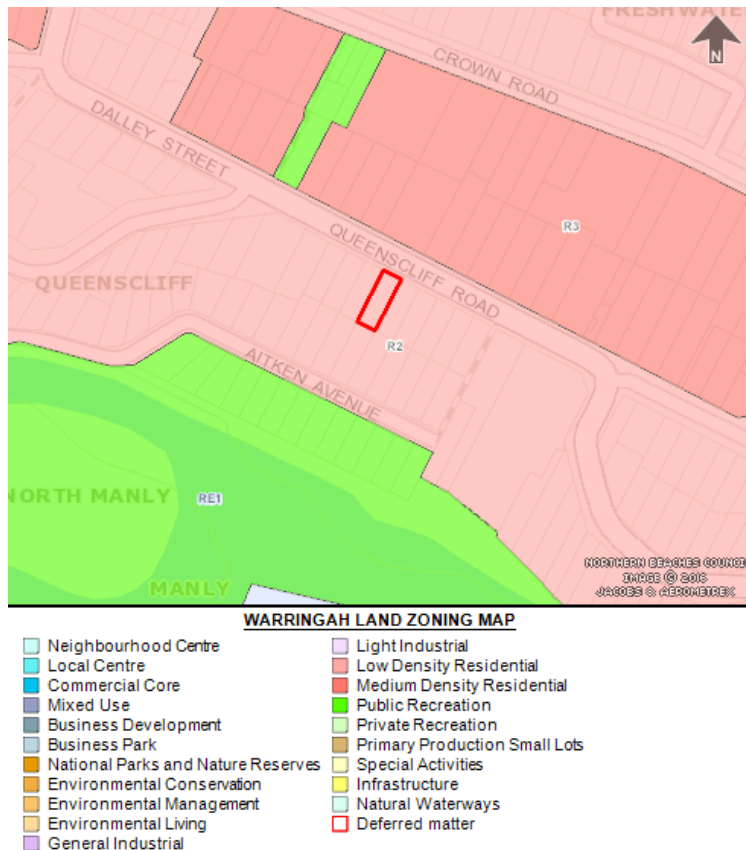
The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

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

### 4.1 Warringah Local Environmental Plan 2011 – Zoning

The property is zoned R2 Low Density Residential under the Warringah Local Environmental Plan 2011 (LEP).



**Figure 3 – zone excerpt (Council's website)**

The proposal constitutes Strata Title subdivision of the existing building containing flats. The proposal is permitted with development consent, as addressed within sections 4.2 and 4.3 below.

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. The objectives of the zone are stated 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*

It is assessed that the proposed development is consistent with the zone objectives as it will provide for the housing needs of the community and facilitate the orderly development of the land without disrupting the established residential amenity.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

## **4.2 Existing use rights and merit assessment**

Division 4.11 of the Act and Part 5 of the Regulation establish provisions in relation to Existing Use Rights.

The proposal is accompanied and supported by an analysis from Shaw Reynolds Lawyers that establishes the grounds upon which the property enjoys an existing use right.

The submission demonstrates that detailed analysis of the issue has been undertaken in relation to physical evidence, archival records, zoning history, and legal case (planning) principles. The following summarises the key findings:

- Development approval was granted for the building on 124 Queenscliff Road in 1940, Whilst no consent has been located, there is clear evidence of a Building Application for alterations to the duplex flats in 1966.
- The principle of regularity applies in these circumstances. The 1966 approval to modify the building carries with it a presumption of the performance of a prior act (i.e. the lawful creation of a residential flat building on the site). In other words, Council could not have approved building works for alterations to the duplex flats if it was not satisfied that it was a lawful existing residential flat building at the time.
- In 1940 the erection of buildings was regulated by the Local Government Act 1919. Interim development provisions of Division 7 of Pt XIA applied to the land.
- The County of Cumberland Planning Scheme came into effect on 27 June 1951. Under this instrument “Residential buildings” were defined to include a “residential flat building” and were permissible with consent on the land.
- The Warringah Shire Planning Scheme Ordinance permitted RFBs on the land under clause 46 in ‘flat areas’ which the site was within.
- Under the Warringah LEP 1985, RFBs were prohibited.
- Under the Warringah LEP 2000, RFBs were not prohibited. However, the development of new apartment buildings were restricted to the designated medium density areas shown on the LEP map, and the site was not within a medium density areas.
- RFBs are not permitted on the land under the current LEP.
- There is no evidence to suggest that the building has ceased to be used for duplex flats, therefore the use of the building as a residential flat building, has not been abandoned.

In summary, the report finds:

*‘The continued use of the building since the 2011 LEP took effect means that the building, and therefore the site, has existing use rights under the*

*current LEP to be used for an RFB. It therefore has the development rights ascribed to such uses under the Act, and consent to rebuild that RFB can be issued, subject to a merit assessment of the application’.*

Based on the analysis, it is concluded that the property accommodates an authorised residential flat building, benefits from existing use rights, and there is no statutory impediment to the granting of consent for Strata Title subdivision.

### 4.3 Other relevant provisions of the LEP

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

LEP Provision	Response	Complies
<b>Part 2 of LEP - Permitted or prohibited development</b>		
LEP Clause 2.6 Subdivision—consent requirements <i>(1) Land to which this Plan applies may be subdivided, but only with development consent.</i>	The proposed subdivision is permitted with development consent and such is sort by this development application.	Yes
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size –	The proposed development involves Strata Title subdivision. LEP Clause 4.1 Minimum subdivision lot size does not apply to Strata Title subdivision and therefore has no role in the assessment of the DA.	NA
LEP Clause 4.3 – Height of Buildings – 8.5m	No change	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	No works are proposed by the application and considerations under clause 6.1 are satisfied by the proposal.	NA
LEP Clause 6.2 Earthworks	No earthworks are proposed by the application and considerations under clause 6.2 are satisfied by the proposal.	NA

LEP Provision	Response	Complies
LEP Clause 6.3 Flood planning	Council's maps do not identify the site as being flood affected.	NA
LEP Clause 6.4 Development on sloping land	<p>The property is within 'Area B' on council's sloping land map, however the subject works are internal, relating only to building safety upgrades and contained within the existing building. They do not involve any earthworks or changes to footings.</p> <p>Therefore, there is no need for a preliminary geotechnical report to satisfy the provisions of the clause. This aspect is further addressed within section 5.1.2 of this report.</p> <p>Based on the above, the proposed development satisfies the considerations within clause 6.4 and the site is suitable for the development proposed.</p>	Yes

## 4.4 State Environmental Planning Policy

### 4.4.1 State Environmental Planning Policy - BASIX

The proposed Strata Title subdivision is not BASIX affected development as prescribed and a BASIX assessment is not needed to accompany the DA.

### 4.4.2 SEPP (Vegetation in Non-Rural Areas) 2017

Vegetation is prescribed under Part E1 of WDCP 2011 for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal does not involve the removal of any designated trees and therefore the provisions of this policy are satisfied by the proposal.

### 4.4.3 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council 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 extremely 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 of SEPP 55.



- 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 SEPP 55, Council can consent to the carrying out of development on the land.

#### 4.4.4 State Environmental Planning Policy (Coastal Management) 2018

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 the State Environmental Planning Policy (Coastal Management) 2018. It is applicable because the site is within the designated:

- Clause 13 coastal environment area
- Clause 14 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.

#### Clause 13 - Development on land within the coastal environment area

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
<b>(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:</b>	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	<ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The nature of proposed works are minor and internal. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(b) coastal environmental values and natural coastal processes,	<ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The nature of proposed works are minor and internal. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(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,	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Development is established on the site.</li> <li>▪ Provision of appropriate stormwater management has been made for the site.</li> <li>▪ The proposal does not relate to sensitive coastal lakes identified in Schedule 1</li> <li>▪ The proposal is assessed as satisfactory in relation to</li> </ul>

13 Development on land within the coastal environment area	Response
	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"> <li>The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(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,</i>	<ul style="list-style-type: none"> <li>The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> <li>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.</li> </ul>
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> <li>Not relevant to the assessment of the proposal.</li> </ul>
<b>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</b>	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> <li>Responses have been made above in relation to the considerations within subclause (1).</li> <li>The proposal is assessed as satisfactory in relation to these considerations.</li> </ul>
<i>(b) 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"> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> <li>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.</li> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<b>(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>.</b>	<ul style="list-style-type: none"> <li>Noted; not applicable.</li> </ul>

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

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
<p><i>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i></p> <p><i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i></p>	
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> </ul>
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<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"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<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"> <li>▪ See above response.</li> </ul>
<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"> <li>▪ See above response.</li> </ul>
<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"> <li>▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA.</li> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in</li> </ul>

14 Development on land within the coastal use area	Response
	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"><li>▪ Noted; not applicable.</li></ul>

## 4.5 Building safety and design compliance

Consideration has been given to the existing buildings safety provisions and its and design compliance. In response the application is accompanied and supported by a Building code compliance report by AI Consultancy Pty Ltd.

It confirms that the proposal has considered compliance with the National Construction code requirements. The report finds that the proposal is capable of satisfying building safety requirements subject to upgrading works that it recommends. These recommendations may reasonably form conditions of development consent.

In conclusion, the relevant safety considerations are appropriately addressed and satisfied by the proposal.

## 5 Development Control Plan

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

### 5.1.1 Part B - Built Form Controls

No physical external changes are proposed to the building envelope and therefore the DCP's built form controls are not relevant to the assessment of the DA.

### 5.1.2 Parts C, D, & E - DCP Compliance Assessment

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part C - Siting Factors</b>		
<p>C1 Subdivision</p> <p>The objectives of the control are:</p> <p><i>To regulate the density of development.</i></p> <p><i>To limit the impact of new development and to protect the natural landscape and topography.</i></p> <p><i>To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.</i></p> <p><i>To maximise and protect solar access for each dwelling.</i></p> <p><i>To maximise the use of existing infrastructure.</i></p> <p><i>To protect the amenity of adjoining properties.</i></p> <p><i>To minimise the risk from potential hazards including bushfires, land slip and flooding.</i></p> <p>In response</p> <p>The proposed development is for Strata Title subdivision of the existing development and no external works are proposed to the existing development upon the property. Therefore, the provisions of the control have limited application given that there is no external physical changes proposed. Notwithstanding the proposal satisfies the objectives of the control noting that:</p>	Yes	Yes



Clause	Compliance with Requirement	Consistent with aims and objectives
<ul style="list-style-type: none"> <li>▪ The density of development will not change as a result of the proposal;</li> <li>▪ The intensity of the land use is in no way increased by the proposal.</li> <li>▪ The number of dwellings on the property is not increased by the proposed development.</li> <li>▪ There will be no reduction in the existing landscaping, private open space, drainage, utility services and vehicular access to and from the site;</li> <li>▪ The proposal will not result in any increased demand for the use of existing infrastructure;</li> <li>▪ No works are proposed and therefore there will be no additional exposure to risk from potential hazards.</li> </ul> <p>Based on the above, it is assessed that the proposal satisfies section C1 off the DCP.</p>		
C2 Traffic, Access and Safety	Yes	Yes
<p>C3 Parking Facilities</p> <p>1 car parking space for each dwelling exists and will be maintained on the property. This is a long-established provision.</p> <p>No increase in density is proposed, and as previously documented, the property benefits from an existing is right.</p> <p>Therefore, the existing circumstance is maintained by the proposal which is assessed as appropriate in the circumstances.</p>	Yes	Yes
<p>C4 Stormwater</p> <p>No physical external works are proposed.</p> <p>No increase in impervious areas is proposed.</p> <p>No changes to stormwater disposal are proposed or triggered by the proposal.</p>	Yes	Yes
<p>C5 Erosion and Sedimentation</p> <p>No physical external works are proposed.</p>	Yes	Yes
C6 Building over or adjacent to constructed Council drainage easements	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
C7 Excavation and landfill	Yes	Yes
C8 Demolition and Construction  No external physical works are proposed by the DA.  Internal upgrade works will be managed to ensure that air borne pollutants such as noise, dust, odour, and the like are minimised.	Yes	Yes
C9 Waste Management  No external physical works are proposed by the DA. Existing operational waste management arrangements will be maintained and no changes proposed nor warranted.  Being of moderate slope, generous area, and highly accessible, the site is able to satisfy the demolition and waste minimisation objectives of the DCP.  Further specific details can be provided at Construction Certificate stage when contractors are engaged to undertake the work.	Yes	Yes
<b>Part D - Design</b>		
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space  No changes proposed to the existing dwellings.	Yes	Yes
D3 Noise	Yes	Yes
D4 Electromagnetic radiation	Yes	Yes
D5 Orientation and energy efficiency	Yes	Yes
D6 Access to Sunlight  No physical changes are proposed to the existing building envelope. Therefore, the proposal will not reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.	Yes	Yes
D7 Views –  No physical changes are proposed to the existing building envelope. The proposal will not impede any established views from surrounding	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
residential properties or public vantage points.		
<b>D8 Privacy –</b> No physical changes are proposed to the existing building envelope. Privacy has been considered in the proposed design and satisfies the DCP's objectives. The proposal will not affect the visual privacy of the neighbouring properties.	Yes	Yes
D9 Building Bulk	NA	NA
D10 Building Colours and Materials	NA	NA
D11 Roofs	NA	NA
D12 Glare and Reflection	NA	NA
D13 Front fences and front walls	NA	NA
D14 Site facilities	Yes	Yes
D15 Side and rear fences	NA	NA
D16 Swimming Pools and Spa Pools	NA	NA
D17 Tennis courts	NA	NA
D18 Accessibility	Yes	Yes
D19 Site consolidation in the R3 and IN1 zone	NA	NA
D20 Safety and security	Yes	Yes
D21 Provision and location of utility services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
<b>Part E - The Natural Environment</b>		
E1 Private Property Tree Management - NA	Yes	Yes
E2 Prescribed Vegetation	NA	NA
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	NA	NA
E4 Wildlife Corridors	NA	NA
E5 Native Vegetation	NA	NA
E6 Retaining unique environmental features	NA	NA

Clause	Compliance with Requirement	Consistent with aims and objectives
E7 Development on land adjoining public open space	NA	NA
E8 Waterways and Riparian Lands	NA	NA
E9 Coastline hazard	NA	NA
<p>E10 Landslip Risk – report accompanying Exception 1 of the control states:</p> <p><i>1. No preliminary assessment of site conditions will be required in Areas B and D and no geotechnical and hydrological reports will be required in Areas C and E if the proposed development does not involve any site, building or structural works.</i></p> <p>In response,</p> <p>The site is within Area B on the LEP sloping land maps. No structural or external works to the property are proposed and therefore the need for a preliminary geotechnical assessment can be dispensed with.</p>	Yes	Yes
E11 Flood Prone Land	NA	NA

## 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 significant or 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 significant or 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 orderly development (Strata Titling) of the building.
- 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 application seeks development consent for Strata Title subdivision to the existing dwellings at 124 Queenscliff Road, Queenscliff.

This report demonstrates that the circumstances are appropriate for the Strata Title subdivision of the property given its historical context and continued and long-established use of the building containing flats. The proposed Strata Title subdivision to the existing flats is permissible with development consent.

Approval of the DA will facilitate the orderly Strata Title subdivision of the existing dwellings in a manner that satisfies the relevant planning considerations without any external physical changes or adverse impacts on the surrounding development context.

The proposal will not give rise to any significant or unreasonable adverse environmental consequences. 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