



STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition and new
dwelling house**

**79 Gondola Road, North
Narrabeen**

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1 Introduction

1.1 Description of the proposed development

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

The development application seeks consent for demolition and a new dwelling house at 79 Gondola Road, North Narrabeen.

The proposal is depicted in the accompanying architectural plans by Arc Architects and includes:

- Demolition of existing structures

Ground floor level

- Entry
- Open plan kitchen, dining, living
- Terrace to rear
- External dining/living to rear
- Laundry
- Bedroom
- Home office
- 2 bathrooms
- 2 side courtyards

First floor level

- 5 bedrooms
- 3 bathrooms

Landscaping works

Excavation, retaining walls, driveway, pathways, swimming pool, pool fencing, stormwater.

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 should be approved by Council.

2 Site Analysis

2.1 Site and location description

The site is located 79 Gondola Road, North Narrabeen and legally described as Lot 226 in Deposited Plan 16212.

The site is 12.19m wide and has an area of 461.6 m². It is rectangular in shape and contains a single storey fibre cement clad dwelling house with tile, shed at the rear, and a driveway / parking area on the south eastern side.

The land is zoned R2 Low Density Residential. The land is not identified in the LEP as being affected by heritage conservation, bushfire, biodiversity, coastal risk, flooding or acid sulfate soils, The land is identified in the LEP as being affected by H1 landslip and this is addressed within Section 4 of this report.

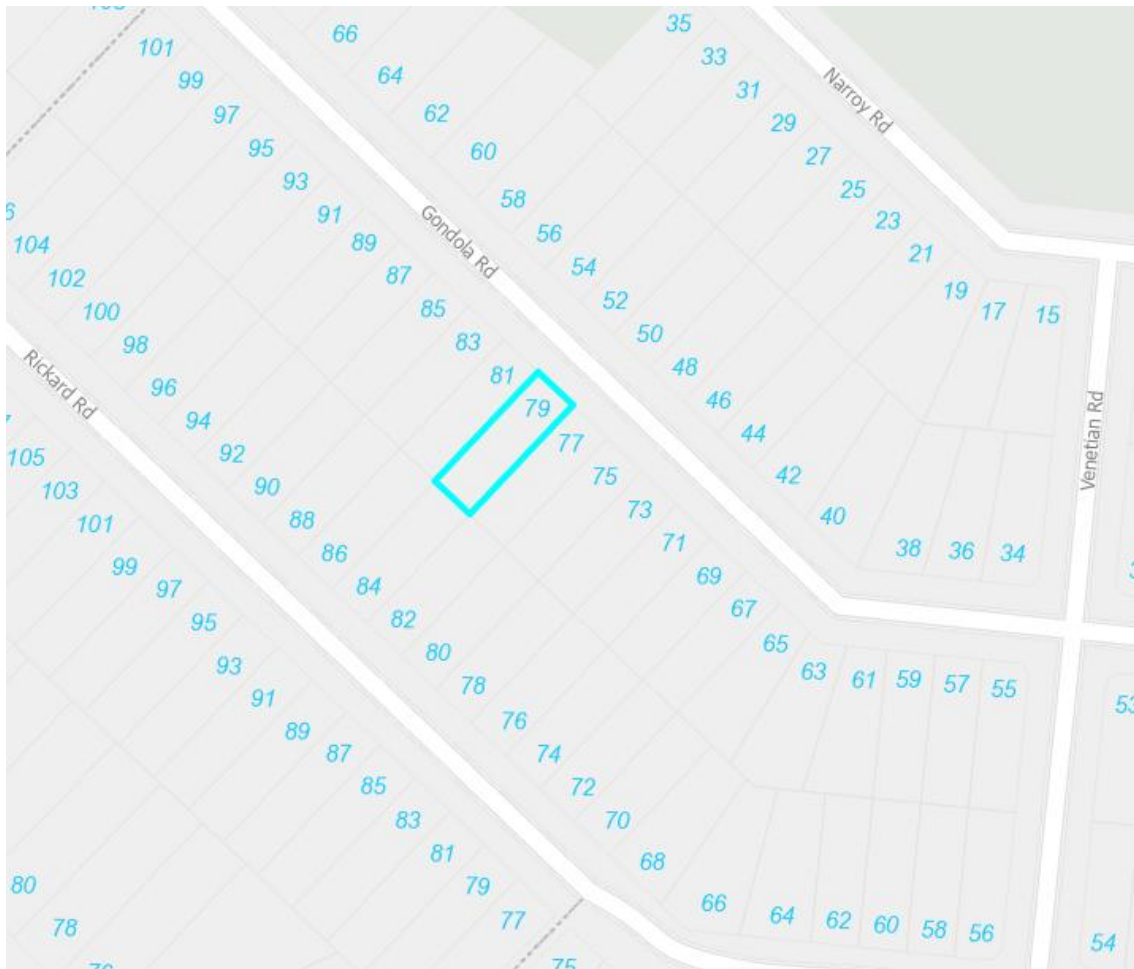


Figure 1 – Location of the site within its wider context (courtesy Northern Beaches Mapping)



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



Figure 3 – existing property's streetscape character

3 Environmental Assessment

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

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

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

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

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

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

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

4.1 Pittwater Local Environmental Plan 2014

4.1.1 Zoning

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

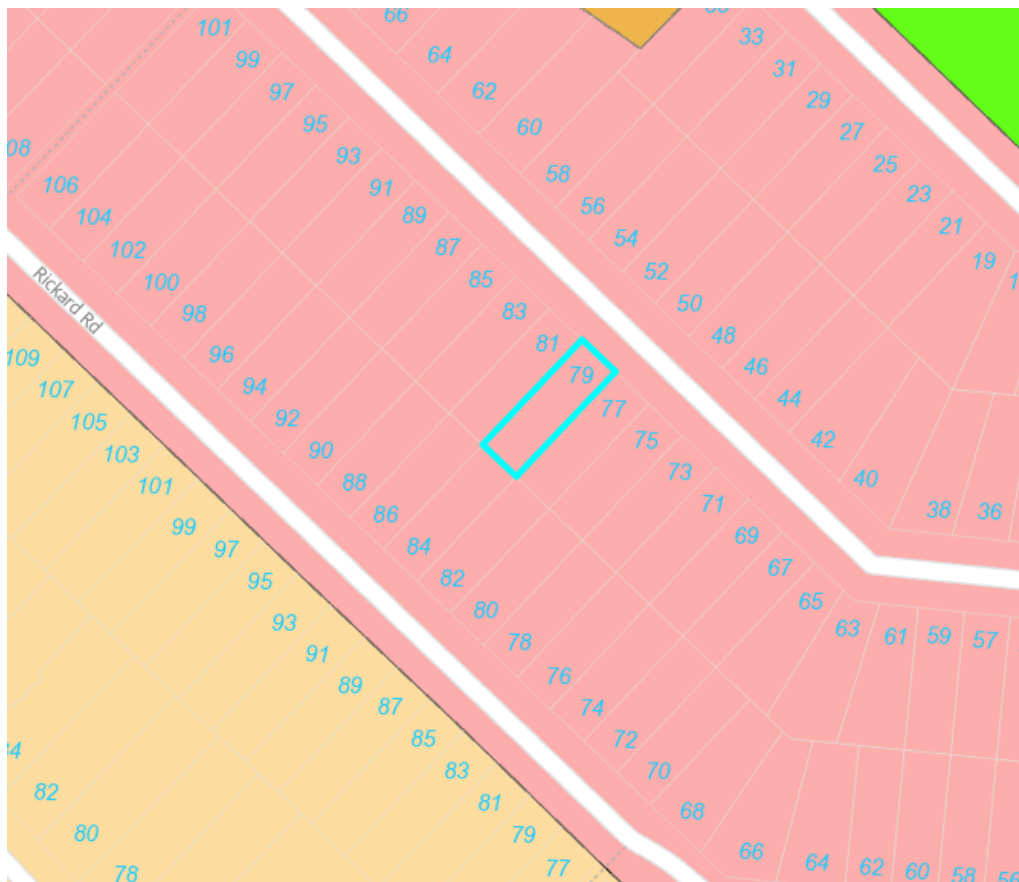


Figure 4 – zone excerpt (Council's website)

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

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

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

4.1.2 Other relevant provisions of the LEP

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

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size 550m ²	At 461.6m ² , the site is undersized when compared to the minimum lot size for the area which is 550 m ² , being 88m ² /16% undersized. Addressed further in relation to the DCP.	NA
LEP Clause 4.3 – Height of Buildings 8.5m	The proposed development complies with the 8.5m building height standard as documented on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being flood affected.	NA
Part 7 of LEP – Additional Local Provisions		
LEP Clause 7.1 Acid sulfate soils	The site is identified as being within class 5 acid sulfate soils. Modest excavation for footings is proposed below the existing site levels which are at approximately RL 6.3 to 10.5 [at the rear], with the proposed garage level at RL 6.18 which is above RL 5.00. Based on the above the proposed development satisfies the considerations within clause 7.1 and the site is suitable for the development proposed.	Yes
LEP Clause 7.2 Earthworks	Earthworks for the development are proposed below the existing site levels. The application is accompanied by a geotechnical assessment, architectural plans, landscape concept plan and stormwater management plans that demonstrate that the proposal is appropriate for the site.	Yes

LEP Provision	Response	Complies
	<p>Drainage patterns and soil stability are not adversely impacted by the proposal which are supported by stormwater management plans.</p> <p>The architectural plans and landscape concept plan make appropriate provision for the design and treatment of the site's external areas. Appropriate retaining walls and vegetated areas are proposed. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development.</p> <p>Heritage is not relevant to the proposed development. It is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or environmentally sensitive areas proximate to the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 7.2(3) of the LEP and results in appropriate outcomes against these criteria.</p>	
LEP Clause 7.5 Coastal risk planning	NA	NA
LEP Clause 7.6 Biodiversity	NA	NA
LEP Clause 7.7 Geotechnical hazards	<p>The site is identified as being subject to geotechnical hazards H1.</p> <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 7.7(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 7.7 and the site is suitable for the development proposed.</p>	Yes

4.2 State Environmental Planning Policy

4.2.1 State Environmental Planning Policy - BASIX

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

4.2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

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

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

4.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

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

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

These matters are addressed below.

Chapter 2 - Coastal Management

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

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

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

Division 3 - Coastal environment area

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

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

13 Development on land within the coastal environment area	Response
	to these considerations.
<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"> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> ▪ Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u> .	<ul style="list-style-type: none"> ▪ Noted; not applicable.

Division 4 - Coastal use area

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

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

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

Chapter 4 - Remediation of Land

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

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

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

5 Development Control Plan

5.1 Overview

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

5.2 North Narrabeen Locality

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

- will maintain a building height limit below the tree canopy and the 8.5m development standard
- responds to the physical and environmental site conditions
- maintains and enhances the site’s landscape setting
- will harmonise with the topography of the site and enhance the streetscape.

The resulting development is characteristic of contemporary residential dwelling houses within the local area and is assessed as being consistent with the desired future character of the locality.

5.3 Key DCP controls

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

Control	Requirement	Proposed	Complies
PART D: LOCALITY SPECIFIC DEVELOPMENT CONTROLS			
Front setback	6.5m or established building line, whichever is the greater. Currently there is no consistent front setback on the subject site or the adjoining properties, noting: <ul style="list-style-type: none"> ▪ 77 Gondola Road – 4.37m to concrete balcony ▪ 81 Gondola Road – 6.53m to balcony The average is 5.45m	Garage level - 6.165m Ground floor level - 7.070m First floor level – 12.78m or 10m to the front balcony The proposed front setbacks exceed the average of the adjacent properties. They step to reduce bulk and provide visual interest. They are appropriate and compatible in creating a more consistent pattern, enhancing the existing built form, and satisfying the control objectives.	Yes
Side and rear setbacks	Side: 2.5m one side	Side setbacks	

Control	Requirement	Proposed	Complies
	1m to other side	<p>Ground floor level East – 1m West – 2.5 to 2.64m</p> <p>First floor level East – 2.54 to 3.22m to 4.68m West – 1.5 to 4.8m</p>	<p>Yes Yes</p> <p>Yes Yes</p>
	Rear: 6.5 m	<p>6.8m to dwelling house.</p> <p>4.8m to rear terrace at ground floor level. The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, circumstances of the site, and the merits of the proposal, as noted below.</p> <p>Swimming pool - 1.m to the pool coping. Addressed below.</p>	<p>Yes</p> <p>No</p> <p>Yes</p>
<p>Objectives</p> <p><i>To achieve the desired future character of the Locality.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>Equitable preservation of views and vistas to and/or from public/private places. (S)</i></p> <p><i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.</i></p> <p><i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.</i></p> <p><i>Substantial landscaping, a mature tree canopy and an attractive streetscape.</i></p> <p><i>Flexibility in the siting of buildings and access.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>To ensure a landscaped buffer between commercial and residential zones is established.</i></p>		<p>In relation to the rear terrace:</p> <ul style="list-style-type: none"> ▪ The proposed development is consistent with the desired future character of the locality as previously addressed within section 5.2 of this report. ▪ The proposal involves removal of a fibre cement shed 900mm from the rear boundary. Inclusive of its adjacent boundary setbacks [which are too narrow for planting] it occupies approx. 31% of the rear setback area. The amenity of the site and the adjoining land will be enhanced by its removal. ▪ The rear terrace is excavated into the existing topography and will be set down below the levels of the adjoining private open space areas thereby not impacting on the existing privacy. ▪ The rear terrace appropriately responds to the site constraints, in particular the slope of the land and the location of the adjoining properties. The proposed location is the most appropriate in maintaining privacy between the subject site and adjoining development. ▪ The rear terrace setback will not result in any unreasonable loss of views, privacy or general amenity. ▪ The proposed dwelling house is appropriate in creating a more consistent pattern of development, enhancing the built form, and 	

Control	Requirement	Proposed	Complies
		<p>satisfying the control objectives.</p> <p>Notwithstanding the numerical variation, the proposal satisfies the control objectives and is worthy of support on merit.</p>	
<p>In relation to the Swimming pool, the DCP states:</p> <p><i>‘For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:</i></p> <ul style="list-style-type: none"> ▪ <i>satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and</i> ▪ <i>Council is satisfied that the adjoining properties will not be adversely affected, and</i> ▪ <i>the pool or spa is not more than 1 metre above ground level (existing), and</i> ▪ <i>that the outcomes of this clause are achieved without strict adherence to the standards, and</i> ▪ <i>where the site constraints make strict adherence to the setback impractical, and</i> ▪ <i>where strict compliance with these requirements will adversely impact on the views of adjoining residential properties’.</i> 		<p>The proposed swimming pool design:</p> <ul style="list-style-type: none"> ▪ provides landscaping within the setbacks from the pool. ▪ provides an appropriate amenity outcome. The adjoining properties will not be adversely affected by the proposed pool’s location, noting that it is a below ground structure integrated with the slope of the topography. ▪ responds to the site constraints, in particular the slope of the land and the location of the adjoining properties. The proposed location is the most appropriate in maintaining privacy between the subject site and adjoining development. ▪ no views will be impacted by the proposed swimming pool. <p>Based on the above, the outcomes of the numerical control are achieved without strict adherence to the requirement.</p>	
<p>Building Envelope</p>	<p>3.5m at 45 degrees plane to maximum building height boundary.</p> <p>East: 6.040 to 6.72m to 8.3m</p> <p>West: 5m to 8.6m</p>	<p>Proposed eave heights:</p> <p>East – complies as shown in figure 8</p> <p>West – modest exceedance as shown in sections 3 and 4 of the architectural plans and figure 7.</p> <p>The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, circumstances of the site, and the merits of the proposal, as noted below.</p>	<p>Yes</p> <p>No</p>
<p>Objectives</p> <p><i>‘To achieve the desired future character of the Locality.</i></p> <p><i>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</i></p>		<p>As noted on the submitted sections and in figure 7 below, the proposed first floor level presents a variation to the building envelope control at some sections along the western elevation.</p> <p>The site is a relatively narrow 12.19m wide; a standard R2 zone lot being 15.2m wide. Therefore, the lot is approx. 20% under the standard lot width.</p>	

Control	Requirement	Proposed	Complies
	<p><i>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>Equitable preservation of views and vistas to and/or from public/private places.</i></p> <p><i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form’.</i></p>	<p>The proposed development is consistent with the desired future character of the locality as previously addressed within section 5.2 of this report.</p> <p>Minimal solar impact</p> <p>The allotment is orientated north east [front] to south west [rear]. Shading is minimised noting:</p> <ul style="list-style-type: none"> ▪ The western setback of the first-floor level is inset to 1500mm. ▪ There is no material shading impact on the western property at 81 which is adjacent to the exceedance ▪ Due to the north east orientation of the lot, the proposed setbacks and location of the first floor level minimises shading impact on the eastern property. ▪ Therefore, the exception results in minimal solar impact. There is no inappropriate shading impact on the western arising from the proposed western boundary envelope exception. <p>Bulk and scale</p> <p>The development maintains a modest bulk and scale and is well below the building height control.</p> <p>The proposed building levels step responsive to the topography of the land and include various recesses within each floor plate [e.g. side courtyards], avoiding long continuous wall planes.</p> <p>The side courtyards reduce the extent of the envelope noncompliance and compensate for the non-compliance by providing section of the side wall that are significantly below / within the building envelope.</p> <p>The upper level is recessed displaying an increased 12.78m setback from the street boundary</p> <p>The proposed building setbacks step to reduce bulk provide visual interest. will harmonise with the topography of the site and be compatible with the character of development within the locality.</p> <p>Other considerations</p> <p>The proposal will not result in any unreasonable loss of views, privacy or general amenity.</p> <p>Notwithstanding the numerical variation, the proposal satisfies the control objectives and is worthy of support on merit.</p>	
	<p>Landscaped Area – (area 3)</p> <p>50% minimum. Site area: 461.2m², Required: 230.6m²</p>	<p>221.5m² / 48%</p> <p>A minor numerical variation of 9.1m² / 3.9% is proposed.</p> <p>The numerical variation is</p>	<p>No</p>

Control	Requirement	Proposed	Complies
		acknowledged, and justification is provided in response to the planning control objectives, circumstances of the site, and the merits of the proposal, as noted below.	
Outcomes	<p><i>'Achieve the desired future character of the Locality.</i></p> <p><i>The bulk and scale of the built form is minimised.</i></p> <p><i>A reasonable level of amenity and solar access is provided and maintained.</i></p> <p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p> <p><i>Conservation of natural vegetation and biodiversity.</i></p> <p><i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i></p> <p><i>To preserve and enhance the rural and bushland character of the area.</i></p> <p><i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i></p> <p><i>Variations</i></p> <p><i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i></p> <p><i>1. impervious areas less than 1 metre in width (e.g. pathways and the like);</i></p> <p><i>2. for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i></p>	<p>The proposed development is consistent with the desired future character of the locality as previously addressed within section 5.2 of this report.</p> <p>At 461.6m² the site is undersized when compared to the minimum lot size for the area which is 550 m², being 88m² / 16% undersized. This makes strict compliance with the numerical requirement of the setback control difficult to achieve.</p> <p>The proposal involves removal of a fibre cement shed 900mm from the rear boundary. Inclusive of its adjacent boundary setbacks [which are too narrow for planting] it occupies approx. 31% of the rear setback area. The amenity of the site and the adjoining land will be enhanced by its removal.</p> <p>No adverse shading impact will result as separately addressed above and below.</p> <p>The proposal involves additional planting and no removal of designated vegetation.</p> <p>Stormwater is appropriately managed as demonstrated by the accompanying stormwater plans.</p> <p>Appropriate provision is made for the infiltration of water.</p> <p>Notwithstanding the numerical variation, the proposal satisfies the control objectives and is worthy of support on merit.</p>	
PART B: GENERAL CONTROLS			
B5.10 Stormwater	Connected by gravity means to street or established	The DA is accompanied and supported by stormwater management plans that	Yes

Control	Requirement	Proposed	Complies
Discharge into Public Drainage System.	piped system.	address the control provisions.	
Car Parking (B6.3 DCP)	2 spaces per 2 or more bedroom dwelling.	Proposed - 2 separately accessible spaces behind the front building line.	Yes
PART C: DEVELOPMENT TYPE CONTROLS			
Private Open Space (PoS) (C1.7 DCP)	80 m ² at ground floor 16 m ² (out of the 80m ²) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%)	A ground level rear terrace and side courtyards are adjacent the main living areas. Meets and exceeds control.	Yes
Solar Access (C1.4 DCP)	Min 3 hours to the dwelling within the site. Min 3 hours to neighbouring dwellings PoS areas. In accordance with Clause C1.4 the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.	The application is supported by Solar Access Diagrams which depict the overshadowing from the proposed development. 77 Gondola Road - Overshadowing of the property is limited to the eastern side between 9am and 12pm, with no additional overshadowing of the rear open space for 3 hours during this time. 81 Gondola Road - Overshadowing of the property is limited to the western side and modest encroachment onto the rear yard between 12pm and 3pm, with no additional overshadowing of the rear open space for 3 hours during the morning [9am to 12pm]. Therefore, the sunlight available to the adjoining properties will not be impacted by more than 3 hours, between 9am and 12pm on 21 June and the control is satisfied. Council can be satisfied the shading impact is reasonable.	Yes
Views (C1.3 DCP)	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposal complies with the key built form controls [e.g. building height and setbacks] and is assessed as a skilled design. No inappropriate view sharing impacts	Yes

Control	Requirement	Proposed	Complies
		<p>are anticipated by the proposed development.</p> <p>Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties.</p> <p>At this stage, it is assessed that the proposal is unlikely to inappropriately impede significant established views from surrounding residential properties or public vantage points.</p>	
<p>Privacy (C1.6 DCP)</p>	<p>The control establishes that private open space and living rooms of adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation.</p>	<p>Privacy has been considered in the proposed design. The following key aspects are noted:</p> <p>Appropriate side building setbacks are exhibited by the proposal as previously addressed.</p> <p>Side boundary facing window openings are limited and appropriate in terms of their separation, function (the rooms that they serve), location, sill height, and extent.</p> <p>Larger bay window openings in the west side first floor level are associated with bedrooms and will appropriately overlook the adjacent roof form.</p> <p>No rear or side upper floor balconies or elevated terraces are proposed.</p> <p>The proposed front balcony is elevated, off a bedroom, incorporates privacy attenuation [extended wall] to the west side, and increased setback to the east side. There are unscreened front balconies of the 2 adjacent properties and there are no inappropriate privacy impacts arising from this aspect.</p> <p>Private open spaces are proposed at ground level compatible with the location of private open spaces on the adjacent properties.</p> <p>It is concluded that the proposal will not generate inappropriate impacts on the visual privacy of the neighbouring properties.</p>	<p>Yes</p>
<p>OTHER RELEVANT RESIDENTIAL DEVELOPMENT CONTROLS</p>			

Control	Requirement	Proposed	Complies
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	<p>The proposed development will present appropriately to the site's street frontage employing an articulated design with an inset and recessive upper level.</p> <p>The proposed materials employ an appropriate range of textures and finishes, compatible with the location and context.</p> <p>The bulk and scale is appropriate in its context and compatible with the scale of development within the local area.</p>	Yes
Building Colours and Materials	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p>	<p>The proposed development will present appropriately to the public spaces and adjoining land.</p> <p>The proposed materials and finishes employ appropriate tones, compatible with the location and context.</p> <p>External materials and finishes will be consistent with the surrounding environment.</p>	Yes
Scenic Protection – General D1.4	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>The proposed development will be within a landscaped setting and will be compatible with development within the local area.</p>	Yes



Figure 5 – character of existing dwelling and interface to the west



Figure 6 – character of existing dwelling and interface to the east

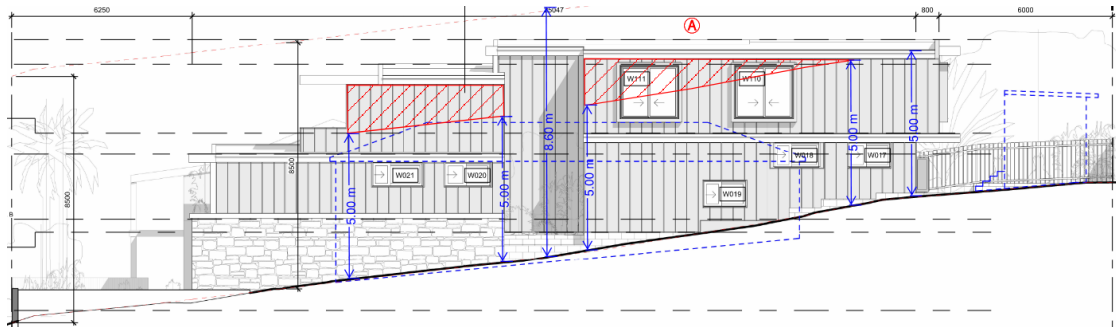


Figure 7 – two sections exceeding the western side boundary envelope marked red

5.3.1 Conclusion - variations to numerical aspects of the DCP

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

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

“(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards council is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development,”

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

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

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

- There will be no unreasonable adverse built environment impacts arising from the proposed physical works on the site.

- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no unreasonable adverse environmental Impacts arising from the proposal.

- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the renewal of existing housing stock and upgrading to meet BASIX compliance.

- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council’s DCP.

- It is compatible with the current and likely future character of development within the local context.

- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.

- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.

- Given the site’s location and established function, the site is assessed as being entirely suitable for the proposed development.

- The public interest is best served through the approval of the application.

7 Conclusion

The relevant assessment issues have been identified and appropriately addressed.

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

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

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

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

BBF Town Planners

Michael Haynes
Director