



Minto Planning Services

Town Planning Consultants

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

**PROPOSED DEMOLITION OF EXISTING
STRUCTURES AND CONSTRUCTION OF A
RESIDENTIAL FLAT BUILDING**

142 OCEAN STREET, NARRABEEN

**On behalf of
Trio Industry Pty Ltd**

July 2021

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition of Existing Structures and Construction of a Residential Flat Building

142 Ocean Street, Narrabeen

Prepared under instructions from

PopovBass Architects



Minto Planning Services Pty Ltd ABN 68 091 465 271
Town Planning Consultants
PO Box 424
Berowra NSW 2081
Tel: (02) 9875 4788
Email: planning@mintoplanning.com.au

TABLE OF CONTENTS

1. INTRODUCTION	4
2. THE SITE	6
3. THE SURROUNDING ENVIRONMENT	8
4. THE PROPOSAL	9
5. ZONING & DEVELOPMENT CONTROLS	12
6. SECTION 4.15(1) ASSESSMENT	31
7. CONCLUSION	33

1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Trio Industry P/L. The proposal seeks approval for the demolition of the existing structures and construction of a residential flat building upon land identified as Lot 12, Section 47 in DP 111254 and which is known as 142 Ocean Street, Narrabeen.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy No.65 - Residential Flat Development*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

Additional information to support this application includes:

- Detail & Boundary Identification Survey Plan prepared by C & A Surveyors NSW P/L, Ref. No. 16303-21 DET/ID, Revision 01 and dated 20/01/2021.
- Boundary Redefinition Survey Plan prepared by Paul Barry Byrne, Ref. No. 11114L, Issue A and dated 23/02/2021.
- Arboricultural Impact Assessment prepared by Rain Tree Consulting, Ref No. 8821 and dated 8/06/2021.
- Architectural Plans, Shadow Diagrams & Schedule of External Finishes prepared by Popov Bass Architects, Drawing No. 0586-DA100 to DA122, Revision A and dated 24/06/2021.
- Apartment Design Guide (ADG) Compliance Statement prepared by Popov Bass Architects, Issue A and dated July 2021.
- SEPP 65 Report & Design Verification Statement prepared by Popov Bass Architects, Issue A and dated July 2021.
- Landscape Plan prepared by Jane Britt Design, Drawing No. DAL01B to DAL04B, Revision B and dated 07/06/2021.
- Stormwater Management Plans & Erosion and Sediment Control Plan prepared by Capital Engineering Consultants, Project No. SW21079, Drawing No's SW001, SW010, SW011, SW020, SW030 & ER001, Revision C and dated 08/07/2021.
- Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants, Ref No. 2021-073, Revision 0 and dated 27/04/2021.
- Accessibility Review Report prepared by ABE Consulting, Job No. 21120, Report No. 21120_ADR_DA_v1.2 and dated 15/06/2021.
- Traffic and Parking Assessment prepared by The Transport Planning Partnership, Ref No. 21109 and dated 12/5/21.

- BASIX Certificate No. 1210378M and dated 22/06/2021.
- NatHERS Certificate No. 6139497 and dated 22/06/2021.
- NatHERS Certificate No. 6139505 and dated 22/06/2021.
- NatHERS Certificate No. 6139513 and dated 22/06/2021.
- NatHERS Certificate No. 6139521 and dated 22/06/2021.
- NatHERS Summary Certificate No. 6139530 and dated 22/06/2021.
- Building Code of Australia Compliance Statement prepared by Anthony Protas Consulting P/L, Ref. No. P210099 and dated 18/06/2021.
- Quantity Surveyor's DA Estimate Report & Council's Cost Summary Report prepared by VG Consulting and dated July 2021.
- Waste Management Plan.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site is identified as Lot 12, Section 47 in DP 111254 and which is known as 142 Ocean Street, Narrabeen.

The site is a rectangular shaped allotment located on the western side of Ocean Street between its intersection with Albemarle Street to the south and Loftus Street to the north. The site has a site area of 930.6m² (by redefinition) with a frontage of 15.44m to Ocean Street and a maximum depth of 60.91m.



Site Location Map

The site is a gently sloping allotment of land having a constant fall from the front eastern portion (RL 10) to the rear western boundary (RL 8.17). The total fall over the site is approximately 1.83m. Consistent with the fall of the land stormwater from the proposal is to be directed to an on-site absorption trench via a below ground holding tank.

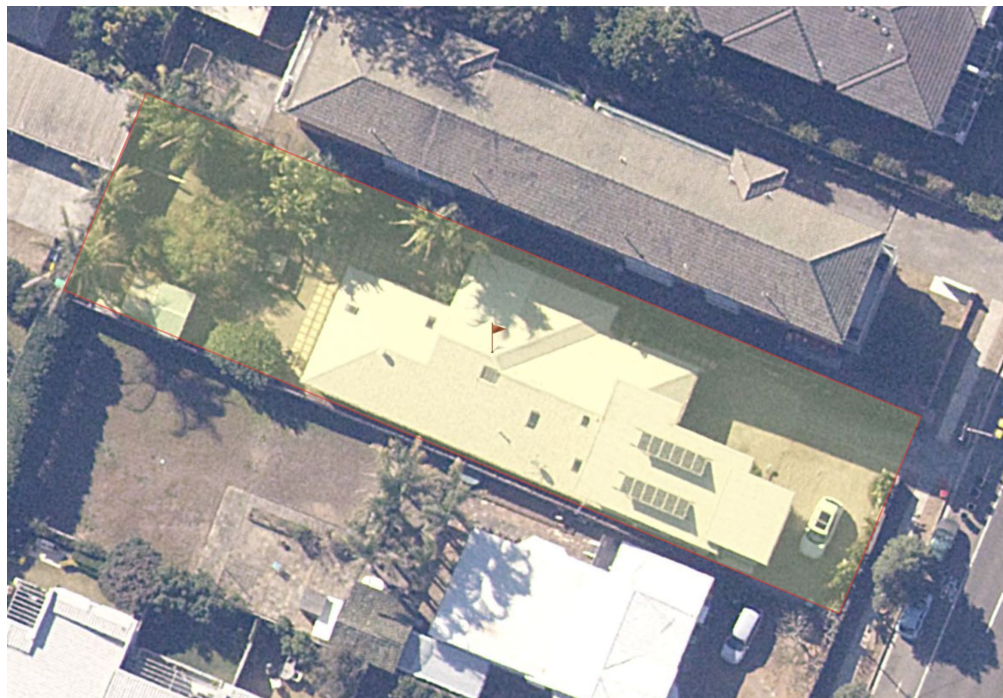
The site currently supports a one and two storey brick and clad dwelling house with metal roof located centrally upon the site. Two metal sheds and a timber deck are located to the rear of the existing dwelling. A low brick fence/wall is located at the front boundary and extends from the south eastern corner to the existing driveway. Vehicular access is located parallel with the northern side boundary.

The subject site is not identified as comprising any items of environmental heritage and it is not considered to have any heritage significance which would prevent the subject application from proceeding. The site is not located within a heritage conservation area

Vegetation located upon the site comprises of 12 non-prescribed exempt trees as detailed in the Arborist Report prepared by Raintree consulting and which accompanies this application. A street tree adjoins the frontage of the property and is proposed to be retained as part of this application.



The existing dwelling as viewed from Ocean Street



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject property is located within a medium density residential locality which traditionally comprised of one and two storey detached dwelling houses. In more recent times the areas original housing stock has been replaced by modern, large two storey dwellings and a number of multi-dwelling housing and residential flat developments.

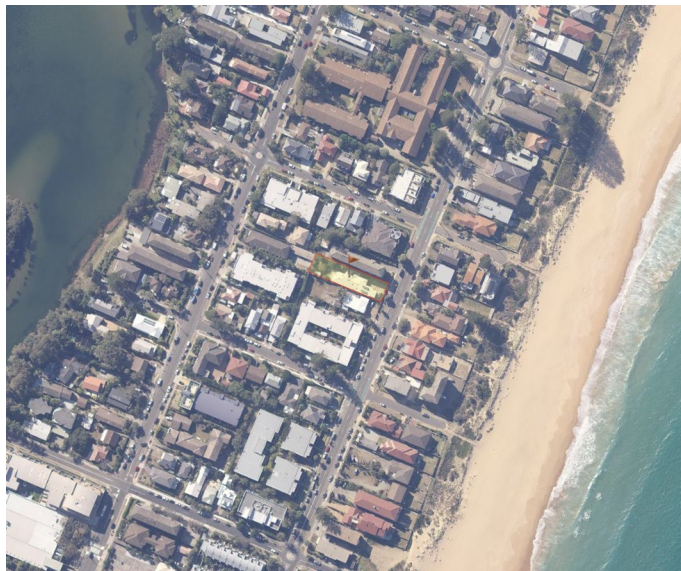
Nearby residential development comprises of both single and two storey detached dwellings and multi-dwelling housing and residential flat development.

Adjoining the site's northern boundary is a three storey brick residential flat building, whilst the southern boundary is adjoined by a single storey dwelling.

Adjoining the western boundary is a two storey brick residential flat building.

It is advised that the adjoining property to the south has been approved for the construction of a two storey residential flat building pursuant to DA 2019/512.

The sites relationship with its surrounding properties is depicted in the following aerial photograph.



An aerial view of the subject and adjoining properties

The subject site is considered to be ideally suited to this form of development being located within easy walking distance of:

- Narrabeen Local Centre
- Narrabeen Beach and
- A number of regularly serviced bus routes.

4. THE PROPOSAL

The proposal seeks approval for the demolition of the sites existing structures followed by the construction of a residential flat building. The development is proposed to comprise a three-storey building with rooftop terrace (for the exclusive use of Unit 3) erected over a single level of basement carparking. The residential flat building will comprise four (4) residential units.

An inground swimming pool is proposed to be constructed in the rear yard of the property.

The development which is architect designed will be of masonry construction with a flat roof. The proposal is to be finished with ceramic tile, timber cladding and stone cladding, rendered elements, concrete, breeze block privacy screens and glass & metal balustrades.

Vehicular access to the property is to be via a new single width 3m driveway and crossing located adjacent to the south eastern corner of the site. Pedestrian entry to the site is to be via a new entry location located adjacent to the north eastern boundary of the site which then connects with a graded pathway connecting to the main entry which is located centrally within the northern side elevation of the development.

The development is to be sited with a 6.509m front setback from Ocean Street measured to the ground floor and first floor front façade of the building proper. It is noted that the basement level is also setback 6.509 from the street frontage.

Setbacks to the northern and southern side boundaries range from 3.5m to 4.5m to the southern side boundary and 2.058m to 5.794m to the northern side boundary for the ground floor, with similar setbacks provided to the first floor level.

A setback of 6.08m is provided to the sites rear boundary from the lower ground, ground and first floor to the building proper.

It is considered that the proposed setbacks in conjunction with the proposed articulation and materials and finishes will provide for a high quality outcome for the site.

The development incorporates 4 x 3 bedroom units.

The composition of each of the units is:

Unit No. 1

Porch, entry, bathroom, panty/laundry, kitchen, dining room, living room and three bedrooms (Bed 1 with an ensuite and walk-in-robe, Bed 3 as media option) and two outdoor terraces.

Unit No. 2

Porch, entry, two bathrooms, pantry/laundry, kitchen, dining room, living room and three bedrooms (Bed 1 with an ensuite and walk-in-robe), rumpus and two outdoor terraces.

Unit No. 3

Porch, entry, bathroom, panty/laundry, kitchen, dining room, living room and three bedrooms (Bed 1 with an ensuite and walk-in-robe, Bed 3 as media option), two balconies and a rooftop terrace.

Unit No. 4

Porch, entry, bathroom, panty/laundry, kitchen, dining room, living room and three bedrooms (Bed 1 with an ensuite and walk-in-robe) and two outdoor balconies.

In relation to the provision of car parking upon the site it is advised that a total of 9 car spaces are proposed to be provided within the basement car park. The proposed carparking comprises of 8 resident spaces (2 spaces per unit located in separate garages) and 1 visitor space. The basement also includes the provision of bicycle parking, storage areas and stair and lift access to the ground and first floor levels. The basement has been designed and configured so as to allow for all vehicles to enter and leave the site in a forward direction.

The proposal also includes a new swimming pool located within the rear yard and is provided as part of the unit entitlement of Apartment No. 2. The swimming pool is provided with a setback to the western rear boundary of 1m and a southern side setback of 900mm. Both setback areas are provided with adequate screen planting to minimise any potential adverse impacts upon adjoining properties.

The proposal given that it in part comprises of 3 storeys is subject to the requirements of SEPP No.65 and the Apartment Design Guide. An assessment of the proposal against the requirements of SEPP No. 65 and the Apartment Design Guide has been undertaken by the architects and forms part of the information accompanying this application.

In addition to the proposed built form the proposal also provides for the extensive landscaping and revegetation of the property in accordance with Council's tree replenishment and landscape policies. A Landscape Plan has been prepared for the site and accompanies the development application.

The development will require the removal of twelve (12) trees being tree no. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13. The trees are identified as being exempt non-prescribed trees under Council's Tree Protection Order and can be removed without consent.

The proposal also provides for collected stormwater to be collected and directed to an on-site absorption trench to the north west rear corner of the subject site via a separate holding tank located beneath the basement slab. The holding tank has a capacity of 20m³. A rainwater tank with a capacity of 5,000L is proposed within the subfloor area beneath the entrance lobby and is to collect run-off from a minimum of 148m² of roof area. Retained water is to be used in accordance with the requirements of the accompanying BASIX Certificate.

The development indices associated with the proposal are detailed below:

Site Area:	930.6m²
Landscaped Open Space:	325.5m² or 35%
Landscaped Open Space (inc. planters/areas <2m wide):	376.3m² or 40.4%

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 Planning for Bushfire Protection

The subject site is not identified as comprising bushfire prone land on Council's Bushfire Prone Lands Map.

Therefore, the provisions of Planning for Bushfire Protection do not apply to the subject application.



Extract of Council's Bushfire Prone Lands Map

5.2 State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and

(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The assessment against Division 3 and 4 of the SEPP below demonstrates compliance with the aims of this policy.



Division 3 - Coastal Environment Area

An assessment of the proposal against Clause 13 is provided in the table below.

SEPP Requirement	Response
<p>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:</p> <p>a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p>	<p><i>The proposal involves construction of a residential flat building and is considered to not result in any adverse impacts on the integrity and resilience of the biophysical, hydrological and ecological environment.</i></p>

<p>b) coastal environmental values and natural coastal processes,</p> <p>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,</p> <p>d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>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,</p> <p>f) Aboriginal cultural heritage, practices and places,</p> <p>g) the use of the surf zone.</p>	<p><i>Proposal will not impact upon the coastal environment and natural coastal processes.</i></p> <p><i>The proposed residential flat building located in an residential locality is not considered to have any adverse impacts on water quality of any marine estate.</i></p> <p><i>The proposal does not seek to remove any marine or native vegetation and is not considered to result in any adverse impacts on native vegetation, fauna and their habitats.</i></p> <p><i>The proposed residential flat building being located on private land will not result in any adverse impacts to public open space and safe access to the beach for members of the public.</i></p> <p><i>The site is not identified as containing land of Aboriginal Cultural Heritage</i></p> <p><i>The proposal will not result in any adverse impact to the use of the surf zone.</i></p>
<p>2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>b) if that impact cannot be</p>	<p><i>The proposed development has been designed and sited to avoid any potential adverse impacts referred to in Clause 13(1).</i></p>

reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	
3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	<i>The SREP (Sydney Harbour Catchment) 2005 does not apply to the subject site.</i>

Division 4 - Coastal Use Area

An assessment of the proposal against Clause 14 is provided in the table below.

SEPP Requirement	Response
<p>4) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>iv) Aboriginal cultural</p>	<p>The proposal is on private property that does not interfere with access to the beach, headland or other public recreation areas.</p> <p>The foreshore is not visible from the streetscape as a result of the development on the eastern side of Ocean Street.</p> <p>The subject site is not mapped</p>

<p>heritage, practices and places,</p> <p>v) cultural and built environment heritage, and</p>	<p>within a Heritage Conservation Area or heritage item.</p>
<p>b) is satisfied that:</p> <p>i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>	<p>The proposed development runs consistent with the topography of the land and is designed to avoid impact on access, overshadowing, visual amenity and heritage.</p>
<p>c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p>There are several properties located within close proximity to the subject site which support medium density development,</p> <p>The proposal is considered to be consistent with the surrounding coastal and built environment, and the bulk, scale and size of surrounding development.</p>
<p>5) 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.</p>	<p>The SREP (Sydney Harbour Catchment) 2005 does not apply to the subject site.</p>

Division 5 - General

Clause 15

The proposal is accompanied by a Geotechnical Report which considers the development to be low risk. It is considered that the design of the development will not result in an increased risk of coastal hazards to the subject site, surrounding properties or foreshore area.

Clause 17

The proposed residential flat building is permissible with the consent of the Council under the Warringah Local Environmental Plan 2011.

Clause 18

The subject site is located within more than one coastal management area. An assessment of the development controls that apply to the 'coastal environment area' and 'coastal use area' is provided above. The proposed development is considered to be consistent with both coastal zones.

Summary

The proposal achieves the aims of the SEPP (Coastal Management) 2018 and is considered to comply with the 'coastal environment area' and 'coastal use area' development controls.

5.3 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

SEPP No.65 is a State Government policy which applies to residential flat buildings having a height of 3 or more storeys and containing 4 or more units and as such does apply to the proposal.

The primary aim of the policy is to ensure that there is an improvement in the design quality of residential flat development. This is proposed to be primarily achieved by ensuring that in cases where the policy applies that buildings are designed by registered architects and that any design has regard to 10 design quality principles.

An architectural statement addressing each of the 10 design principles has been prepared by the architect together with a design verification statement in accordance with the requirements of the SEPP form part of the information accompanying this application.

In order to achieve compliance with the design quality principles as contained within the SEPP the Government has produced an Apartment Design Guide. This document provides useful information (including design guidance/suggestions) as to ways of satisfying the design principles of the SEPP.

An assessment of the proposal against the requirements of the Apartment Design Guide and forms part of the information accompanying this application. It is my opinion that the proposal achieves appropriate compliance with its requirements.

It is therefore my opinion that the proposal satisfies the requirements of SEPP No.65 and the Apartment Design Guide.

5.4 Warringah Local Environmental Plan 2011

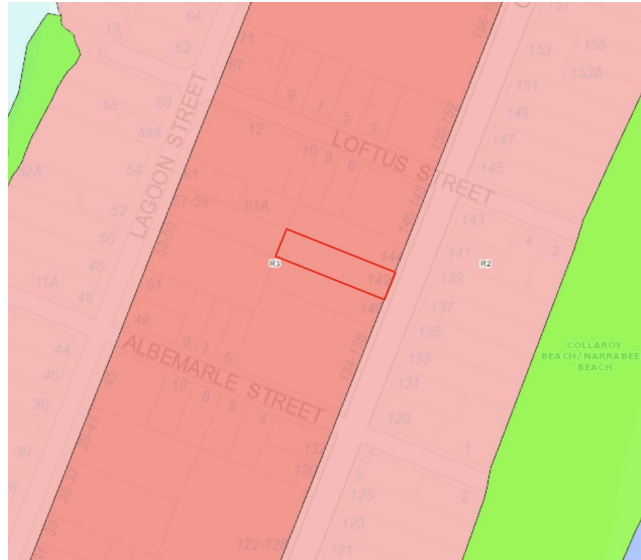
The subject land is zoned R3 - Medium Density Residential under the provisions of the Warringah Local Environmental Plan 2011.

The objectives for development within the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium 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 medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

Under the R3 - Medium Density Residential zone a range of uses including that of a *residential flat building* are permissible with the consent of the Council.

The proposal which seeks to demolish the existing structures and construct a residential flat building upon the site is considered to be consistent with the above objectives and is permissible with the consent of the Council.



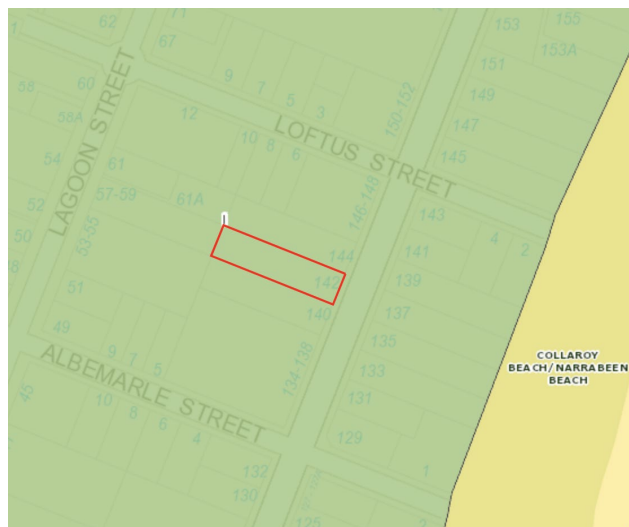
Extract from Council Zoning Map

The following provisions of the Warringah Local Environmental Plan 2011 are considered to be applicable to the subject site.

Clause 4.3 - Height of Buildings

The subject site is located within Building Height Area “I” and is therefore subject to a maximum building height control of 8.5m.

The proposal as detailed on the accompanying plans will result in works having a height of 8469mm and which therefore complies with the requirements of this Clause.



Extract of Council Height of Buildings Map

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising heritage items and are not considered to have any heritage significance which would prevent the subject application.

The site is not located within a Heritage Conservation Area and does not adjoin any locally significant heritage items.

On this basis the proposal is considered to satisfy the requirements of Clause 5.10 of the LEP.



Extract from Council Heritage Map

Clause 7.6 - Acid Sulfate Soils

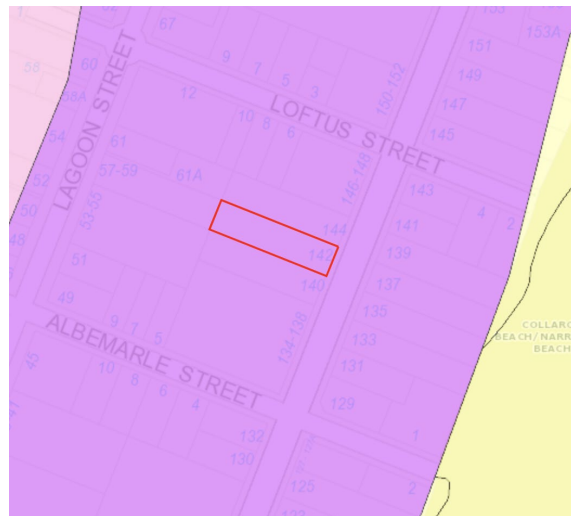
The subject site is identified as containing Class 4 Acid Sulfate soils.

In response to this classification a Geotechnical Assessment of the site and the proposal has been undertaken by Crozier Geotechnical Consultants and their report forms part of the information accompanying this application.

That report within its conclusion stated that:

No soils intersected during the investigation exhibited actual or potential acid sulfate soil characteristics. Therefore, the proposed excavation should have no impact on Acid Sulfate soils within or adjacent to the site.

On this basis the proposal is considered to satisfy the requirements of this Clause of the LEP.



Extract from Council Acid Sulfate Map

Clause 6.4 - Development on Sloping Land

Under Clause 6.4 of the LEP the subject site is located within Area A of the Landslip Risk Map and as such is categorised as containing 'slopes less than 5°'.

In response to this classification a Geotechnical Assessment of the site and the proposal has been undertaken by Crozier Geotechnical Consultants and their report forms part of the information accompanying this application.

That report within its conclusion stated that:

There were no existing/credible landslip hazards identified, it is also envisaged that the proposed works should not create any new instability provided the recommendations of this report are implemented.

On this basis the proposal is considered to provide for an appropriate response to the objectives of Clause 6.4 of the LEP.

Extract from Council Landslip Risk Map

There are no other provisions of the Warringah LEP which it is considered are relevant to the proposal.

Summary

It is therefore my opinion based upon this assessment that the proposal is compliant with the aims, objectives and the prescriptive requirements of the Warringah LEP and is therefore permissible upon the subject site with the consent of the Council.

5.5 Warringah Development Control Plan

Council's Development Control Plan applies to all forms of development with Sections B, C, D & E being specifically applicable to the proposal.

The following is an assessment of the applicable prescriptive requirements of the DCP as they apply to the proposal.

Control	Requirement	Proposal	Compliance
B2 - Number of Storeys	<ul style="list-style-type: none"> Maximum of 2 storeys 	<ul style="list-style-type: none"> 3 storeys 	Non-compliance. Variation sought on the basis that the building façade generally presents as two storeys with the non-compliance limited to a small section of building located at the rear of the site and resulting from localised falling away of the rear portion of the site.
B3 - Side Boundary Envelope	<ul style="list-style-type: none"> Minimum of 4m 	<ul style="list-style-type: none"> Refer to plans 	Yes
B5 - Side Boundary Setbacks	<ul style="list-style-type: none"> Minimum of 4.5m Basement - Min 2m. POS - Min 3.5m 	<ul style="list-style-type: none"> Approx. 3m to 4m to the northern side setback. 3.5m to 4.5m to the southern side setback 	A variation to the northern & southern side setbacks is sought on the basis of the existing narrow site width. The proposed setbacks are considered to be consistent with the setbacks provided to surrounding development and measures such as privacy screening and boundary screen planting will minimise any adverse impacts.

Control	Requirement	Proposal	Compliance
B7 - Front Boundary Setbacks	<ul style="list-style-type: none"> 6.5m 	<ul style="list-style-type: none"> Minimum of 6.509m to external wall. 	Yes
B9 - Rear Boundary Setbacks	<ul style="list-style-type: none"> 6m 	<ul style="list-style-type: none"> Minimum of 6.08m to external wall. 	Yes
D1 - Landscaped Open Space	<ul style="list-style-type: none"> Minimum of 50% of site area 	<ul style="list-style-type: none"> 35% 	<p>A variation is sought on the following basis:</p> <ul style="list-style-type: none"> It is considered that the landscaped area provided is consistent with the surrounding properties noting that the R3 zone provides for more intensive development types. Landscape area increases to 40.4% when including the planters and areas less than 2m wide. The proposal will make a positive contribution to the landscape character of the locality.
D2 - Private Open Space	<ul style="list-style-type: none"> A minimum of 10m² Minimum dimension of 2.5m 	<ul style="list-style-type: none"> Refer to Plans 	Yes

In addition to the prescriptive requirements of the DCP there are also a number of performance-based controls which apply to the proposal. The following is an assessment of the proposal against those provisions.

C2 - Traffic, Access and Safety

A Traffic Impact Statement has been prepared in support of the proposal by The Transport Planning Partnership, and forms part of the information accompanying this application.

It is considered that the car park and associated elements are designed to comply with design requirements as set out in the Australian Standards.

The proposal has been found to satisfy this section of the DCP.

C3 - Parking Facilities

The proposal provides for parking to be contained within the basement level of the development and as such is not visible from the public domain.

The proposal provides for 9 spaces in total including 1 visitor space and which satisfies the DCP requirement as contained in Appendix 1.

C3(A) - Bicycle Parking and End of Trip Facilities

The DCP provides that 1 bicycle parking spaces per dwelling is required for residents and 1 space per 12 dwellings for visitors. The proposal provides five bicycle spaces in the basement car park and complies with this section of the DCP.

C4 - Stormwater

The proposal provides for collected stormwater to be directed to an on-site absorption trench located in the north west rear corner of the subject site via a separate holding tank located beneath the basement slab. A rainwater tank with a capacity of 5,000L is proposed within the subfloor area beneath the entrance lobby and is to collect run-off from a minimum of 148m² of roof area. Retained water is to be used in accordance with the requirements of the accompanying BASIX Certificate.

The proposal is therefore considered to satisfy this element of the DCP.

C7 - Excavation and Landfill

The proposal provides for the partial excavation of the site so as to create appropriate basement parking. A Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants to support the application.

Based upon the findings of that report it is therefore my opinion that the proposed excavation of land associated with the proposal is acceptable in the circumstances of this case.

C8 - Demolition and Construction

A Waste Management Plan has been prepared for the site and forms part of the information accompanying this application and includes the proposed demolition and construction phases.

The proposal is therefore considered to satisfy this element of the DCP.

C9 - Waste Management

A Waste Management Plan has been prepared in support of the proposal and forms part of the information accompanying this application.

The proposal includes an area for the storage of Council's waste storage containers following completion of the development. The proposed bin room is located adjacent to the front boundary and will be serviced by Council's domestic waste collection service.

The proposal is therefore considered to satisfy this element of the DCP.

D6 - Access to Sunlight

Shadow diagrams have been prepared in support of the proposal. Those diagrams indicate that the proposal will result in some additional overshadowing of the adjoining property to the south between 9AM and 3PM. It is considered that the overshadowing of the adjoining property is an unfortunate and unavoidable consequence arising from the zoning of the land in combination with the orientation of the prevailing subdivision pattern and is consistent with that which would have been anticipated by the enabling legislation.

View from the sun diagrams have been prepared in support of the proposal. Those diagrams indicate that the proposal complies with the ADG objectives as 75% of the units receive a minimum of 2 hours of direct sun to living rooms and 100% of the units receive a minimum of 2 hours of direct sun to private open space.

The proposal is therefore considered to satisfy this element of the DCP.

D7 - Views

It is not considered that the proposal will unreasonably impact upon the views of adjoining properties.

D8 - Privacy

The objectives of this section of the DCP relate to ensuring the siting and design of buildings provide reasonable visual and acoustic privacy for residents and their neighbours and to ensure the rights of owners to privacy are balanced with the public benefit of maintaining streetscape character.

The development has been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. In this regard it is considered that the development will provide future residents with a private and quiet living environment.

The ground floor windows are located at a level whereby views from these windows will be screened by the dividing fences.

Other windows related to first floor room uses and which are orientated towards the adjoining properties to the north are from the first floor bedroom, bathroom and kitchen with the bedroom windows provided with privacy screens.

The proposal also incorporates existing and proposed landscaping which will further ensure that the privacy to the adjoining properties will not be unreasonably impacted upon.

In terms of internal visual privacy for future occupants of this development, measures such as window placement and the provision of landscaping and courtyard fencing have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents.

D9 - Building Bulk

It is submitted that the proposal provides for a high-quality design outcome for the site and in a manner which will make a positive contribution to the character of the surrounding locality.

The development is well articulated on all facades and the external materials comprise of ceramic tile, timber cladding and stone cladding, rendered elements, concrete, breeze block privacy screens and glass & metal balustrades. The proposal provides ample setbacks to all boundaries of the site which with the setback areas being well landscaped.

The proposal complies with council's height control together with the applicable building envelope and on this basis it is submitted provides for an appropriate building bulk.

D10 - Building Colours & Materials

The proposal is considered to provide for materials and colours which are in keeping with the character of the surrounding area and which will ensure that the proposal makes a positive contribution to the streetscape of the locality.

D11 - Roofs

The proposed roof form is considered to satisfy the requirements of this section of the DCP.

D18 - Accessibility

Disabled persons access is provided throughout the development via an appropriately graded access pathway from the front boundary and which gives access to the entrance of the development. An internal lift then gives access to the first floor and basement levels of the development.

An accessible car parking space and associated shared zone are located within the basement carpark.

An assessment of the proposals compliance with applicable disabled access legislation is contained within the accompanying Access Report prepared by ABE Consulting.

D13 - Front Fences and Front Walls

Front fencing associated with the proposal comprises of a 1800mm stone clad wall to enclose the waste storage area together with a vertical slat fence presenting to Ocean Street and returning to the building façade.

The proposed fencing is considered to be in keeping with front fencing within the locality and which comprises of a combination of solid and open style fences.

D16 - Swimming Pools and Spa Pools

The proposal includes a new concrete reinforced swimming pool located within the rear yard and is provided as part of Unit No. 2. The swimming pool is provided with a setback to the western rear boundary of 1m and a southern side setback of 900mm. Both the western and southern setback areas are provided with appropriate screen planting to minimise any potential adverse impacts.

It is considered that the swimming pool is consistent with the objectives and requirements of this element of the DCP.

D20 - Safety and Security

The occupants of the development will be provided with a secure living environment.

The building is designed to allow occupants to overlook public places and to maximise casual surveillance.

The proposal will also be provided with a secure entry to both the pedestrian entrance and the basement.

E10 - Landslip Risk

The subject site is located on Area A zoned land on Council's Landslip Risk Map and as such the provisions of Clause 6.4 of the LEP apply to the proposal.

In response to this classification a Geotechnical Assessment of the site and the proposal has been undertaken by Crozier Geotechnical Consultants and their report forms part of the information accompanying this application.

That report identified that subject to compliance with a number of recommendations that the site was suitable for the development proposed.

Conclusion

There are no other provisions of the DCP which it is considered are relevant to the proposal.

The proposal is considered to achieve appropriate compliance with the aims and objectives together with the applicable prescriptive requirements of the Warringah Development Control Plan and is therefore worthy of the support of the Council.

Where a variation is proposed it is considered that the proposal satisfies the objectives of the provision and that a variation is appropriate in accordance with the requirements of Section 4.15(3A(b)) of the Act.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned R3 - Medium Density Residential under the provisions of the Warringah Local Environmental Plan 2011. The proposed demolition of the existing structures and construction of a residential flat building comprising of 4 units and basement car parking is permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of the SEPP (Coastal Management) & SEPP No 65 and both the Warringah LEP 2011 and the Warringah Development Control Plan as detailed within this report and the proposal was found to appropriately satisfy the requirements of these policy documents.

Where a variation is proposed to the requirements of Council's DCP it is considered that the proposal satisfies the objectives of the provision and that a variation is appropriate in accordance with the requirements of Section 4.15(3A)(b) of the Act.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area.

The proposed development has been designed in accordance with the requirements of the Apartment Design Guide as detailed both within this report and the accompanying Architectural Design Statement and Assessment Report.

The proposal in my opinion results in a high quality design providing generous levels of internal amenity as well as a positive contribution to the streetscape of the locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned R3 - Medium Density Residential under the Warringah Local Environmental Plan 2011. The construction of the proposed residential flat building is permissible with the consent of Council.

The subject site currently supports a dwelling house and in the absence of any unreasonable detrimental impact is thus considered suitable for the proposed development.

Public Interest - Section 4.15(e)

In the absence of any detrimental impacts it is considered that the proposal which provides for 4 new dwellings in a residential flat building built form consistent with the zoning of the land is in the public interest.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011 and has been assessed against the requirements of Section 4.15(1) of the Act, SEPP (Coastal Management) & SEPP No 65 and the Warringah LEP & DCP. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and the applicable prescriptive requirements of the above controls.

Where a variation is proposed to the requirements of Council's DCP it is considered that the proposal satisfies the objectives of the provision and that a variation is appropriate in accordance with the requirements of Section 4.15(3A(b) of the Act.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed demolition of the existing structures and construction of a residential flat building containing 4 units and basement car parking upon land at 142 Ocean Street, Narrabeen is worthy of the support of Council.

Andrew Minto
Graduate Diploma (Urban & Regional Planning), Associate Diploma (Health & Building Surveying). MPIA.
MINTO PLANNING SERVICES PTY LTD
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