

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED NEW FRONT BOUNDARY FENCE  
TO AN EXISTING RESIDENCE  
AT**

**10 GARDEN STREET, NORTH NARRABEEN**

**LOT 80    DP 7593**

Prepared By *JJ Drafting*

**November 2019**

## **1) Introduction**

This Statement of Environmental Effects accompanies documents prepared by JJ Drafting, job number 751.19, drawing numbers DA.01 to DA.04 dated November 2019 to detail proposed front fence to an existing residence at 10 Garden Street, North Narrabeen.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of support by Council.

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

- # *The Environmental Planning and Assessment Act 1979 as amended*
- # *The Environmental Planning and Assessment regulation 2000*
- # *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- # *Pittwater Local Environmental Plan 2014*
- # *Pittwater 21 Development Control Plan 2014*

## **2) Site characteristics and description**

The subject allotment is described as 10 Garden Street, North Narrabeen.

- Site area is 640.76sqm.
- It is zoned E4 Environmental Living in the Pittwater Land Zoning map.
- The site is not listed as being heritage or in a conservation area.
- It is not located in a bushfire area.
- It is located in Class 5 Acid Sulfate Soil Area.
- It is located in a Geotechnical Hazard H1 Area –Geo tech report attached with this application
- The lower Portion of the site near the front boundary is located in the flood risk.

\* Refer to note next page

- The property addresses Garden Street to the East and is directly opposite Pioneers Park. Views are afforded to Narrabeen lakes.
- The site is currently developed with a two storey rendered brickwork dwelling with a pitched metal roof.
- Driveway access is provided via an existing vehicle access off Garden Street to a double garage situated on the front boundary.
- The site falls from West (rear) to East (front).
- Vegetation consists of mixed endemic and introduced species with small to medium trees and shrubs to the front and rear yard.
- Front, side and rear setbacks vary throughout the streetscape and that of adjoining dwellings.

### **3) The Proposal**

#### **Description**

As detailed within the accompanying plans, the proposal seeks consent for a front boundary fence. It provides compliance with the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan 2014.

# Proposing a new rendered concrete block fence with timber slats between pillars along the front boundary which will abut an existing garage on the site as well as an existing adjoining masonry. A new letter box and a pedestrian gate to access the site has been located to the east side of the fence. The new fence will have a height of 1950mm from the pathway level, the new height matches the existing fence heights from that of adjoining fences. Front fence to Property no. 14 has a similar design.

#### **\* Flood note**

Only a very small area of the property near the front boundary is located in the flood zone. Given that this is only a front fence and it replaces an old existing low timber log fence which over the years had fallen and broken away through decay and now no longer exists, the new front fence will not be affected by the flood.

As the topography of the site is fairly steep, and the existing dwelling sits well above the flood zone and further towards the rear of the site, it will not be affected by the flood and the proposed new front fence will not affect the existing dwelling in terms of spreading water from a flood, it is not in a floodway and will not obstruct the flow of water along Garden St.

Given that this is only a front fence and a FPL would not be necessary, it is therefore not envisaged that a flood report would be required as it will not affect the flood mitigation or the flow of the water along Garden St. or upon the allotment. The new masonry front boundary fence will predominately protect the site from flood waters entering the site.

### **4) Zoning & Development Controls**

#### **4.1 Pittwater Local Environmental Plan 2014**

The site is zoned E4 Residential Living under the provisions of the PLEP 2014. The proposed front fence addition is permissible with the consent of council.

#### **4.2) State Environmental Planning Policy (Building Sustainable Index: BASIX) 2004**

The proposal will not require a BASIX certificate with this application as the cost will be below \$50,000.

#### **4.3) North Narrabeen Locality (D11)**

##### **Desired future character**

It is proposed that the new front boundary fence is consistent with the desired future character, the streetscape and the surrounding properties.

The proposed new front fence respects the scale and form of other new and existing front fences in the vicinity and therefore compliments the locality.

The visual impact of the front boundary fence is secondary to landscaping and vegetation and is compatible with the surrounding streetscape and that of adjoining fences in the street

The proposal will not have any significant or adverse impact on the neighbouring properties.

#### **4.4 Height of Building (LEP 4.3)**

Not applicable

#### **4.5 Development Standards and the effects of the proposal - DCP 21**

##### **a) Landscaping area – Environmentally Sensitive Land (D11.11)**

The proposed new front fence will not change the existing landscaping area and there will be no increase in the existing hard surface

##### **b) Setback requirements (D11.6 front and D11.7 side and rear)**

Side setbacks --Not applicable

Front setback –Not applicable

The proposed new 1.95m high front boundary fence will be constructed on the front boundary

##### **c) Building envelope (D11.9)**

Not applicable

##### **d) Visual Privacy (C1.5)**

The proposed front fence will not affect adjoining dwellings.

##### **e) View Sharing (C1.3)**

The proposed front fence will not affect adjoining dwellings.

##### **f) Solar Access (C1.4)**

No loss of daylight to habitable rooms in adjacent dwellings will be experienced as a consequence of this proposal.

##### **g) Fences (D11.13)**

A minimum of 1.8m high is permissible if the site is located near a main road with high traffic noise. The new front fence is proposed to have a height of 1.95m from the level of the footpath, however portion of the grassed pathway near the boundary will be levelled to create a safer walking area and match that of the adjoining levels, this will create a higher fence from the ground level however within the allotment it is slightly higher by approx..190mm. It is requested this slight non-compliance in height be supported as it is compatible with other new fences in the streetscape. The proposed new fence matches that of the adjoining fence in terms of height.

The new fence will be constructed of rendered masonry wall with open see through timber slats.

**h) Internal Driveways (B6.2) and Off-Street Parking (B6.3)**

No change

**5) Matters For Consideration Under Section 79c Of The Environmental Planning And Assessment Act, 1979**

**5.1) The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Development Control Plan 21 and the relevant supporting Council Local plan. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

**5.2) Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

It is not considered that there are any draft environmental planning instruments applying to the site.

**5.3) Any development control plan**

The development has been designed to comply with the requirements of the North Narrabeen locality and the general principles of Development Control 21.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessments Amendment Act 2012 No.93 (amendment Act) which received assent on 21 November 2012 commenced on 1<sup>st</sup> March 2013.

Key amongst the amendments are requirement to interpret DCP's flexibly and to allow reasonable alternative solutions to achieve the objectives of the DCP standards .

The new section 74BA provides that the principal purpose of the DCP's is to provide guidance on:

- \* giving effect to the aims of any applicable environmental planning instrument
- \* facilitating permissible development
- \* achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 79C(3A) which:

- \* prevents the consent authority requiring more onerous standards than a DCP provides
- \* Requires the consent authority to be flexible and allow reasonable alternative solutions in applying DCP provisions with which a development application does not comply.
- \* limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that council applies considered flexibility where the application seeks variations to the numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the fence height.

It is considered that the proposed design respects the desired character objectives of the locality Plan in that it reinforces the existing residential character of the area and is compatible with the existing fences in the vicinity.

**5.4) Any matter prescribed by the regulations that apply to the land to which the development relates**

No matters of relevance area raised regarding the proposed development.

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

It is considered that the proposal, which seeks consent for a new front fence, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Pittwater Development Control Plan 21

**5.6) The suitability of the site for the development**

The subject land is in the E4 Environmental Living and the proposed development is permissible. The site is considered suitable for the proposed development.

The proposal will provide for a front boundary fence which replicates other fences in the streetscape and will provide continuity without having a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

**5.7) Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**5.8) The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

**6) Conclusion**

The proposal which provides for a front boundary fence will not have any detrimental impact on the adjoining properties or the locality. The proposal is in keeping with Council's aims and objectives for this locality. There will be no effect on local fauna and flora.

In scale, form and finishes, the proposal will have a positive effect on the lifestyle of its inhabitants and the visual amenity of its neighbours, as it will be in keeping with other fences along the street.

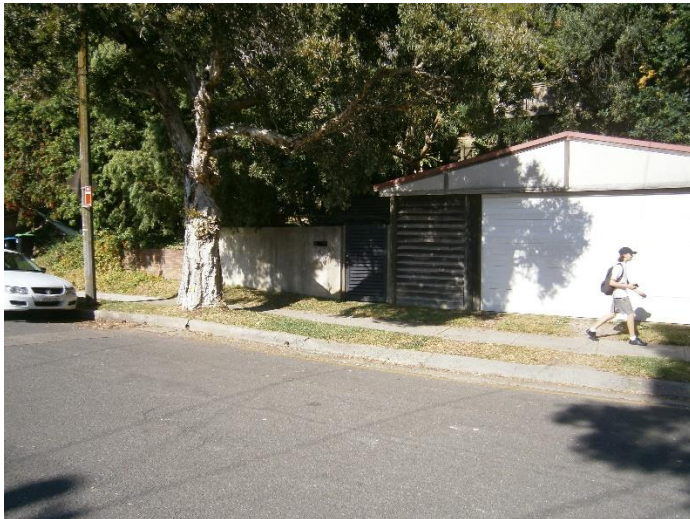
As the proposal will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.





**Photo 1**

Next door neighbor (No.8) and their solid, block fence wall.



**Photo 2**

Looking East along Garden Street at No. 8 and their front boundary fence alongside their garage and gate.



**Photo 3**

Looking at No. 14 Garden Street and their front boundary fence.



**Photo 4**

Looking along Garden Street to the right and the streetscape of No. 14.



**Photo 5**

Looking at No. 10 Garden Street and existing front boundary.



**Photo 6**

Looking at No. 10 Garden Street. Existing garage to remain on the right-hand side.

## **SCHEDULE OF EXTERIOR FINISHES**

### **10 Garden Street, NORTH NARRABEEN**

<b>WALLS</b>	
Front Boundary Fence	Blockwork rendered and painted (sandstone colour to match existing dwelling) Timber slats between blockwork Timber gate