

STATEMENT OF ENVIRONMENTAL EFFECTS

**2 new dwelling houses
(1 on each approved
allotment)**

**50 Condoover Street,
North Balgowlah**

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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 development of 2 new dwelling houses and associated landscaping on approved allotments 1 and 2 at 50 Condoval Street, North Balgowlah.

The proposal is depicted in the accompanying plans by McGregor + Coxall. A summary of the key aspects of the proposal are noted as follows.

1.1.1 Lot 1 – new dwelling house

Level 4

- Garage
- Elevated entry pathway
- Lift and stair (level 4 and throughout)

Level 3

- Secondary living / entertaining
- Store

Level 2

- 3 bedrooms
- 2 bathrooms

Level 1

- Laundry
- Study
- Bedroom
- Bathroom
- Open plan living, dining, kitchen

External

- Swimming pool
- Private open space, landscaping, retaining walls and garden areas.

1.1.2 Lot 2 – new dwelling house

Level 1

- Dwelling entry
- Garage and store

Level 2

- Open plan living, dining, kitchen
- Pantry
- Laundry
- Bathroom

Level 3

- 4 bedrooms
- 2 bathrooms
- Balcony to rear

External

- Swimming pool
- Private open space, landscaping, retaining walls and garden areas.

1.2 Statement of Environmental Effects

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

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

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

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

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

INTRODUCTION

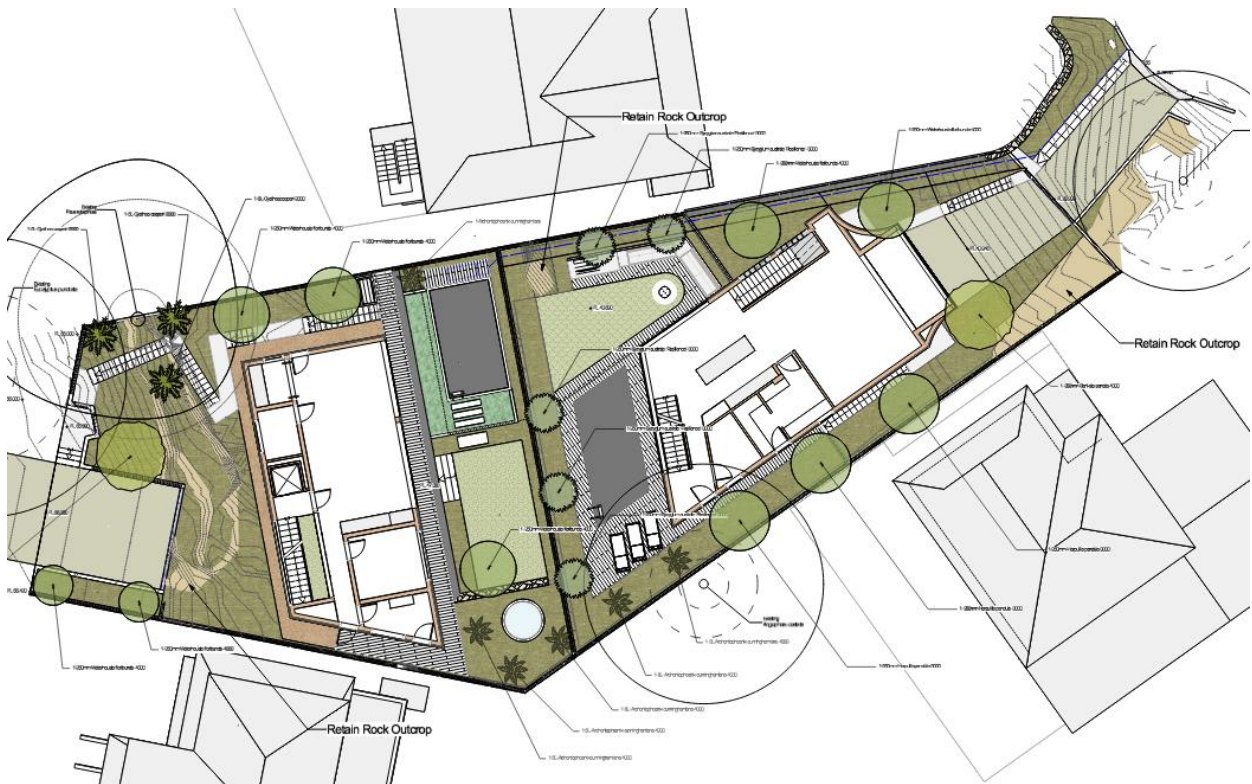


Image A – overview of the proposed development footprint and landscaped areas

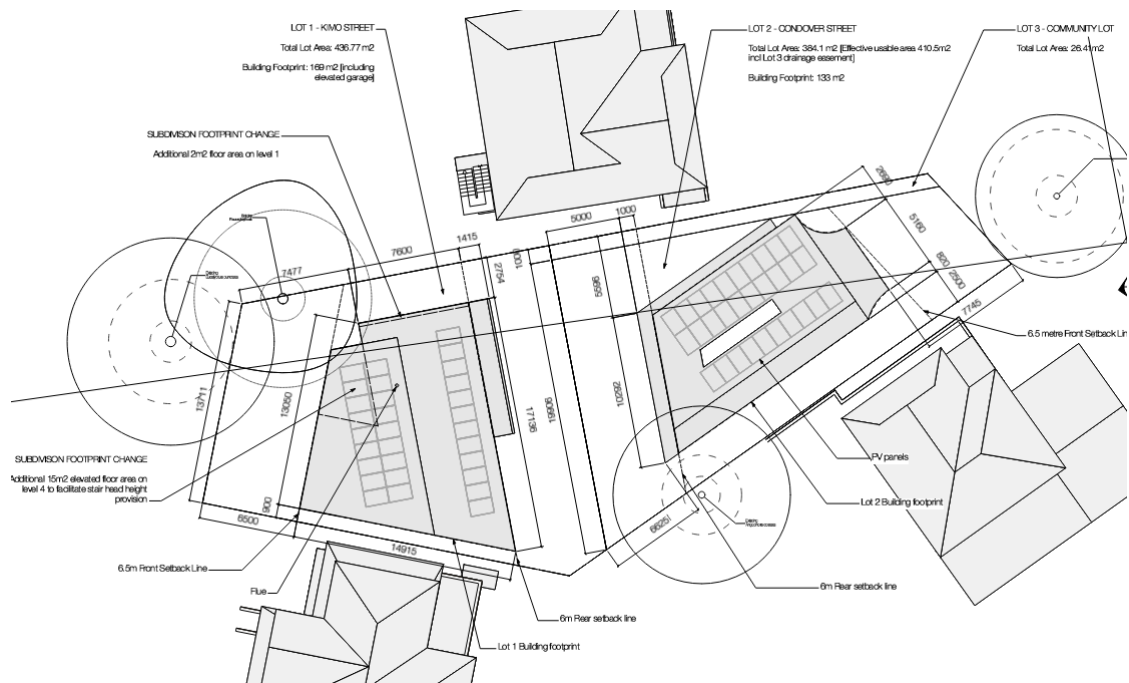


Image B – overview of the proposed development footprint

2 Site Analysis

2.1 Site and location description

The site is located at 50 Condoover Street, North Balgowlah. The site is legally described as lot 4 in deposited plan 30205. The site has an area of 847m² (as per survey) and is irregular in shape with access to two streets, Condoover St to the north east and Kimo St to the south west.

The site is irregular in shape with frontage to Condoover Street of 8.32m (cul-de-sac and existing vehicle access point), the rear boundary to Kimo Street is 13.715m. The northern side boundary measures 47.195m and the southern side boundary 36.55m and 25.3m.

The land contains a one and two storey brick and timber dwelling house with tile roof.

The topography slopes away from Kimo Street to Condoover Street with a cross fall and level difference of approximately 15.6m between the rear and the front boundaries (approx. RL56 at the Kimo Street frontage down to RL40.4 at the Condoover Street boundary).

The site is located near the cul-de-sac at the northern end of Condoover St where the subdivision pattern is irregular, there are angular boundaries, undulating topography and variable setbacks.

The site is opposite Condoover Reserve, which is a relatively large area of recreational space. Furthermore, a large bushland reserve extends to the north containing Manly Dam; in recreational terms it comprises walking and mountain biking trails and offers visual amenity to the site.

The streetscape character is varied with a mix of building and housing types and scales and variable front setbacks. Surrounding development comprises a mix of detached residential dwellings, dual occupancies, and a duplex on various sized and shaped allotments. Development is of varying heights and scales comprising 1 to 3 storeys influenced by the sloping and undulating topography.

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

2.2 Recent planning approval history

The following planning approval history is noted in relation to the subject application.

Development consent DA2021/1334 was approved on 7 June 2022 by the NSW Land & Environment Court (LEC No: 2021/339186) for subdivision of one lot into three lots (1 Community Title Lot) including demolition of existing dwelling house and carport, construction of two driveways with street cross-overs and connections for infrastructure services and ancillary site works. It is noted that:

- Lot 1 has frontage to, and access from, Kimo Street
- Lot 2 has frontage to, and access from, Condoover Street
- The community lot (Lot 3) is approved to accommodate inter-allotment drainage, and if necessary, utility services, from Lot 1 to Condoover Street.

Development consent DA2019/1122 was approved by Northern Beaches Council on 14 January 2020 for 'Alterations and additions to a dwelling house'. Regard has been had for some of the findings of the assessment as relevant to the site and the subject proposal.

Development consent DA2003/1358 was submitted on 10 October 2003 for a Carport & Loft.

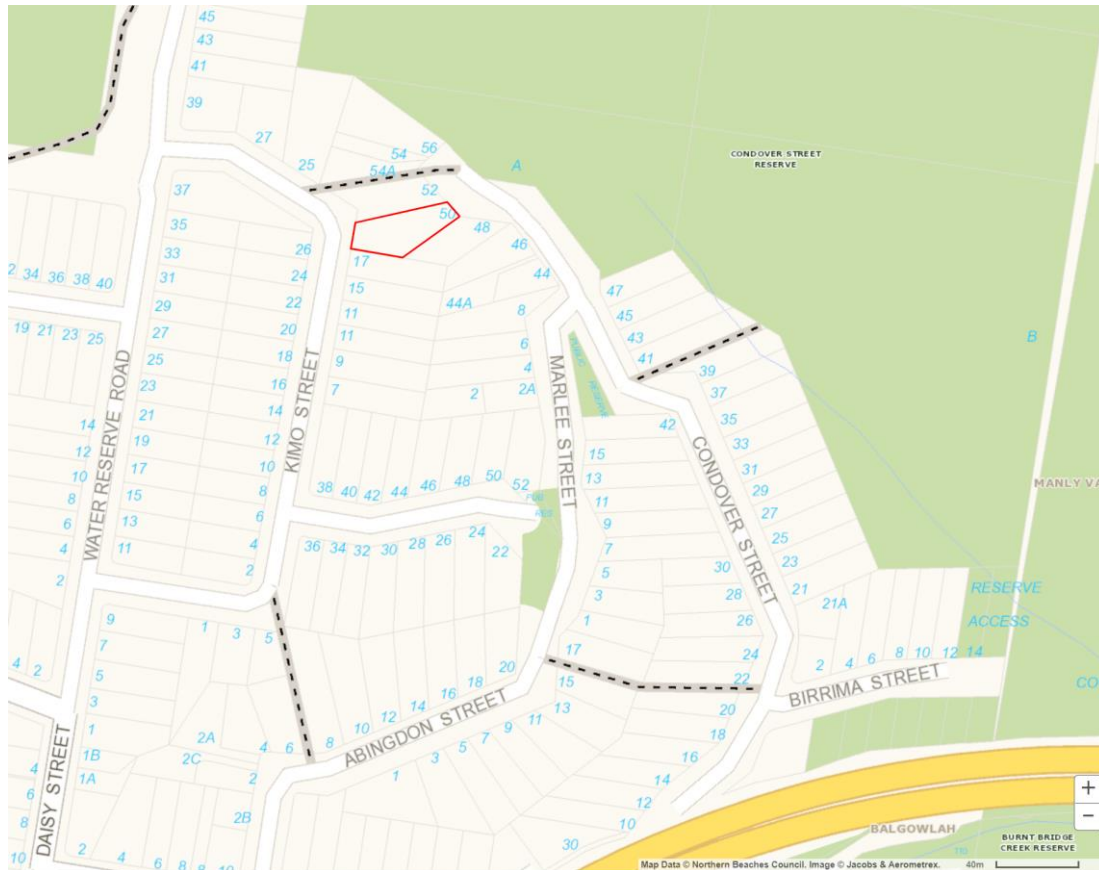


Figure 1 - the subject site the allotment pattern within the local area and open space reserve to the north and east (courtesy Northern Beaches Council)



Figure 2 – Alignment, orientation and spatial layout of the subject site, adjoining dwellings (courtesy Northern Beaches Council)



Figure 3 – the site's Kimo Street frontage



Figure 4 – bushland outlook to the north east from the upper levels of the site



Figure 5 – existing dwelling house on the subject site



Figure 6 – neighbouring dual occupancy at 52 Condoover Street



Figure 7 – exposed rock feature within the rear of approved Lot 1



Figure 8 – Condo Street frontage (approved Lot 2)

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:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- 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).

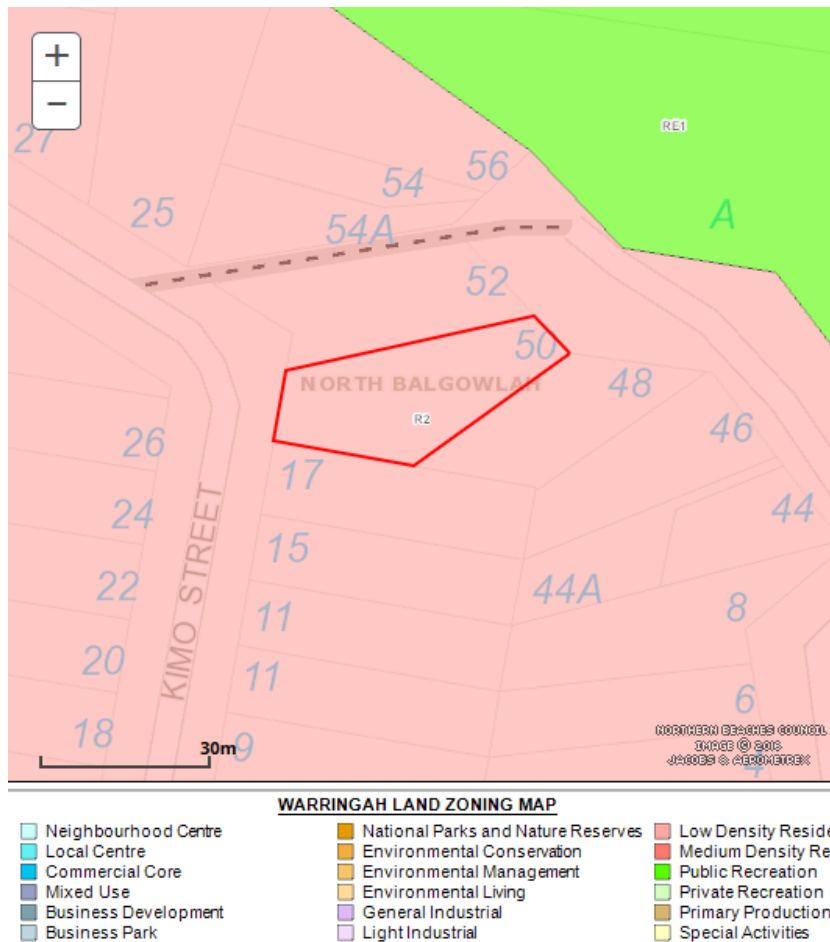


Figure 9 – zoning map excerpt (Northern Beaches Council)

The proposal constitutes 2 new dwelling houses and associated landscaping on each of the approved allotments. The proposal is permitted within the zone with development consent.

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

- it will provide for the housing needs of the community within a low density residential environment.
- the proposal will maintain a landscaped setting to the land.
- the proposal will be in harmony with the natural environment of Warringah.

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

4.2 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
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size	NA	NA
LEP Clause 4.3 – Height of Buildings	As shown on the architectural plans: <ul style="list-style-type: none"> ▪ the proposed dwelling house on approved lot 1 exceeds 8.5m. ▪ the proposed dwelling house on approved lot 2 complies. 	No Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	Yes, an exception request accompanies the DA for the Height of Building on approved lot 1.	Yes
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	The LEP does not identify the site as having heritage significance. In relation to potential archaeological heritage, reference is made to the previous DA2019/1122 and the accompanying assessment report dated January 2020,	Yes

LEP Provision	Response	Complies
	<p>which states as follows:</p> <p>The Aboriginal Heritage Office provided comments the following comments on the 22 October 2019:</p> <p><i>"DA2019/1122 50 Condover Street NORTH BALGOWLAH Reference is made to the proposed development at the above area and Aboriginal heritage.</i></p> <p><i>No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites.</i></p> <p><i>Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development.</i></p> <p><i>Should any Aboriginal sites be uncovered during earthworks, works should cease and Council, the Department of Planning, Industry and Environment (DPIE) and the Metropolitan Local Aboriginal Land Council should be contacted."</i></p>	
LEP Clause 5.21 Flood planning	Based on the Council's flood maps the property is not identified as being affected by flood hazard.	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	NA	NA
LEP Clause 6.2 Earthworks	<p>Earthworks are proposed to accommodate the proposed development including excavation and fill in response to the land's sloping topography. In this regard the DA is accompanied and supported by landscaping plans, architectural plans (including earthworks plan P-19), arborist report, stormwater management plans, and geotechnical assessment report.</p> <p>The geotechnical assessment concludes that the proposal is appropriate for the site.</p> <p>The stormwater management plan makes appropriate provision for the management of stormwater. Drainage patterns and soil stability are not adversely impacted, and stormwater will be managed in accordance</p>	Yes

LEP Provision	Response	Complies
	<p>with the stormwater management plan.</p> <p>Appropriate measures are proposed to avoid, minimise, or mitigate the impacts of the proposed redevelopment of the land including appropriate stormwater management, siltation control, geotechnical input, landscape design and structural engineering.</p> <p>The landscape plan makes appropriate provision for the design of cut, fill, and treatment of the site's external areas. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development.</p> <p>The Development Application is accompanied by a waste management plan which addresses the destination of excavated material. Further conditions of development consent may reasonably be imposed to ensure this occurs in an authorised manner. Fill will be sourced from excavated areas within the site.</p> <p>Heritage is not relevant to the proposed development. Not being in a heritage conservation area, it is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or environmentally sensitive areas proximate to the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.</p>	
LEP Clause 6.4 Development on sloping land	<p>The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.4(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.4 and the site is suitable for</p>	Yes

LEP Provision	Response	Complies
	the development proposed.	

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

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

4.3.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Warringah DCP for the purposes of the SEPP. The proposal involves development near some existing vegetation. An arborist assessment report accompanies the DA. The report concludes (inter-alia):

‘2.1 Tree Removal

2.1.1 No prescribed trees require removal to accommodate this development proposal.

2.1.2 Non-prescribed trees permitted to be managed (pruned, removed or relocated) without Council consent and identified as trees: T4, 5, 7 & 8’.

The project arborist makes recommendations to mitigate and manage trees during development. such recommendations may reasonably be included in the conditions of this development consent. based on the above the proposal is assessed as satisfying the policy.

4.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

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

- Chapter 4 - Remediation of Land

This matter is addressed below.

Chapter 4 – Remediation of Land

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to

consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

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

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

4.4 Bushfire Prone Land - Rural Fires Act 1997

The site is within a bushfire prone area and subject to the provisions of the Rural Fires Act 1997. As a result, the proposal is accompanied and supported by a bushfire protection assessment report. Subject to compliance with the report's recommendations, the proposal satisfies planning for bushfire protection requirements.

4.5 Consent DA2021/1334

Consent DA2021/1334 contains condition number 19 which seeks to 'ensure building on the approved lot is constructed safe of hazards'. It states (emphasis added):

Restriction on Use of Land – Dwelling Houses Footprint

A Restriction on Use of Land and accompanying Section 88B instrument are to be created, burdening Lots 1 and 2, restricting future dwelling houses within Lots 1 and 2 to the dwelling house areas (excluding ancillary structures) shown on the Indicative Dwelling Compliance Plan DA-05 Rev F dated 30 May 2022 prepared by McGregor + Coxall, unless otherwise demonstrated that an alternative building area does not further impact upon rock outcrops and vegetation. Full details in this regard are to be submitted to Council on the final plan of Subdivision and an accompanying Section 88B instrument. Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure building on the approved lot is constructed safe of hazards.

In response to condition 19 -

The final plan of subdivision is yet to be submitted to the Certifying Authority as part of the subdivision certificate application.

With regards to the assessment of the subject DA, the operative words in condition 19 are 'unless otherwise demonstrated that an alternative building area does not further impact upon rock outcrops and vegetation'.

Plan P-18, Revision A, dated 29/03/2023, lodged with the subject DA, shows a comparison to the Indicative Dwelling footprints (referred to in condition 19 of DA2021/1334) to the proposed dwellings houses. There are modest changes noting:

Approved Lot 1 -

- Is extended by 1.9m² the north side in a narrow 250mm extension to the Level 1 footprint.
- Is extended by 15.2m² of suspended structure at Level 4. This section of the proposed building is suspended above the ground level and forms part of the pedestrian entry and stairwell. It has no impact on the rock outcrops that are positioned below. Figures 10 to 12 below illustrate.
- 13.3m² of suspended balcony on level 3, 1.4m wide. It has no adverse impact on the landscape / ground level below.

Approved Lot 2 -

- Is extended 5.5m² to the northern side and eastern frontage. There is no adverse impact on the rock outcrops or trees.
- Is reduced by 26m² to the southern side. The southern side displays an increased set back from 1m to 2.5m.

The arborist report lodged with the DA confirms that the alternative building areas do not further impact upon vegetation.

In summary, the design of the dwelling houses closely reflects the indicative dwelling house areas regulated by condition 19. The changes proposed are modest involving an appropriate balance of some additional areas and some reduced areas. The changes generally reflect the more detailed site planning and design that has been undertaken in preparing the DA.

Based on the accompanying scientific reports and plans (e.g. geotechnical assessment, Civil engineering assessment, landscape plan, bushfire assessment, arborist assessment, earthworks plan P-19), Council can be satisfied that the proposed buildings on the approved lots will be constructed 'safe of hazards'. Of principal importance the large fig tree in the south western corner of the site and the rock features sought to be conserved by the Consent DA2021/1334 are in no way impacted by the revised dwelling house areas.

Section 4.17(1)(b) of the EP&A Act establishes that a condition of development consent may be imposed if it requires the modification of a consent granted under the Act in relation to the land to which the development application relates. Therefore, approval of the subject application in accordance with the DA plans may have the effect of modifying condition 19 of DA2021/1334. Therefore, there is no impediment to the approval of the subject DA.

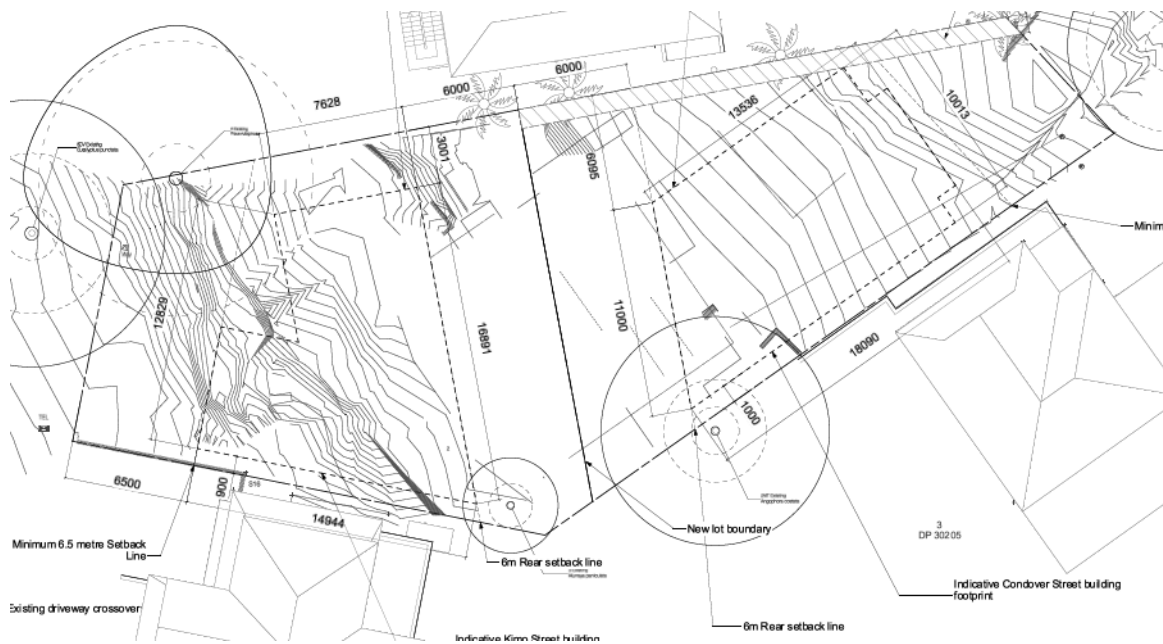


Figure 10 – excerpt of the approved revision F Indicative dwelling footprint plan DA05

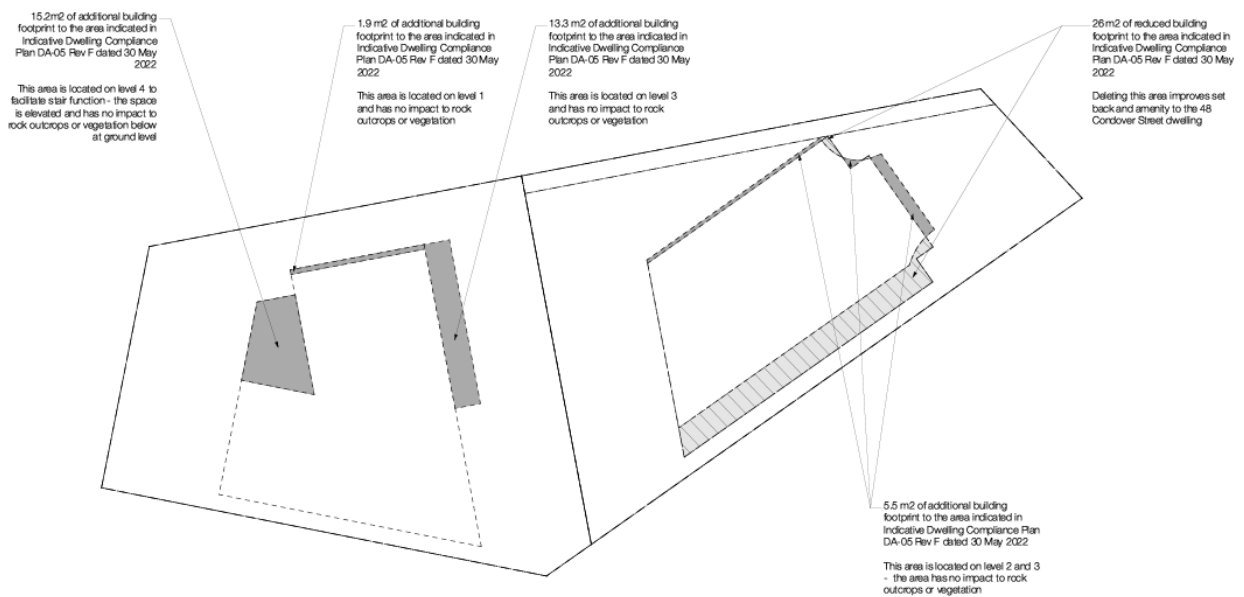


Figure 11 – excerpt of the proposed dwelling footprints - plan P-18



Figure 12 – the entry and additional suspended area at level 4 meets the purpose of the control which is to protect the natural rock outcrop and be safe from hazards

5 Development Control Plan

5.1 Overview

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.

5.2 Key built form controls

The dwelling house designs are profiled in the tables below.

5.2.1 Dwelling house approved Lot 1– accessed from Kimo St

Clause	Requirement	Proposed	Complies?
B1 Wall Height	7.2m	<p>A section of the proposed dwelling house results in a numerical non-compliance with the wall height control, at level 4, towards the rear north eastern portion of the proposed upper storey (as shown in figure 13 below).</p> <p>The site, where the exceedance occurs, has a gradient in excess of 20% and therefore the variation provision of the clause is applicable.</p> <p>Justification is provided below having regard to the circumstances of the case, merits of the design, variation provision, and in response to the objectives of the planning control.</p>	No, addressed below.
<p>Variation provision</p> <p><i>This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:</i></p> <ul style="list-style-type: none"> ▪ does not exceed the 8.5 metre height development standard; ▪ is designed and located to minimise bulk and scale; and 		<p>The sloping topography in this location of the site makes strict numerical compliance difficult to achieve. Notwithstanding the proposal satisfies the objectives and variation provisions of the control in that:</p> <ul style="list-style-type: none"> ▪ The proposed upper level is inset from the ground floor level at the front, rear and sides (figures 15 – 17). ▪ The proposed dwelling house is positioned at the base of an existing slope/bench in the topography; 	

Clause	Requirement	Proposed	Complies?
	<p>▪ <i>has a minimal visual impact when viewed from the downslope sides of the land.</i></p> <p>Objectives</p> <p><i>'To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</i></p> <p><i>To ensure development is generally beneath the existing tree canopy level.</i></p> <p><i>To provide a reasonable sharing of views to and from public and private properties.</i></p> <p><i>To minimise the impact of development on adjoining or nearby properties.</i></p> <p><i>To ensure that development responds to site topography and to discourage excavation of the natural landform.</i></p> <p><i>To provide sufficient scope for innovative roof pitch and variation in roof design'.</i></p>	<p>and is positioned below the street level, the upper level is approx. 2.5m above the street level (noting the upper roof level is RL 59.3 and the street level is approx. 56.8).</p> <ul style="list-style-type: none"> ▪ The variation, by virtue of its design, setbacks and materials will not result in the building becoming visually dominant by virtue of its height and bulk when viewed from the adjacent street frontage and when viewed from adjoining land. ▪ The exceedance, being located at the rear, will not be perceivable from Kimo Street and therefore minimises its visual impact when viewed from Kimo Street. The exceedance, being setback approx. 35m from the existing Condoover Street boundary and being visually screened from by the proposed dwelling house on approved Lot 2, minimises its visual impact when viewed from Condoover Street. ▪ The exceedance, being inset from the northern boundary by 4.15m minimises its visual impact when viewed from the adjoining properties to the north. The wall height exceedance will be imperceptible when viewed from properties to the south at 17 Kimo Street and 48 Condoover Street and therefore minimises its visual impact when viewed from these properties. ▪ The proposed exceedance will be beneath the existing tree canopy level that is established at the site's street frontage (figure 3) and this vegetation will complement the proposal. ▪ The building design modulates its building form (terraced; reduced area and increased setbacks to the upper level) which avoids inappropriate bulk or shading impacts onto adjoining land (figures 13 to 17). ▪ The proposed exceedance will not inappropriately impact upon views to and from nearby or adjoining public and private properties. ▪ The proposal will maintain adequate solar access and privacy (as further detailed within section 5.2.4) and achieve appropriate spatial separation between the subject site and the neighbouring properties. ▪ The proposed wall height exceedance does not involve inappropriate or unnecessary excavation of the natural landform. This matter is addressed previously in section 4.5. ▪ The proposal provides an interesting, contemporary and low-profile roof design which minimises its overall building height. 	

Clause	Requirement	Proposed	Complies?
		Based on the above, the proposed wall height variation is appropriate in the circumstances. It is concluded that the proposed variation is modest meets the objectives of the planning control and warrants support.	
B3 Side Boundary Envelope	<p>4m at 45 degrees</p> <p>Based on the side setbacks the following eave heights apply:</p> <p>North side: 7m</p> <p>South side: 4.9 to 8m</p>	<p>The proposal demonstrates exceedance of the side boundary envelope as marked on the architectural plans (P-07) and within figure 15 below).</p> <p>Drawing P-07 shows the side boundary envelope plane of the proposed dwelling house at 5 locations along the side boundary. Encroachments are indicated on sections 4 and 5 and are minimal, mostly on the northern side, avoiding shading impacts.</p> <p>The exceptions relate to the north and south sides of level 4. The extent of the exceedance varies along the length of the side boundary due to the undulating topography of the site.</p> <p>The numerical exception is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal, as noted below:</p>	No, addressed below.
<p>Control objectives</p> <ul style="list-style-type: none"> ▪ <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> ▪ <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> ▪ <i>To ensure that development responds to the topography of the site.</i> 		<ul style="list-style-type: none"> ▪ In relation to the southern side boundary, as demonstrated within figure 15, due to the change in topography, the proposal is positioned significantly below the adjacent property at 17 Kimo Street. There are no inappropriate amenity impacts on 17 Kimo Street arising from the proposed side boundary envelope exceedance. ▪ The encroachments are indicated on P-07 and only relate to sections 4 and 5. They are modest, and mostly on the northern side so shading is not exacerbated. The recently approved dwelling at 17 Kimo Street demonstrates non-compliant with side 	

Clause	Requirement	Proposed	Complies?
		<p>boundary envelope (as detailed within DA 2020/0039).</p> <ul style="list-style-type: none"> ▪ In relation to the northern side boundary, the proposal's visual scale is reduced by the inseting of the upper level (level 4) by approximately 1.4m as shown in figure 14 below. Its northern side setback is 4.15m. ▪ Being located on the northern side of the site the exceedance will not result in inappropriate shading impacts on the neighbouring properties. ▪ The proposed development relates appropriately to the site topography. The proposed dwelling house is positioned at the base of a slope, adjacent to the rock feature that traverses the rear of the site. In these circumstances strict numerical compliance is difficult. ▪ The proposed exceedance is modest extent and area. It is isolated to a part of the site that will be obscured from various available viewing locations. ▪ The design addresses the noncompliance by incorporating a low-profile roof, inset upper level, terracing the Level 3 and 4 floor plates and a distinctive change in building materials. Such design features achieve variation in form and materials to the northern façade; provides visual interest to the rear building element; and enhances the presentation of the southern elevation. ▪ The proposed exception does not result in a visually dominant building design because: <ul style="list-style-type: none"> - it will be positioned lower on the topography than the prominently positioned dwelling house at 17 Kimo Street (Figure 14). - It will be significantly lower in height than the adjoining roadway and street trees that form a visual backdrop to the site when viewed from the north and east. - there is significant spatial separation to Condoover Street to the east (approx. 35m). ▪ The proposed massing of the design is compatible with mix of building forms within the visual catchment. ▪ The proposed development responds appropriately to the topography of the site, as previously in section 4.5 and the responses to the wall height control above. ▪ There are no inappropriate privacy or solar impacts associated with the proposed exceptions. ▪ No adverse view sharing impacts are anticipated by 	

Clause	Requirement	Proposed	Complies?
		<p>the proposed exception.</p> <p>It is concluded that the objectives of the control are satisfied. Based on the above, the circumstances are appropriate for Council to be flexible in applying the numerical control.</p>	
B5 Side Setback	900mm	<p>North side: 2.75m</p> <p>South side: 900mm</p>	Yes
B7 Front Setback	6.5m	6.5m	Yes
B9 Rear Setback	6m	<p>6m</p> <p>Level 3 balcony 4.78m – addressed below.</p>	<p>Yes</p> <p>No</p>
<p>Control objectives</p> <ul style="list-style-type: none"> ▪ <i>To ensure opportunities for deep soil landscape areas are maintained.</i> ▪ <i>To create a sense of openness in rear yards.</i> ▪ <i>To preserve the amenity of adjacent land, particularly relating to privacy between buildings.</i> ▪ <i>To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.</i> ▪ <i>To provide opportunities to maintain privacy between dwellings.</i> 		<p>Level 3 balcony</p> <p>Noting the narrow 1.4m width and 12m², the proposed balcony is of insufficient proportions for the congregation of large groups of people.</p> <p>The proposed balcony is of insufficient width for the accommodation of large tables and furniture.</p> <p>The proposed balcony is sufficiently elevated to look-out and over the proposed private open spaces within approved lot 2 which is positioned at RL 43.690, approximately 9.3 metres below the proposed balcony level (RL 53.03). Furthermore, there are appropriate landscaping treatments including retaining walls fencing and planting to limit / prevent sightlines between the spaces.</p> <p>Being suspended and north facing this area will not diminish or detract from the deep soil landscape areas at the rear of the site.</p> <p>The elevated, suspended, and narrow 1.4 metre width of the proposed balcony will not detract from the sense of openness within the rear yard.</p> <p>An appropriate privacy outcome due to the level difference, fencing and the extent of planting proposed between lots 1 and 2.</p> <p>Based on the above the objectives of the control are assessed as being satisfied.</p>	

Clause	Requirement	Proposed	Complies?
Exceptions	<p>Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway</p> <p>On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.</p>	<p>Swimming pool</p> <p>The proposed swimming pool and surround occupies approx. 22m² / 17% of the 129 m² that comprises the area of the rear setback. This is less than 50% of the rear setback area and meets the exception provision within the control.</p>	Yes
D1 Landscaped Open Space	<p>Site area:</p> <p>436.77 m²</p> <p>40% - 174.7 m²</p>	<p>30.9% / 134.96 m²</p> <p>The numerical exception is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal, as addressed below.</p>	No
Control objectives	<ul style="list-style-type: none"> ▪ To enable planting to maintain and enhance the streetscape. ▪ To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. ▪ 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. ▪ To enhance privacy between buildings. ▪ To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants. ▪ To provide space for service functions, including clothes drying. 	<ul style="list-style-type: none"> ▪ The proposal provides a characteristic front setback and incorporates appropriate garden area at the street frontage. The proposal provides a landscape setting to the site's Kimo Street frontage which will maintain and enhance the streetscape. ▪ It is noted that if the front undercroft space is included, the Landscaped Open Space comprises 48.9% - the house is set back and elevated to retain these natural rock outcrops / landscape features. ▪ The elevated areas on level 4 are designed to be significantly higher than the existing/proposed ground level to allow sunlight to the undercroft areas where shade tolerant native landscape species will be planted to compliment the retained rock features. The building footprint is consistent with the subdivision DA with only minor variations. ▪ The proposal does not result in the inappropriate removal of indigenous vegetation or topographical features (previously addressed within sections 4.3 and 4.5 of this report). 	

Clause	Requirement	Proposed	Complies?
	<ul style="list-style-type: none"> To facilitate water management, including on-site detention and infiltration of stormwater. 	<ul style="list-style-type: none"> There will be no loss of significant established trees. The proposal provides opportunities for planting within the proposed garden areas located on the site. The proposal involves a net increase in indigenous landscape planting. A condition of consent may reasonably be imposed regarding what proportion of this is indigenous vegetation in order to provide habitat for wildlife. The design provides a development footprint that is compatible to the pattern of dwelling houses in this part of the street. No excessive building bulk is proposed with a modulated building form proposed. The proposal's bulk, form and scale are separately addressed in response to wall height and side boundary envelope. There are no inappropriate privacy or solar impacts associated with the proposal. These matters are separately addressed below. The proposal provides adequate open areas for service functions, including clothes drying. Stormwater drainage will be managed and conveyed directly to the Council's street system. Stormwater reuse will occur through water storage tanks to meet BASIX requirements. 	
Private open space	60 m ²	<p>>60 m²</p> <p>At rear of the dwelling adjacent to living room and kitchen</p>	Yes

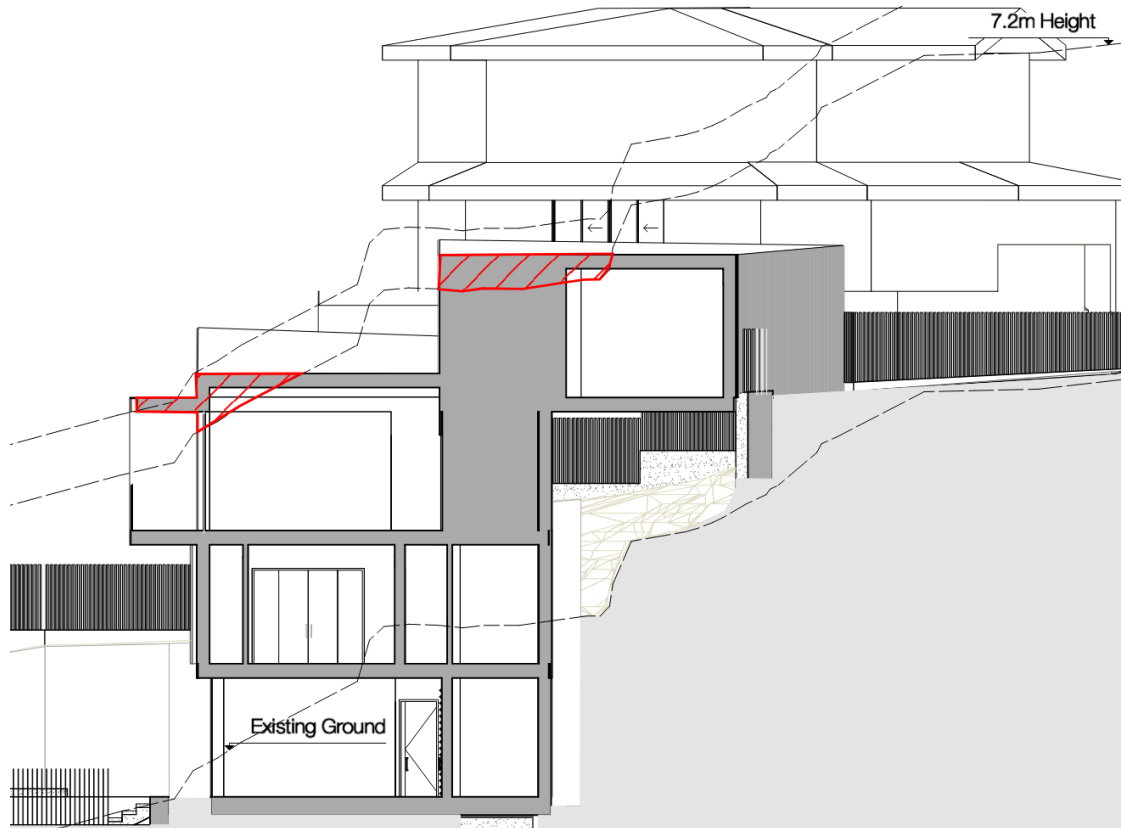


Figure 13– excerpt of plan section showing the 7.2m wall height and 8.5m height of buildings profile

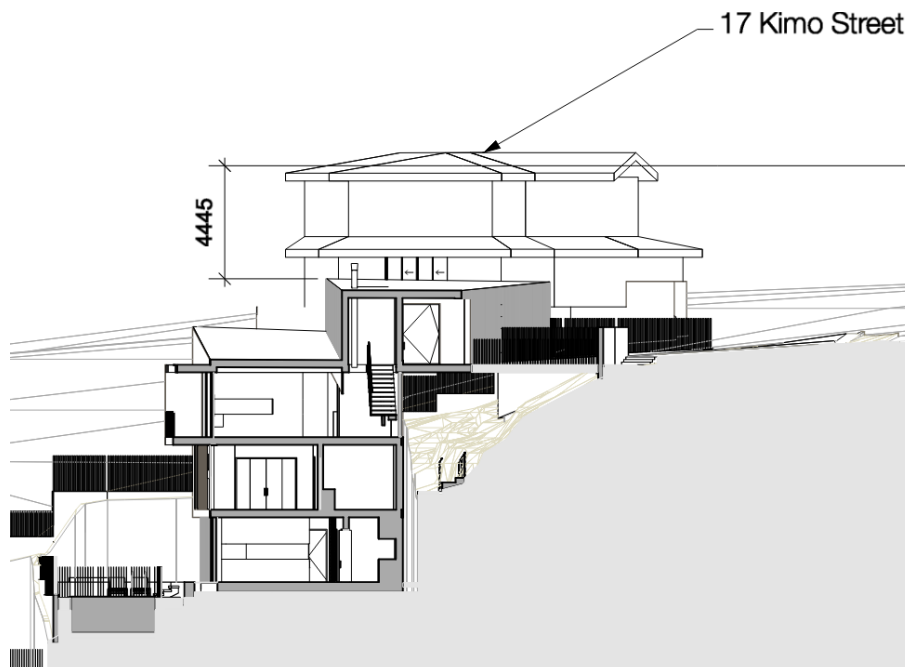


Figure 14 – excerpt of plan section P-07 (1) showing the proposed dwelling house on approved Lot 1 against the context of the existing dwelling house at 17 Kimo Street

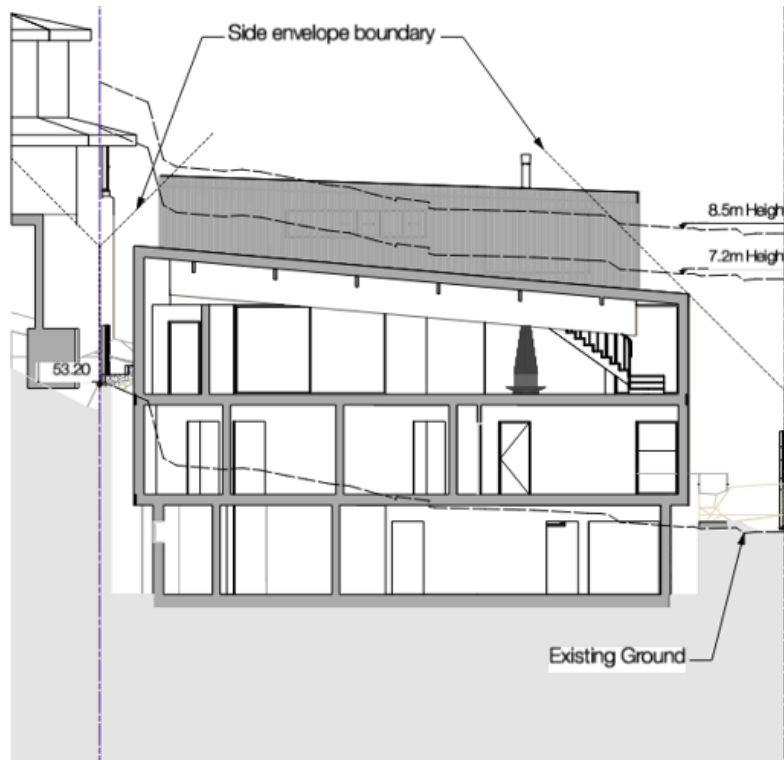


Figure 15 – excerpt of plan section P-02 drawing 2 showing 1 of 5 sections depicting the side boundary envelope plane for the proposed dwelling house on approved Lot 1



Figure 16 – the proposed building height exceedance relates to the upper level which is set back further from the boundaries (side and rear) and is of a different material. It will therefore be visually recessive when viewed from downslope areas (source: computer generated image from architectural plans).



Figure 17 – the proposed building height exceedance relates to the north side of level 4 which is set back further from the northern side boundary and is of a different material. It will therefore be visually recessive when viewed from downslope areas (source: computer generated image from architectural plans).

5.2.2 Dwelling house approved Lot 2 – accessed from Condover St

Clause	Requirement	Proposed	Complies?
B1 Wall Height	7.2m	<p>Minor exception at front of the proposed dwelling house - as shown on the architectural plans.</p> <p>The slope of the land at the location of the 7.2m height breach at the front of lot 2 is 1 in 3. Therefore, the proposal is eligible for the Exception provision within the clause. It states:</p> <p><i>'Exceptions</i> <i>This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:</i></p> <ul style="list-style-type: none"> ▪ <i>does not exceed the 8.5 metre height development standard;</i> ▪ <i>is designed and located to minimise bulk and scale; and</i> ▪ <i>has a minimal visual impact when viewed from the downslope sides of the land'.</i> 	No – addressed below.
<p>Objectives</p> <p><i>'To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</i></p> <p><i>To ensure development is generally beneath the existing tree canopy level.</i></p> <p><i>To provide a reasonable sharing of views to and from public and private properties.</i></p> <p><i>To minimise the impact of development on adjoining or nearby properties.</i></p> <p><i>To ensure that development responds to site topography and to discourage excavation of the natural landform.</i></p> <p><i>To provide sufficient scope for innovative</i></p>		<p>The proposal satisfies the objectives of the control noting:</p> <ul style="list-style-type: none"> ▪ The extent of the exceedance is minor and relates to a small section of the front of the proposed dwelling house. The sloping topography in this location of the site makes strict numerical compliance difficult to achieve. ▪ The width of dwelling house is a modest 8.7m and steps-in to 5.16m at the dwelling house frontage. The site-specific design is therefore responsive to the site width and minimises its visual impact when viewed from adjoining properties, Condover Streets, and land opposite zoned for public recreation. ▪ The variation, by virtue of its design, setbacks 	

Clause	Requirement	Proposed	Complies?
	<i>roof pitch and variation in roof design'.</i>	<p>and materials will not result in the building becoming visually dominant by virtue of its height and bulk when viewed from the adjacent street frontage and when viewed from adjoining land.</p> <ul style="list-style-type: none"> ▪ The proposed exceedance will be beneath the existing tree canopy level that is established at the site's street frontage (figure 8) and this vegetation will complement the proposal. ▪ The building design modulates its building form (tapered dwelling frontage) which avoids inappropriate bulk onto adjoining land (figure 18). ▪ The proposed exceedance will not inappropriately impact upon views to and from nearby or adjoining public and private properties. ▪ The proposal will maintain adequate solar access and privacy (as further detailed within section 5.2.4) and achieve appropriate spatial separation between the subject site and the neighbouring properties. ▪ The proposed wall height exceedance does not involve inappropriate or unnecessary excavation of the natural landform. This matter is addressed previously in section 4.5. ▪ The proposal provides an interesting, contemporary, and low-profile roof design which minimises its overall building height. <p>Based on the above, the proposed wall height variation is appropriate in the circumstances. It is concluded that the proposed variation is modest meets the objectives of the planning control and warrants support.</p>	
B3 Side Boundary Envelope	<p>4m at 45 degrees.</p> <p>Based on the side setbacks the following eave heights apply:</p> <p>North side: 4.950m, 6.6m to 10m</p> <p>South side: 6.6m</p>	<p>Minor exception at front of the proposed dwelling house - as shown on the architectural plans.</p> <p>Drawing P-11 shows the side boundary envelope plane of the proposed dwelling house at 3 locations along the side boundaries. Drawing P-11 sections 1 and 2 show minor exceedance in the area adjacent to the 48 Condover Street; this causes no shadow</p>	No – addressed below.

Clause	Requirement	Proposed	Complies?
		<p>impact to the rear yard.</p> <p>As demonstrated within figure 18, the exceedance relates to the front, north eastern and south eastern corners of the proposed dwelling house.</p>	
<p>Control objectives</p> <ul style="list-style-type: none"> ▪ <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> ▪ <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> ▪ <i>To ensure that development responds to the topography of the site.</i> 		<p>The cul-de-sac location of the site results in the side boundaries of allotments radiating on angular alignments from the cul-de-sac head. This results in the site narrowing at the front of the proposed dwelling house making strict compliance difficult to achieve in this location.</p> <p>In response, the width of dwelling house is a modest 8.7m and steps-in to a modest 5.16m at the dwelling house frontage. The site-specific design is therefore responsive to the site width. In addition, the design incorporates curves within the front façade that add visual interest to the design and will enhance its presentation to the streetscape.</p> <p>The design compensates for the modest (and isolated) exceedance by being significantly below the side boundary envelope at the rear of the proposed dwelling house where the northern side setback is 5.9m, which again results from the site's cul-de-sac location and the angular alignment of the northern side boundary. Also, the roof is well below the height plane at the western end of the dwelling allowing sun into the private open space of the dwelling at 48 Condoover Street.</p> <p>The design is compatible with the streetscape presentation of dwellings within Condoover Street, several of which present as 3 storeys to the street / cul-de-sac.</p> <p>Being located at the front of the site the proposed side boundary envelope exceedance will not result in appropriate shading and privacy impacts that is separated from the rear private open spaces on adjacent properties.</p> <p>The proposed side boundary envelope exceedance will not result in the inappropriate view sharing outcomes.</p> <p>The proposed side boundary envelope exceedance does not result in the inappropriate</p>	

Clause	Requirement	Proposed	Complies?
		<p>removal of vegetation.</p> <p>It is concluded that the proposal satisfies the exception provision and the objectives of the control satisfied. Based on the above, the circumstances are appropriate for Council to be flexible in applying the numerical control.</p>	
B5 Side Setback	900mm	<p>North side: (to common boundary with 52 Condoover Street*), 1m to 5.9m</p> <p>South side 2.5m</p> <p>*In the circumstances this is assessed as the appropriate location to measure the side setback because approved lot 3 cannot accommodate a dwelling house and its purpose is to accommodate infrastructure below ground level. Further addressed below.</p>	Yes
<p>Objectives</p> <ul style="list-style-type: none"> ▪ To provide opportunities for deep soil landscape areas. ▪ To ensure that development does not become visually dominant. ▪ To ensure that the scale and bulk of buildings is minimised. ▪ To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained. ▪ To provide reasonable sharing of views to and from public and private properties. 		<p>The following points are noted in response to the objectives of the control and the circumstances of approved Lot 2:</p> <ul style="list-style-type: none"> ▪ Lot 3 is the community title lot. It is 1m wide, 23.8m in length. It is visually and practically part of the effective area of 2 lot. ▪ It serves the function of being part of the north side set back and landscaped area associated with Lot 2. ▪ It contributes to the spatial separation, landscaped setting, and function of approved Lot 2. ▪ There would be no practical planning basis or benefit to excluding this area in assessing the side setback to approved Lot 2. <p>The objectives of the side setback control are satisfied.</p>	
B7 Front Setback	6.5m	7m	Yes

Clause	Requirement	Proposed	Complies?
B9 Rear Setback	6m	6m	Yes
<p><i>Exceptions - Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway</i></p> <p><i>On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.</i></p>		Swimming pool	Yes
		The proposed swimming pool occupies 48.7 m ² / 44% of the 111.8 m ² that comprises the area of the rear setback. This is less than 50% of the rear setback area and meets the exception provision within the control.	
D1 Landscaped Open Space	<p>Site area:</p> <p>384 m² (excluding lot 3). 40% - 153.64 m²</p> <p>436.77 m² (including lot 3). 40% - 164 m²</p>	As shown on DA-17(2), 44.3% / 170.3 m ² .	<p>Yes</p> <p>Yes</p>
Private open space	60 m ²	Approx. 85 m ²	Yes

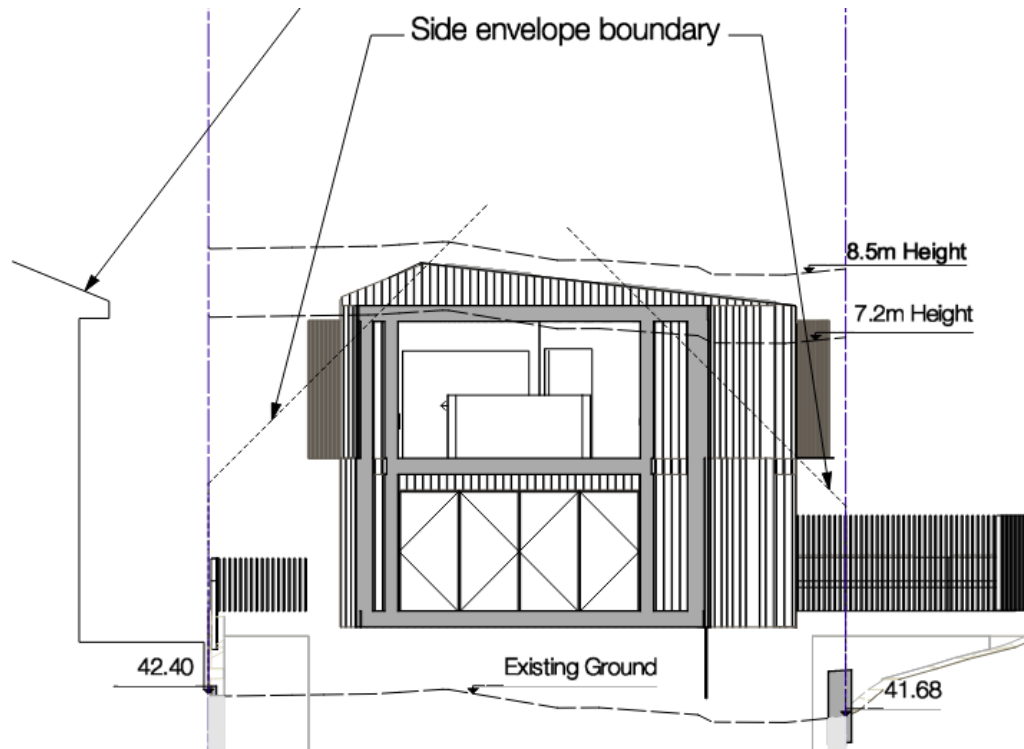


Figure 18 – excerpt of plan section P-11 section 1 showing the 7.2m wall height and 8.5m height of buildings profile

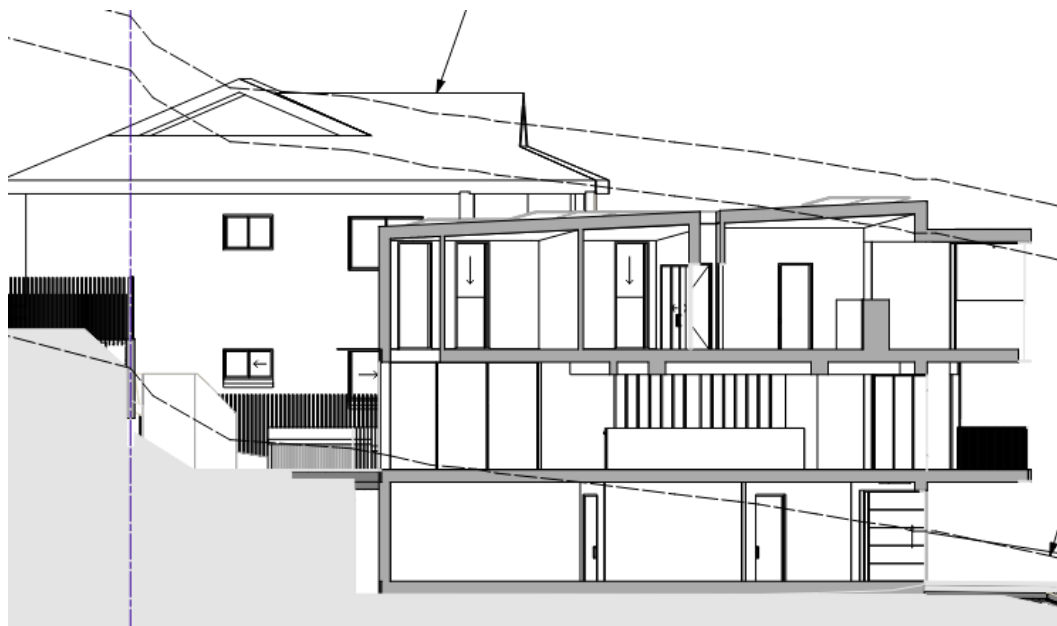


Figure 19 – excerpt of plan P-03 drawing 1 showing height of the proposed dwelling house on approved lot 2 in relation to the existing residential development (dual occupancy) at 52 Condoover Street

5.2.3 Conclusion

The proposed dwelling houses appropriately respond the DCP's built form controls. Based on the above assessment, it is concluded that the proposed numerical variations are modest and contextually appropriate, satisfying the objectives of the planning controls.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the numerical controls where the objectives of those controls have been satisfied.

It is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that these aspects of the proposal are worthy of approval.

5.2.4 DCP compliance assessment – Parts C, D, & E

Clause	Compliance with Requirement	Consistent with aims and objectives
Part C - Siting Factors		
C1 Subdivision	NA	NA
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities A minimum of 2 car parking spaces are provided for each dwelling house in compliance with the control.	Yes	Yes
C4 Stormwater The DA is accompanied and supported by stormwater management plans prepared by Stellen Consulting engineers and demonstrate compliance with the control. Each dwelling house is proposed to drain to Condoval St via gravity means. For approved lot 1 (fronting Kimo Street) this is via a proposed inter-allotment easement within the approved community lot (Lot 3).	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to constructed Council drainage easements	Yes	Yes
C7 Excavation and landfill The proposed dwelling houses result in different degrees of excavation. The extent of excavation is capable of satisfying the provisions of the control. The objectives of the control are repeated and responded to below: Objectives <ul style="list-style-type: none"> 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. To require that excavation and landfill does not create airborne pollution. To preserve the integrity of the physical environment. To maintain and enhance visual and scenic quality. Response <ul style="list-style-type: none"> The 2 dwelling houses demonstrate that they will both have characteristic, bulk, scale and form, compatible with the dwelling house character within 	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>the local area. Each will be viewed from adjoining land as being positioned within a landscaped setting. They will have an appropriate effect upon the visual environment, presenting modest scale homes to the adjacent streetscapes.</p> <ul style="list-style-type: none"> ▪ The proposal does not involve inappropriate or unnecessary excavation of the natural landform for the reasons addressed previously in section 4.5. ▪ Earthworks are proposed to accommodate the proposed development including excavation and fill in response to the land's sloping topography. In this regard the DA is accompanied and supported by landscaping plans, architectural plans (including earthworks plan P-19), arborist report, stormwater management plans, and geotechnical assessment report. Based on the accompanying scientific reports and plans Council can be satisfied that the proposed buildings on the approved lots will be constructed in an appropriate manner safe of hazards. As such, the accompanying assessment reports demonstrate that the dwelling house designs will have an appropriate effect upon the natural environment. ▪ The DA demonstrates in various plans that both dwellings will have an appropriate relationship with the pattern of adjoining dwellings and provide appropriate amenity outcomes to the adjoining properties as detailed elsewhere within this report. As such the proposed development will maintain and enhance visual and scenic quality of the land. 		
C8 Demolition and Construction	NA	NA
C9 Waste Management	Yes	Yes
Part D - Design		
D1 Landscaped open space and bushland setting	Previously addressed.	Previously addressed.
D2 Private Open Space Required: 3 bedroom dwellings - a total of 60m ² with minimum dimensions of 5 metres Response: previously addressed.	Yes	Yes
D3 Noise	Yes	Yes
D4 Electromagnetic radiation	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
D5 Orientation and energy efficiency	Yes	Yes
<p>D6 Access to sunlight</p> <p>Shadow diagrams showing the shadows from the proposed dwelling house designs accompany the proposal. They demonstrate that compliance with the DCP is achieved. The following key aspects are noted.</p> <p>The site and the adjoining properties have a north east / south west orientation. As a result, shadow diagrams demonstrate that shade will be minimised by the slope and relatively evenly shared between the front yard (morning) of 17 Kimo Street and rear yard (afternoon) of the adjacent property at 48 Condoover St. This provides a relatively even distribution of shade, consistent with the local development pattern.</p> <p>The DCP requires:</p> <p><i>'1. Development should avoid unreasonable overshadowing any public open space.</i></p> <p><i>2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21'.</i></p> <p>In accordance with Clause D6 of the DCP, the sunlight available to the private open space of adjoining the dwelling houses will not be impacted by more than 3 hours between 9am and 3pm on 22 June. It is concluded that the provisions of the control are satisfied.</p>	Yes	Yes
<p>D7 Views –</p> <p>New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>Given the sloping topography, the siting of the proposed development, and the compatibility of the proposed built form with that of the adjoining and nearby development, the proposal is not anticipated to significantly or unreasonably impede established views from surrounding residential properties or any public vantage points and satisfies the control.</p> <p>It is noted that access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to</p>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>neighbouring properties. At this stage, noting the above characteristics it is assessed that the proposal is unlikely to significantly or unreasonably impede on any significant established views from surrounding residential properties or public vantage points.</p> <p>For these reasons it is concluded the development satisfies the reasonable interpretation of the principles established by the Land and Environment Court of NSW in the matter of <i>Tenacity consulting v Warringah</i> [2004] NSWLEC 140.</p>		
<p>D8 Privacy –</p> <p>Privacy has been considered in the proposed design and satisfies the DCP's objectives. The following aspects of the proposal are noted:</p> <ul style="list-style-type: none"> ▪ Appropriate side building setbacks are provided noting the significant setbacks proposed where the site is on similar (or higher) levels to the adjacent land, (52 Condoover Street) with lesser side setbacks where the design is excavated. ▪ The rear private open spaces within each property are appropriately separated by the level change proposed between the sites, boundary fencing, and landscape planting proposed near the common rear boundary between approved lots 1 and 2. ▪ No upper floor balconies or terraces are relied upon to achieve the minimum private open space requirements. ▪ The proposed balcony at level 3 within lot 1 has been previously addressed. ▪ No large upper floor balconies or terraces of a size that would allow for the congregation of people are adjacent to sensitive living areas within the neighbouring properties. ▪ Side boundary facing window openings are limited and appropriate in terms of their function (the rooms that they serve), location, sill height, and extent. <p>It is concluded that the indicative dwelling designs would provide inappropriate visual.</p>	Yes	Yes
<p>D9 Building Bulk</p> <p>The proposal is appropriately designed and articulated noting that:</p>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<ul style="list-style-type: none"> ▪ The building form will be cut into the slope of the site. ▪ The building design modulates its building form responsive to the angular site boundaries and undulating topography. ▪ The dwelling designs provide a site, topographically specific, and characteristic built form that is commonly seen on sloping sites within the Northern Beaches Local Government Area. Such designs are characteristic of contemporary dwelling house designs and the built form within the local area where there is steep and undulating topography. ▪ The setbacks of the proposed building increase as the building height increases ensuring that the solar impact, bulk, and scale of the building is appropriate. ▪ The building form is appropriately articulated, ensuring that the bulk, and scale of the proposed building is appropriate. ▪ The proposal will employ appropriate materials and finishes to be compatible with the local development character. ▪ The approved allotments maintain a landscape setting with landscaped areas appropriately distributed around the proposed dwelling houses and which capable of supporting plants trees and garden areas. ▪ The proposal will present appropriately to the street and adjoining land. <p>It is assessed that the provisions of control day nine are satisfied by the proposed development.</p>		
<p>D10 Building Colours and Materials</p> <p>The DA is accompanied by colours and materials schedule.</p> <p>The proposal will employ appropriate materials and finishes to blend with the existing dwelling house and its setting.</p>	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
D16 Swimming Pools and Spa Pools	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes

5.2.5 Part E - DCP compliance assessment

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

Clause	Compliance with Requirement	Consistent with aims and objectives
Part E - The Natural Environment		
E1 Preservation of Trees or Bushland Vegetation	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	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	NA	NA
E7 Development on land adjoining public open space <ul style="list-style-type: none"> ▪ The proposal will complement the local area's landscape character noting the planting proposed, distribution of landscaped areas and the retention of a landscaped setting. ▪ The proposal will in no way diminish the public use and enjoyment of the nearby park and public open spaces. ▪ The proposal will complement the site's presentation to the park through appropriate massing, siting, and bulk along with the extent and quality of landscaping proposed. ▪ The proposal does not threaten the protection or preservation of the bushland. ▪ The proposed development is to the southeast of the RE1 zoned land and will not result in any inappropriate overshadowing of the public open space. 	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
E8 Waterways and Riparian Lands	Yes	Yes
E9 Coastline Hazard	NA	NA
E10 Landslip Risk The proposal is accompanied and supported by technical assessments including geotechnical report and civil engineering plans. The information confirms that the proposed development is on land that is geotechnically stable and capable of satisfying stormwater management requirements.	Yes	Yes
E11 Flood Prone Land	Yes	Yes

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 renewal of existing housing stock and additional housing is an established high amenity residential location.
- 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 new dwelling houses on approved lots 1 and 2 at 50 Condoover Street, North Balgowlah.

The proposal is permissible and constitutes an appropriate and orderly development of the property that is responsive to the applicable planning controls.

The exceptions proposed to the planning controls have been appropriately acknowledged and their acceptability assessed having regard to the control objectives and the available variation provisions.

This report demonstrates that the proposal is appropriately located and configured to complement the area's established subdivision and dwelling house character. It is assessed that the land can accommodate the proposed development without any unreasonable impacts on the existing streetscape character or neighbouring amenity. Accordingly, the exceptions proposed are considered acceptable under the circumstances.

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

CONCLUSION
