

**Four Towns
Planning**

Planning and property consultant

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and Additions to an Existing Residential Flat Building

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This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

Report prepared by:

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Report prepared for:

The Owners – Strata Plan 3128

21 July 2023

Disclaimer

This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting document for a Development Application relating to alterations and additions to an existing residential flat building at 157 Ocean Street, Narrabeen NSW 2101.

This report has been prepared following instructions from the clients, The Owners of Strata Plan 3128. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act);*
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 65 (Design Quality for Residential Apartment Development)
- State Environmental Planning Policy (Housing) 2021
- Warringah Local Environmental Plan 2011 (WLEP2011)
- Warringah Development Control Plan (WDCP)
- Architectural Plans prepared by Woodhouse Pty Limited.

This Statement of Environmental Effects describes the proposed development having regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, Regulations, State Environmental Planning Policies, Local Environmental Plan and Development Control Plan.

The conclusions of the Statement of Environmental Effects are that the proposed development, being alterations to the existing residential flat building is permissible with development consent and is consistent with the relevant statutory planning instruments including State Environmental Planning Policies, Warringah Local Environmental Plan 2011 and relevant planning policies of the Warringah Development Control Plan 2011. The proposed development is acceptable having regard to the above policies and the supporting documentation provided as part of the current Development Application.

Accordingly, the proposal succeeds on its merits and should be approved by Council.

1.2 Background Information

The site is not the subject of any recent Development Applications to Northern Beaches Council.

The application has not been the subject of a pre-lodgement meeting with Northern Beaches Council.

2. Site Profile

2.1 Property Description

The site is legally described as CP within Strata Plan 3128 known as No. 157 Ocean Street, Narrabeen, NSW 2101. The site is zoned R2: Low Density Residential under the Warringah Local Environmental Plan 2011.

The site is not listed as being either a heritage item or being located within a heritage conservation area.

2.2 Site and Locality Description

The site is located on the eastern side of Ocean Street. The site is a rectangular shaped allotment with a frontage of 15.24 and a depth of 67.13m. The site has a total area of 1,016sqm.

The site is located in close proximity to Narrabeen Beach with rear frontage to the scenic foreshore area. The existing building consists of a four-storey residential flat building with car parking at the ground floor level and residential units above. The building comprises of 12 residential apartments. The immediate locality is residential in nature and comprises of a mixture of dwelling houses, seniors housing and residential flat buildings which vary between one to four storeys in height. The locality maps below show the location and area of the site:



Source: Nearmap 2023

Alterations and additions to existing residential flat building
157 Ocean Street, Narrabeen



Source: Nearthmap 2023

Alterations and additions to existing residential flat building
157 Ocean Street, Narrabeen

Visual Analysis

Photograph of the site – 157 Ocean Street, Narrabeen



*Photograph of the site, Southern Façade
– 157 Ocean Street, Narrabeen*



Alterations and additions to existing residential flat building
157 Ocean Street, Narrabeen

Photograph of the site, Northern Façade
– 157 Ocean Street, Narrabeen
Note deteriorating balconies, dated garage doors and driveway damage



Photograph of the site, Northern Façade – 157 Ocean Street, Narrabeen
Note concrete cancer, Balcony damage



3. Proposal

The proposal involves alterations and additions to an existing residential flat building including the refurbishment and replacement of damaged balconies, repainting of exterior walls, replacement of gutters and downpipes, installation of new frameless glass balustrades, replacement of existing garage doors, new front fence, and the replacement of the existing driveway.



PERSPECTIVE

Refer to Architectural Plans prepared by Woodhouse & Danks Architects for full analysis.

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*,
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy No. 65 (Design Quality for Residential Apartment Development)
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

Environmental Planning and Assessment Regulation 2021 and Environmental Planning and Assessment Act 1979 – Existing Use Rights

The proposal involves alterations and additions within an existing residential flat development. The site is located within the R2: Low Density Residential Zone and residential flat buildings are a prohibited form of development within the R2 Zone.

Clause 4.65(a) of the Act describes an ‘existing use’ as being the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use. In addition, Clause 4.66(1) permits for the ongoing continuance of an existing use that nothing in either the Act or an environmental planning instrument would limit the continuance of that existing use.

The residential flat building on no. 157 Ocean Street, Narrabeen, was constructed for a lawful purpose before the gazettal of the Warringah Local Environmental Plan 2011. Evidence of this can be seen with the registration of the Strata Plan no. 3128, which is registered and valid, well before the commencement of the WLEP 2011 on the 9 December 2011. Therefore, it can be reasonably established that the site is currently operating under the provisions of ‘Existing Use Rights’ under the Act. The continuance of this existing use is permitted under Clause 4.66 of the Act.

With respect to the proposed works involving both alterations to an 'existing use', Clause 4.67(1) of the Act also prescribes that the Regulations may make provision for or with respect to existing use and, in particular, for or with respect to:

- (a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
- (b) the change of an existing use to another use, and*
- (c) the enlargement or expansion or intensification of an existing use.*
- (d) (Repealed)*

Clause 162 of the Regulations prescribes that the provisions of this Part (being Part 7 Existing Uses) are provisions in force for the purposes of the Act, section 4.67(1).

Clause 163 of the Regulations permits certain development will be permitted to an existing use may, subject to this Part:

- (a) be enlarged, expanded or intensified, or*
- (b) be altered or extended, or*
- (c) be rebuilt, or*
- (d) be changed to another use, but only if the other use is a use that may be carried out with or without development consent under the Act, or*
- (e) if it is a commercial use—be changed to another commercial use, including a commercial use that would otherwise be prohibited under the Act, or*
- (f) if it is a light industrial use—be changed to another light industrial use or a commercial use, including a light industrial use or commercial use that would otherwise be prohibited under the Act.*

The Regulations permits certain works for an 'existing use' including rebuilding existing uses provided that it is for the existing use carried out only on the land on which the use existing use was erected or carried out immediately before the relevant day.

In considering the above, the proposed works are permissible with development consent as the works involve works to rebuild, replace and alter the existing deteriorating elements of the residential flat building and erected or carried out on land which the building was erected prior to the day on which an environmental planning instrument having effect of prohibiting the existing use.

The proposed works are acceptable as the proposed alterations and additions does not involve any increase to the external building envelope of the building and will maintain the existing floor space ratio and height of buildings as existing. The development will provide a better design outcome as it increases the safety and aesthetic of deteriorating elements of the existing building. The works will not contribute to any adverse amenity impacts with respect to solar access, visual and acoustic privacy, visual bulk and scale or views and is supportable with the approval of the consent authority.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The aims of this policy are to ensure consistency in the implementation of the BASIX scheme throughout the State and to override provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

Clause 6(1) of the SEPP (BASIX) 2004 prescribes that this policy applies to 'BASIX affected development' for which the regulations under the Act require a BASIX certificate to accompany a development application or an application for a complying development certificate or construction certificate.

A BASIX affected development is defined under the regulations as follows:

Means any of the following development that is not BASIX excluded development

- (a) development that involves the erection (but not the relocation) of a BASIX affected building,*
- (b) development that involves a change of building use by which a building becomes a BASIX affected building,*
- (c) development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimated construction cost of the development is—*
 - i) \$100,000 or more—in the case of development for which a development application or an application for a complying development certificate is made on or after 1 October 2006 and before 1 July 2007, or*
 - ii) \$50,000 or more—in the case of development for which a development application or an application for a complying development certificate is made on or after 1 July 2007,*
- (d) development for the purpose of a swimming pool or spa, or combination of swimming pools and spas, that services or service only one dwelling and that has a capacity, or combined capacity, of 40,000 litres or more.*

The proposal involves alterations as specified on the architectural plans. It is our professional opinion notwithstanding the numerical values provided above, that the works relate to building items that would not warrant the requirement of a BASIX Certificate.

State Environmental Planning Policy (Housing) 2021

The relevant principles of this policy that is applicable to this development proposal is to enable the development of diverse housing types (including purpose-built rental housing), ensure new housing development provides residents with a reasonable level of amenity, to minimise adverse climate and environmental impacts of new housing development and reinforcing the importance of designing housing in a way that reflects and enhances its locality.

Clause 46(1) of the SEPP (Housing) 2021 prescribes that this part applies to a low-rental residential building on land within the Greater Sydney region, the local government area of Newcastle and the local government of Wollongong.

Clause 46(2)(a) prescribes that this part does not apply to a building approved for subdivision under the Strata Schemes Development Act 2015. The site consists of an approved strata subdivision registered Strata Plan 3128. In considering the above, the SEPP (Housing) is not applicable to the proposed development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The aims of Chapter 2 of the SEPP (Resilience and Hazards) 2021 is to promote an integrated and coordinated 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.*

Coastal Environmental Area

Clause 2.10(1) of the SEPP (Resilience and Hazards) 2021 prescribes that development consent must 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 –

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (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,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (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,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The proposed works involve alterations and additions to an existing residential flat building. The extent of the works is contained within the existing building envelope and do not give rise to any impacts to the coastal environmental values, natural coastal processes, marine vegetation or existing public open space and access to Narrabeen Beach.

In addition, Clause 2.10(2) also prescribes that development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that –

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- (b) if that impact cannot be 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.*

The proposed alterations and additions avoid any adverse impacts to those areas identified within Clause 2.10(1) and has been designed to minimise any impacts to the coastal environment area. In this instance the proposal is supportable, and the consent authority can be satisfied that the proposal will comply with the relevant provisions of Division 3: Coastal Environment Area of the SEPP (Resilience and Hazards) 2021.

Coastal Use Area

Clause 2.11(1) of the SEPP (Resilience and Hazards) 2021 prescribes that development consent must not be granted to development on land that is within the coastal use area unless the consent authority

- i) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
- ii) is satisfied that—*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- iii) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposed alterations and additions to the existing residential flat building, being mostly aesthetic improvements and reparations of the degrading building will not have any impact to the access to the foreshore or headland; cast additional shadowing, wind funneling or reduce views from public places and will uphold the scenic qualities of the foreshore area.

The consent authority can be satisfied that the proposed development does not contribute to any additional impacts than the existing development as the works are remedial in nature and do not increase the building footprint, alter setbacks or extend the building height. The proposal will result in an acceptable impact to the coastal use area and adequately considers the surrounding coastal, the built environment and the bulk and scale of the development all of which will remain unchanged.

General:

Clause 2.12 prescribes that development must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Clause 2.13 prescribes that development must be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

The extent of the proposed works is acceptable in satisfying the relevant provisions of Clause 2.12 and 2.13. The proposal involves alterations to the existing building only and has no impact on public lands that would result in either an increased risk of coastal hazards or the certification of coastal management programs along the headland or foreshore areas of the site.

Chapter 4 – Remediation of Land

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is—*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

It is submitted that the site has been used for the purpose of residential accommodation for decades. The builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials. It is therefore our professional opinion that the proposal is low risk and no further investigations are required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPS that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose the removal of any significant vegetation. The proposal does not remove any trees or significant vegetation and will maintain the site and locality.

State Environmental Planning Policy No. 65 (Design Quality for Residential Apartment Development)

The relevant aims of this policy are to improve the design quality of residential apartment development in New South Wales and recognise that the design quality of residential apartment development is of significance for environmental planning for the State due to economic, environmental, cultural and social benefits of high-quality design.

Clause 4(1) of the SEPP No. 65 is that this policy applies to development for the purposes of a residential flat development, shop-top housing or mixed-use development with a residential accommodation component if –

(a) the development consists of any of the following—

- i) the erection of a new building,*
- ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
- iii) the conversion of an existing building, and*

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

The proposal involves alterations and additions primarily to repair and replace degrading parts of the building. The extent of the works are considered to be nominal and does not involve any extensive alterations and additions to the building that would be considered as being either ‘substantial redevelopment’ or ‘substantial refurbishment’ of an existing building. Therefore, it can be argued that the State Environmental Planning Policy No. 65 (Design Quality for Residential Apartment Development) is not applicable to the proposed development.

Nevertheless, to justify that the proposal will continue to exhibit high quality urban design, an assessment has been carried out in accordance with the Apartment Design Guide as per Clause 28(2)(c) of SEPP No. 65.

Clause 28(2) of SEPP no. 65 reads as follows:

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)—

- (a) the advice (if any) obtained from the design review panel, and*
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and*
- (c) the Apartment Design Guide.*

An assessment has been carried out of the proposed development with respect to the relevant provisions of the Apartment Design Guide:

Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
4A-1	Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	Not applicable – the proposed works retain the existing building footprint and layout.	N/A.
4A-1	Solar and Daylight Access	In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter	Not applicable – the proposed works retain the existing building footprint and layout.	N/A.
4A-1	Solar and Daylight Access	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Not applicable – the proposed works retain the existing building footprint and layout.	N/A.
4A-2	Solar and Daylight Access	Daylight access is maximised where sunlight is limited	Daylight access is maximised where possible.	Yes

Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)									
4A-3	Solar and Daylight Access	Design incorporates shading and glare control, particularly for warmer months	No changes to the size or dimensions of the existing window and balcony door openings of the building.	Yes									
4B-1	Natural Ventilation	All habitable rooms are naturally ventilated	All habitable rooms will provide for natural ventilation.	Yes.									
4B-2	Natural Ventilation	The layout and design of single aspect apartments maximises natural ventilation	Not applicable – no internal design or layout changes.	N/A.									
4B-3	Natural Ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.									
4B-3	Natural Ventilation	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.									
4C-1	Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table border="1" data-bbox="528 1554 828 1995"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable rooms</td> <td>2.4m</td> </tr> <tr> <td rowspan="2">For 2 storey apartments</td> <td>2.7m for main living area</td> </tr> <tr> <td>2.4m for second floor, where its area does not exceed</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable rooms	2.4m	For 2 storey apartments	2.7m for main living area	2.4m for second floor, where its area does not exceed	Not applicable. No change to the ceiling heights of the building.	N/A.
Minimum ceiling height													
Habitable rooms	2.7m												
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Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)						
		<table border="1"> <tr> <td></td> <td>50% of the apartment area.</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use.</td> </tr> </table>		50% of the apartment area.	Attic spaces	1.8m	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.		
	50% of the apartment area.									
Attic spaces	1.8m									
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.									
4C-2	Ceiling Heights	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	Not applicable. No change to the ceiling heights of the building.	N/A.						
4C-3	Ceiling Heights	Ceiling heights contribute to the flexibility of building use over the life of the building	Not applicable. No change to the ceiling heights of the building.	N/A.						
4D-1	Apartment Size and Layout	Minimum: Studio 35sqm; 1-bedroom 50sqm; 2-bedroom 70sqm; 3-bedroom 90sqm	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.						
4D-1	Apartment Size and Layout	Habitable rooms with a minimum window size of not more than 10% of the floor area of the room.	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.						
4D-2	Apartment Size and Layout	Open plan layouts (where the living, dining and kitchen are combined) must have a maximum window depth of 8m	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.						
4D-2	Apartment Size and Layout	Master bedrooms have a minimum area of 10sqm	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.						
4D-3	Apartment Size and Layout	Bedrooms have a minimum dimension of 3m	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.						
4D-3	Apartment Size and Layout	Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for a studio and 1-bedroom apartments. 	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.						

Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)															
		<ul style="list-style-type: none"> 4m for 2- and 3-bedroom apartments 																	
4D-3	Apartment Size and Layout	Width of cross-over/cross-through apartments is a minimum of 4m	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.															
4E-1	Private open space and balconies	<table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Min area</th> <th>Min depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 sqm</td> <td>-</td> </tr> <tr> <td>1 bed</td> <td>8 sqm</td> <td>2m</td> </tr> <tr> <td>2 bed</td> <td>10 sqm</td> <td>2m</td> </tr> <tr> <td>3 bed</td> <td>12 sqm</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Min area	Min depth	Studio	4 sqm	-	1 bed	8 sqm	2m	2 bed	10 sqm	2m	3 bed	12 sqm	2.4m	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.
Dwelling type	Min area	Min depth																	
Studio	4 sqm	-																	
1 bed	8 sqm	2m																	
2 bed	10 sqm	2m																	
3 bed	12 sqm	2.4m																	
4E-1	Private open space and balconies	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.															
4E-2	Private open space and balconies	Primary private open space and balconies are appropriately located to enhance liveability for residents	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.															
4E-3	Private open space and balconies	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Complies - The new balconies retain their existing location with minor refurbishments such as new frameless glass balustrades and paint. The proposed balcony changes integrate and compliment the architectural form of the building.	Yes.															
4E-4	Private open space and balconies	Private open space and balcony design maximises safety	The proposed works will increase safety through the replacement of deteriorating balconies and balustrades.	Yes.															
4F-1	Common circulation and spaces	Maximum of 8 apartments off a circulation core	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.															

Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)	
4F-1	Common circulation and spaces	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.	
4F-2	Common circulation and spaces	Common circulation spaces promote safety and provide for social interaction between residents	Not applicable. No change to the existing circulation spaces within the building.	N/A.	
4G-1	Storage	Dwelling Type	Storage Size Volume	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.
		Studio	4m3		
		1 bed	6m3		
		2 bed	8m3		
		3 bed+	10m3		
4H-1	Acoustic Privacy	Noise transfer is minimised through the siting of buildings and building layout	Not applicable. No change to the noise transference between apartments.	N/A.	
4H-2	Acoustic Privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.	
4J-1	Noise and Pollution	In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.	
4J-2	Noise and Pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Complies – the proposal will result in increased acoustic privacy through the use of modern materials and balustrades to replace the existing.	Yes.	
4K-1	Apartment Mix	A range of apartment types and sizes is provided to cater for different household types now and into the future	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.	

Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
4K-2	Apartment Mix	The apartment mix is distributed to suitable locations within the building		
4L-1	Ground Floor Apartments	Street frontage activity is maximised where ground floor apartments are located	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.
4L-2	Ground Floor Apartments	Design of ground floor apartments delivers amenity and safety for residents	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.
4M-1	Building Facades	Building facades provide visual interest along the street while respecting the character of the local area	Complies – the proposed works are an improvement on the existing deteriorated facades. The proposal includes aesthetically pleasing elements that suit the local area such as frameless glass balustrades.	Yes.
4M-2	Building Facades	Building functions are expressed by the facade	Complies – the proposed works include changes to the façade which clearly indicate building functions.	Yes.
4N-1	Roof Design	Roof treatments are integrated into the building design and positively respond to the street	Not applicable. No changes to the roof treatments of the building.	N/A.
4N-2	Roof Design	Opportunities to use roof space for residential accommodation and open space are maximised	Not applicable. No changes to use the roof space for residential accommodation or for public/private open space.	N/A.
4N-3	Roof Design	Roof design incorporates sustainability features	Not applicable. No changes to the roof design to incorporate sustainability features.	N/A.
4O-1	Landscape Design	Landscape design is viable and sustainable	Not applicable. No changes to the existing landscape design.	N/A.
4O-2	Landscape Design	Landscape design contributes to the streetscape and amenity		
4P-1	Planting on Structures	Appropriate soil profiles are provided	Not applicable. No changes to the existing landscape design or to provide the required soil profiles.	N/A.

Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
4P-2	Planting on Structures	Plant growth is optimised with appropriate selection and maintenance	Not applicable. The proposal does not involve any additional landscaping/planting on the site.	N/A.
4P-3	Planting on Structures	Planting on structures contributes to the quality and amenity of communal and public open spaces	Not applicable. The proposal does not involve any additional landscaping/planting on the site.	N/A.
4Q-1	Universal Design	Universal design features are included in apartment design to promote flexible housing for all community members	Not applicable – no changes to internal layout.	N/A.
4Q-2	Universal Design	A variety of apartments with adaptable designs are provided		
4Q-3	Universal Design	Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R-1	Adaptive Reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not applicable. The proposal does not involve an adaptive re-use to the site.	N/A.
4R-2	Adaptive Reuse	Adapted buildings provide residential amenity while not precluding future adaptive reuse		
4S-1	Mixed Uses	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not applicable. The site does not contain any existing mixed uses on the site.	N/A.
4S-2	Mixed Uses	Residential levels of the building are integrated within the development, and safety and amenity are maximised for residents		

Alterations and additions to existing residential flat building
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Section	Apartment Design Guide	Requirement	Proposed	Complies (Y/N)
4T-1	Awnings and Signage	Awnings are well located and complement and integrate with the building design	Not applicable. The proposal does not involve any awnings or signage.	N/A.
4T-2	Awnings and Signage	Signage responds to the context and desired streetscape character	Not applicable – No signage or awnings proposed	N/A.
4U-1	Energy Efficiency	Development incorporates passive environmental design	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.
4U-2	Energy Efficiency	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
4U-3	Energy Efficiency	Adequate natural ventilation minimises the need for mechanical ventilation		
4V-1	Water management and conservation	Potable water use is minimised	Not applicable.	N/A.
4V-2	Water management and conservation	Urban stormwater is treated on site before being discharged to receiving waters		
4V-3	Water management and conservation	Flood management systems are integrated into site design		
4W-1	Waste Management	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Not applicable – the proposed works retain the existing building footprint and internal layout.	N/A.
4W-2	Waste Management	Domestic waste is minimised by providing safe and convenient source separation and recycling		

In considering the above, the proposed alterations and additions to an existing residential flat building is acceptable as the apartment will demonstrate greater compliance with the provisions of the Apartment Design Guide.

In considering the above, the proposal is acceptable in complying with the Apartment Design Guide.

4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under the WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>The relevant aims of this plan that are applicable to the proposed development are as follows:</p> <p>(d) in relation to residential development, to—</p> <p>(i) protect and enhance the residential use and amenity of existing residential environments, and</p> <p>(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and</p> <p>(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah.</p>	<p>The proposal involves alterations and additions to an existing residential flat building. The proposed works relate to the replacement and reparation of existing deteriorating elements of the building. The extent of the works do not increase the bulk and scale of the building, notwithstanding they are a drastic improvement on the existing aesthetic value of the site. In considering the above, the proposal will comply with the aims of the WLEP2011.</p>

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	600sqm	N/A	No change to existing lot size.
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	Existing 12.01m Proposed Works 10.3m	Merit Assessment – Refer to assessment under Clause 4.3 and Clause 4.6. Note - No change to existing maximum height of building.
4.4 Floor space ratio	N/A	N/A	N/A

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4.5 Calculation of floor space ratio and site area	N/A	N/A	N/A
4.6 Exceptions to development standards	N/A	N/A	N/A

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 (Repealed)	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A

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5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions	
Provisions	Comments
6.1 Acid sulfate soils	The site is identified as class 4 and 5 acid sulfate soils.
6.2 Earthworks	N/A
6.3 (Repealed)	N/A
6.4 Development on sloping land	The site is located in Landslip Risk Area A.
6.5 Coastline hazards	The site is partially identified as “Area of Reduced Foundation Capacity” on the Warringah Coastline Hazards Map.
6.6 Erection of dwelling houses in Zone E3 Environmental Management	N/A
6.7 Residential flat buildings in Zone B4 Mixed Use	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable Housing	N/A

Part 7: Dee Why Town Centre	
Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

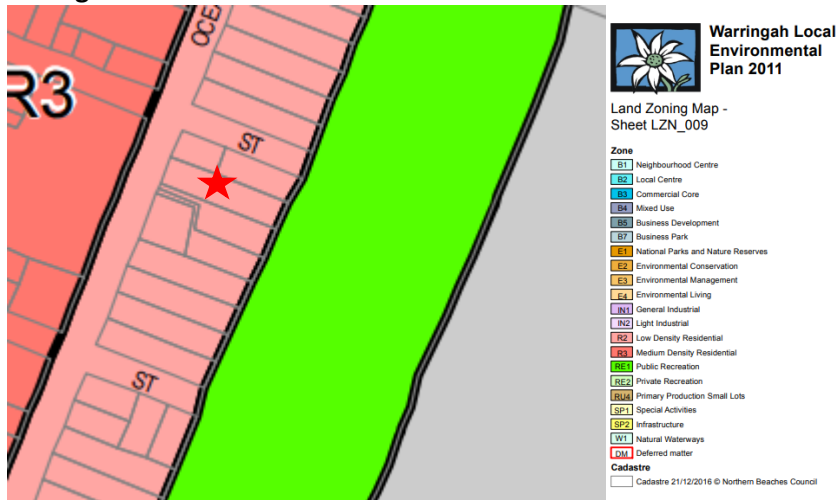
Part 8: Frenchs Forest Precinct	
Provisions	Comments
8.1 to 8.11	N/A – the site is not located within Frenchs Forest.

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

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The relevant matters to be considered under the WLEP2011 are outlined below:

Zoning Provisions



Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Comment:

The site is zoned R2: Low Density Residential. Residential Flat Buildings are a prohibited land use within the R2: Low Density Residential Zone. The residential flat building is currently operating under existing use rights as it was constructed before the commencement of the Warringah Local Environmental Plan 2011.

In considering the above, the relevant objectives of the R2: Low Density Residential Zone are not applicable to the proposed development. Nevertheless, an assessment has been carried out on the proposed development against the relevant objectives to demonstrate that the proposal is an acceptable form of development:

- *To provide for the housing needs of the community within a low-density residential environment.*

Comment: The proposal seeks to upgrade the existing facades, balconies, driveway, garages and balustrades of the building to create a more visually pleasing building and increase safety. The proposed works will increase the amenity that is expected under SEPP no. 65, specifically the Apartment Design Guide, and provide increased safety through the provision of upgraded balustrades and balconies.

- *To provide other land uses that provide facilities or services to meet the day to day needs of the residents.*

Comment: The proposal will provide an appropriate resolution to the deteriorating elements of the existing elements that will meet the day-to-day needs of the residents.

- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment: The proposal does not involve any changes to the existing landscape setting or the natural environment of Warringah. In considering the above, the proposal is acceptable in being consistent with the above objective.

4.3 Height of buildings



(1) *The objectives of this clause are as follows—*

- to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) If the Height of Buildings Map specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.

Comment:

The site has a maximum building height provision of 8.5m. The existing building has a maximum building height of 12.01m with the proposed works below the existing maximum building height at 10.3m which requests a variation by 1.8m (or 21.18%). The Development Application is supported by a Clause 4.6 Variation to Development Standard report. The breach is existing and relates to refurbishment works for the building such as the replacement of balcony's, gutters etc. The proposal does not increase the building footprint, nor does it extend the building height as existing. The proposal is supported and in our opinion is consistent with the objectives of the Clause, as outlined below:

(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

The proposed development is compatible with the height and scale of surrounding and nearby development. It is noted that notwithstanding the existing breach to the building height, the proposal is below the existing maximum building height for the building, therefore the works are inconsequential to that existing and purely relate to the replacement of sliding doors and a new nib wall. It is noted that notwithstanding the existing breach to the building height, adjoining properties have similar breaches, and the approval would not result in significant impacts to the bulk and scale of Ocean Street. It is important for Council to acknowledge the existing streetscape and built form of 157 Ocean Street. The proposal meets this objective.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

The proposal has been strategically designed by the project architect to be the replacement of the existing balcony's and cosmetic/refurbishment works. The proposal will not have a visual impact, will not adversely disrupt views, will not increase privacy or amenity impacts to neighbouring properties.

The excerpt below shows the proposed works and the existing building height of the entire building. The proposal has been strategically designed to maintain the existing bulk and scale of the streetscape.



The proposal meets this objective.

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

The project architect has strategically designed the proposal to be the replacement of the existing balcony's and cosmetic/refurbishment works. The proposal in our opinion integrates seamlessly into the existing streetscape of Ocean Street and Narrabeen Beach which promotes facets of Warringah's coastal and bush environments through high quality finishes and design. The proposal meets this objective.

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

The visual impact of the proposal will be consistent with that existing from the existing bulk and scale with refurbishment and replacement of derelict components of the building which will enhance the visual impact when viewed from public places. The proposal meets this objective.

It is our professional opinion that the building, by virtue of its height, bulk and scale, is consistent with the locality and desired character of the area. We have formed the considered opinion that the project is a sympathetic design and development with no impact to existing bulk and scale and is consistent with the existing and future character of the area. The proposal is not offensive, or unsympathetic in a streetscape context nor the context from Narrabeen, and therefore the variation can be supported by Northern Beaches Council.

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** *When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4.*
- (8A) *Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.*
- (8B) *Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.*

Comment:

The proposal has a minor non-compliance to the building height by 1.8m (21.18%). The development application is supported by a Clause 4.6 Variation to Development Standard report. It is our professional opinion that the proposed variation is well founded and there are sufficient environmental planning grounds to allow a variation to Clause 4.3 Building Height.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

- (1) **Objectives** *The objectives of this clause are as follows—*
- (a) *to conserve the environmental heritage of Manly,*
 - (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) *to conserve archaeological sites,*

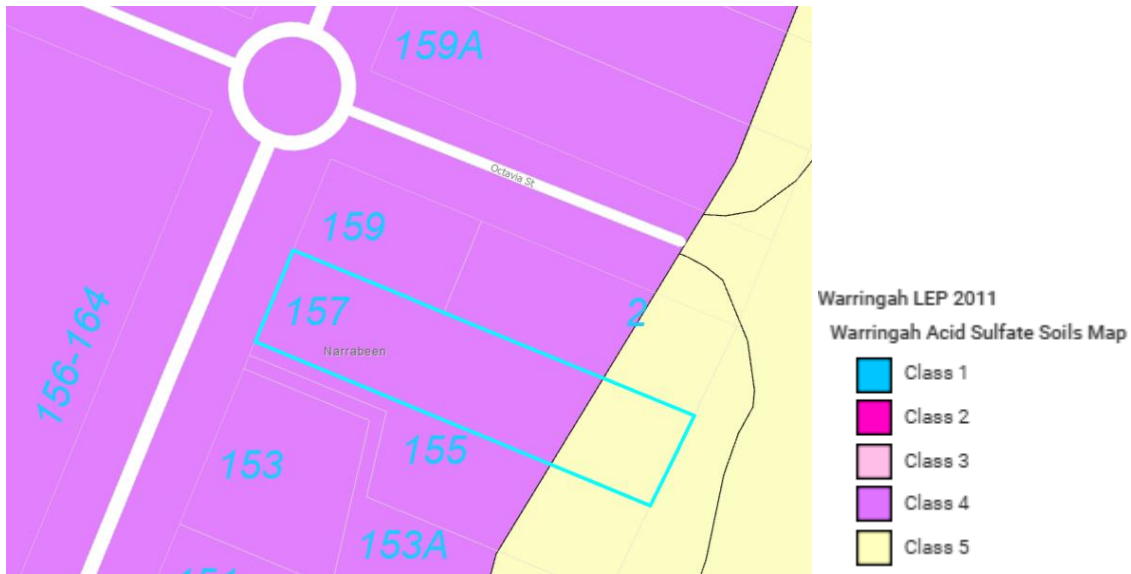
(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

Part 6 Additional local provisions

6.1 Acid sulfate soils



(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Comment:

Not applicable – the proposed works do not trigger the requirements of acid sulfate soils.

6.2 Earthworks

(1) The objectives of this clause are as follows—

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
- (b) to allow earthworks of a minor nature without requiring separate development consent.
- (2) Development consent is required for earthworks unless—
- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or
- (b) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Comment:

Complies – The proposal will require minor excavation of the site in relation to the replacement of the existing driveway. These works are minor and therefore the proposed earthworks comply with the objectives of Clause 6.2.

6.4 Development of Sloping Land



- (1) The objectives of this clause are as follows—
- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,

(b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,
(c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.

(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and

(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and

(c) the development will not impact on or affect the existing subsurface flow conditions.

Comment:

The site is located within Area A of the Landslip Risk map. No further review required.

6.5 Coastline hazards



(1) The objectives of this clause are as follows—

(a) to avoid significant adverse impacts from coastal hazards,

(b) to enable evacuation of coastal risk areas in an emergency,

(c) to ensure uses are compatible with coastal risks,

(d) to preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.

(2) This clause applies to the land shown on the Coastline Hazard Map as—

(a) Area of Wave Impact and Slope Adjustment, and

(b) Area of Reduced Foundation Capacity.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

(a) will not significantly adversely affect coastal hazards, and

(b) will not result in significant detrimental increases in coastal risks to other development or properties, and

(c) will not significantly alter coastal hazards to the detriment of the environment, and

*(d) incorporates appropriate measures to manage risk to life from coastal risks, and
(e) avoids or minimises exposure to coastal hazards, and
(f) makes provision for relocation, modification or removal of the development to adapt to coastal hazards and NSW sea level rise planning benchmarks.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the foundations of the development have been designed to be constructed having regard to coastal risk.

(5) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guidelines: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this Plan.

Comment:

Complies – A portion of the site at the rear is identified within the area of reduced foundation capacity. It is noted this map shows the existing building outside of this area. Therefore, the proposed works and the replacement of the driveway (outside of this area only), will not impact or affect coastal hazards to the site.

General

The site is not identified on the following maps within WLEP2011:

- Bushfire Map
- Land Reservation Acquisition Map
- Heritage Map
- Key Sites Map
- Additional Permitted Uses Map
- Land Reclassification (Part Lots) Map
- Floor Space Ratio Map
- Centres Map

4.4 Development Control Plan 2011 (WDCP2011)

The Parts of the WLEP2011 that are applicable to the development proposal are as follows:

- Part A: Objectives
- Part C: Siting Factors
- Part D: Design
- Part E: The Natural Environment

The relevant 'objectives' and 'requirements' have been included in the assessment below. Any controls that are not applicable to the development proposal have been excluded from this assessment against the WDCP2011.

PART A: OBJECTIVES

A.5 Objectives

The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability. The other objectives of this plan are:

Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Comment: The proposal demonstrates compliance with the objectives of the WDCP2011. The proposed works predominantly being replacement and reparation works to the existing deteriorating building elements does not result in an overdevelopment of the site or be visually intrusive that would otherwise compromise the scenic qualities of the Narrabeen foreshore area. The works will be a significant improvement on the existing site in terms of visual continuity, desired future character and safety.

PART B: BUILT FORM CONTROLS

The site existing falls under existing use rights, therefore the Part B Built Form Controls are irrelevant to the existing residential flat building. It is important to acknowledge the existing built form (setbacks and wall height) noting that the proposal is for the replacement and refurbishment works which retain the wall height and setbacks existing. Therefore, it is our professional opinion that the proposal meets relevant objectives, and the bulk and scale is acceptable, as submitted.

PART C: SITING FACTORS

C3: Parking Facilities

Objectives

- To provide adequate off street carparking.
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

Requirements

4. *Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses. Where the carparking rate is not specified in Appendix 1 or the WLEP, carparking must be adequate for the development having regard to the objectives and requirements of this clause. The rates specified in the Roads and Traffic Authority's Guide to Traffic Generating Development should be used as a guide where relevant.*

Comment: Complies – the proposal includes the replacement of the existing garage doors that do not dominate street frontage or public spaces.

PART D: DESIGN

D1: Landscaped Open Space and Bushland Setting

Objectives:

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Requirements

1. *The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:*
 - a) *Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;*
 - b) *The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
 - c) *Landscaped open space must be at ground level (finished); and*
 - d) *The minimum soil depth of land that can be included as landscaped open space is 1 metre.*

2. *Where land is shown on DCP Map Landscaped Open Space and Bushland Setting as “Bushland Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural bushland or landscaped with locally indigenous species.*
3. *In Cottage Point the relationship of the locality with the surrounding National Park and Cowan Creek waterway will be given top priority by enhancing the spread of indigenous tree canopy and protecting the natural landscape including rock outcrops and remnant bushland.*

Comment: Not applicable – no change to existing.

D2: Private Open Space

Objectives:

- To ensure that all residential development is provided with functional, well located areas of private open space.
- To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.
- To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.
- To ensure that private open space receives sufficient solar access and privacy.

Requirements:

1. *Residential development is to include private open space for each dwelling.*
2. *The minimum area and dimensions of private open space are as follows:*

DWELLING Type	Area and Minimum Dimensions per dwelling
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m ² with minimum dimensions of 3 metres
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m ² with minimum dimensions of 5 metres
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m ² with minimum dimensions of 2.5 metres

3. *Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children’s play.*

Comment: Not applicable – no change to existing.

D6: Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

Requirements

1. *Development should avoid unreasonable overshadowing any public open space.*

2. *At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

Comment: Not applicable – the proposed works do not alter existing solar access.

D7: Views

Objectives

- To allow for the reasonable sharing of views.
- To encourage innovative design solutions to improve the urban environment.
- To ensure existing canopy trees have priority over views.

Requirements

1. Development shall provide for the reasonable sharing of views.

Note: Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140.

Comment: Complies – the proposed works will not impact existing view corridors as the proposal retains the existing building footprint, setbacks and height.

D8: Privacy

Objectives

- To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.
- To encourage innovative design solutions to improve the urban environment.
- To provide personal and property security for occupants and visitors.

Requirements

1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.
2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.
3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.
4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.
5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.

Comment: The proposal involves minor external alterations through the replacement of the existing balconies and refurbishment works that will not affect the existing privacy provisions on site. The proposal external works will not contribute to any overlooking impacts and will continue to maintain a high level of visual and acoustic privacy for the occupants and neighbours. The proposal is acceptable in complying with the objectives and requirements of the WDCP2011.

D9 Building Bulk

Objectives

- To encourage good design and innovative architecture to improve the urban environment.
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

Requirements

1. Side and rear setbacks are to be progressively increased as wall height increases.
2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.
3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:
 - The amount of fill is not to exceed one metre in depth.
 - Fill is not to spread beyond the footprint of the building.
 - Excavation of the landform is to be minimised.
4. Building height and scale needs to relate to topography and site conditions.
5. Orientate development to address the street.
6. Use colour, materials and surface treatment to reduce building bulk.
7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.
8. Articulate walls to reduce building mass.

Comment: The proposal involves external alterations and additions regarding the replacement of existing deteriorating elements of the building. The extent of works does not result in any external works to the building that would contribute to any additional visual bulk or scale above the existing development. The proposal is acceptable in maintaining the appearance of the existing residential flat building and will be sympathetic to the character of the existing streetscape setting.

PART E THE NATURAL ENVIRONMENT

E4 Wildlife Corridors

Applies to Land

This control applies to land identified on [DCP Map Wildlife Corridors](#).

Objectives

- To preserve and enhance the area's amenity, whilst protecting human life and property.
- To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.
- To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.
- To retain and enhance native vegetation and the ecological functions of wildlife corridors.
- To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a [wildlife corridor](#) and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. *See [Warringah Natural Area Survey, August 2005](#).*

Requirements

1. For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m² or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:
 - i. The applicant must demonstrate that the objectives have been achieved through a [Flora and Fauna](#)

Assessment prepared in accordance with Council guidelines; and
ii. The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.

2. For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.

Comment: A portion of the site is identified within the wildlife corridor map. The proposed works relate to the existing building and driveway, with no impacts on the wildlife corridor or existing vegetation.

E7 Development on land adjoining public open space

Applies to Land

This control applies to all land shown on DCP Map Land Adjoining Public Open Space.

Objectives

- To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.
- To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.
- Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.

Requirements

1. Development on land adjoining public open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.
2. Public access to public open space is to be maximised.
3. Buildings are to be located to provide an outlook to public open space, without appearing to privatise that space.
4. Development is to provide a visual transition between open space, bushland reserves or other public spaces and buildings, including avoiding abutting public open space with back fences.
5. Development is to protect views to and from public open space.
6. Development is to provide buffers for bushfire protection on private land, not on public land.
7. If the adjoining parks, bushland reserves or public open space contain bushland, development is not to threaten the protection or preservation of the bushland.
8. Development should be designed to maximise opportunities for casual surveillance of the public open space.
9. Development is to utilise landscaping or existing landscape elements to screen development.

Comment: The proposal involves external alterations and additions regarding the replacement of existing deteriorating elements and will not impact the adjoining public open space. The enhancement of the building and refurbishment works will ensure the development protects and preserves the scenic quality of the area.

E9 Coastline Hazard

Applies to Land

This control applies to land identified on the Warringah LEP Coastline Hazard Map.

Objectives

- To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.
- To ensure that development does not have an adverse impact on the scenic quality of Collaroy,

Narrabeen and Fisherman's Beaches.

- To ensure that development does not adversely impact on the coastal processes affecting adjacent land.
- To retain the area's regional role for public recreation and amenity.

Requirements

1. The risk of damage from coastal processes is to be reduced through having appropriate setbacks and foundations, as detailed in Criteria for the Siting and Design of Foundations for Residential Development (see Policy volume).
2. For development in the area affected by the certified Coastal Zone Management Plan for Collaroy-Narrabeen Beach and Fishermans Beach (Coastal Zone Management Plan), the applicant must demonstrate compliance with the Northern Beaches Coastal Erosion Policy, the Coastal Zone Management Plan and the Collaroy-Narrabeen Protection Works Design Specifications (as amended from time to time).

Comment: Refer to assessment under Clause 6.5 WLEP2011. The proposal involves external alterations and additions regarding the replacement of existing deteriorating elements and will not impact the coastal hazards relating to the site.

E10 Landslip Risk

Objectives

- To ensure development is geotechnically stable.
- To ensure good engineering practice.
- To ensure there is no adverse impact on existing subsurface flow conditions.
- To ensure there is no adverse impact resulting from stormwater discharge.

Requirements

1. The applicant must demonstrate that:
 - The proposed development is justified in terms of geotechnical stability; and
 - The proposed development will be carried out in accordance with good engineering practice.
2. Development must not cause detrimental impacts because of stormwater discharge from the land.
3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.
4. To address Requirements 1 to 3:
 - i. For land identified as being in Area A:
Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions (see Notes) by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.
 - ii. For land identified as being in Area B or Area D:
A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.

If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.

Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.

Comment: The site is identified as being located within an 'Area A' on the Landslip Risk Map of the WDCP2011. The proposal does not involve any earthworks and will not result in any changes to the existing stormwater discharge or subsurface flow conditions from either the site or neighbouring properties. The proposal will comply with the objectives as the proposal will continue to provide geotechnical stability and minimise any stormwater discharge impacts from the site to the public areas.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

a) *The provisions of:*

(i) *The provision of any Environmental Planning Instrument*

Comment: The proposal involves the replacement of damaged balconies, installation of frameless glass balustrades, new paintwork as shown on the architectural plans, replacement of garage doors, replacement of the existing front fence and the driveway. Residential flat buildings are a prohibited form of development within the R2: Low Density Residential Zone. However, the proposed development is acceptable given the existing building currently operates as an 'existing use' as defined under Clause 4.65 of the Regulations.

Clause 4.68(1) of the Regulations allows for a continuance of a use of a building, work or land for a lawful purpose for which it was being used immediately before the coming into force of the instrument or so as to prevent the continuance of that use.

The current development application seeks approval for these works under Clause 4.67 of the Act which allows the carrying out of alterations or extensions to or rebuilding of a building or work being used for an existing use. Clause 164 and 165 of the Regulations

In addition to this, Clause 164 and 165 of the Act allows for the enlargement, expansion and intensification of existing uses and alteration of building and works for the existing use of the building or work and for no other use. In considering the merits of the proposal, the proposal is acceptable in that the development does not contribute to any adverse environmental impacts to the neighbouring dwellings and the existing streetscape setting.

The extent of the proposed works is acceptable as it maintains the visual bulk and scale to the building as existing, maintains a high level of visual privacy to the adjoining residential dwellings, and does not further any view loss impacts from the public domain or the adjoining neighbours.

Furthermore, the proposal is acceptable in complying with the objectives of the R2: Low Density Residential Zone. Refer to Section 4.3 Warringah Local Environmental Plan 2011 for detailed assessment.

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Comment: Not applicable.

(iii) *Any development control plan*

Comment: Refer to Section 4.4 Warringah Development Control Plan 2011 for detailed assessment.

(iia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment: Not applicable.

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment: The proposal involves works to an existing residential flat building which is a prohibited form of development within the R2: Low Density Residential Zone. The residential flat building is currently operating under an 'existing use' as defined under Clause 4.65 of the Act. Clause 4.67(1)(a) (c) of the Act prescribes that the regulations may make provisions for existing uses with respect to the carrying out of alterations or Additions to or the rebuilding of a building or work being used for an existing use and the reparation and rebuilding of an existing use, respectively.

Clause 163(1)(a) and (b) of the Regulations allows an existing use to be enlarged, expanded or intensified or be altered or extended. Clause 164 permits for the enlargement, expansion or intensification of an existing use provided that it is for the existing use and no other use and carried out only land on which the existing use was carried out immediately before the relevant day. Clause 165 allows alterations of a building or work and no other use and to be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.

In considering the above, the extent of the proposed works is acceptable with development consent as the proposal will remain for the existing use and no other use and the extent of the building works can be erected or carried out immediate before the relevant day. The proposal is acceptable in complying with the relevant provisions of the Regulations.

(v) (repealed)

Comment: Not applicable.

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

Context and Setting:

- a) What is the relationship to the region and local context in terms of:*
- The scenic qualities and features of the landscape*
 - The character and amenity of the locality and streetscape*
 - The scale, bulk, height, mass, form, character, density and design of development in the locality*
 - The previous and existing land uses and activities in the locality*

Comment: The proposal does not involve any changes to the approved building envelope and will not result in any additional visual bulk or scale impacts that are visible from the existing streetscape or neighbouring dwellings. The replacement of the damaged and deteriorating elements is acceptable and will not compromise the appearance of the building when viewed from Narrabeen foreshore or

the surrounding public domain. The scale, bulk, height, mass, form, character and density of the development will remain unchanged and be identical to the existing development.

- b) *What are the potential impacts on adjacent properties in terms of:*
- *Relationship and compatibility of adjacent land uses?*
 - *sunlight access (overshadowing)*
 - *visual and acoustic privacy*
 - *views and vistas*
 - *edge conditions such as boundary treatments and fencing*

Comment: The proposal will not contribute to any adverse environmental impacts to the neighbouring buildings within the street. The development will be retained for the purposes of a residential flat building and will be consistent with the surrounding land uses of the existing R2: Low Density Residential Zone given the site is located in close proximity to a number of residential flat developments.

The proposal does not result in an increase to the existing building envelope or footprint and will therefore maintain the existing solar access to the site and adjoining neighbours, retain views and vistas from the public and private domain and the building edge conditions from the Narrabeen foreshore. In considering the above, the proposal will not have any impacts to the adjacent properties.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The proposal replaces existing garage doors to provide increased security and functionality for residents.

Public Domain

Comment: The proposal will not have any direct impacts to the existing public domain.

Utilities

Comment: Existing utility services will connect to service the dwelling.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna.

Waste Collection

Comment: Normal domestic waste collection applies to the conversion of the apartment.

Natural hazards

Comment: The site is located within Landslip Risk 'Area A'. The proposal does not involve any ground level works that may impact the geotechnical stability or the subsurface conditions of the site. The site is also located within the coastal hazard map. The existing building and proposed works are located outside of this area.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i. *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *landscaping*

Comment: The proposal will result in a significant improvement in the external appearance of the building and will meet the needs of the occupants within the building.

In considering the above, the proposal represents a significant improvement into the amenity for the occupants within the building. The proposal will also positively contribute to the existing streetscape and desired future character.

ii. *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

iii. *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*

- *Site safety*

Comment: The proposal will adopt site safety measures and procedures to ensure safety issues associated with building fire risk, building materials and finishes, access and facilities and the Building Code of Australia are satisfied.

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

Does the proposal fit in the locality

- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The proposal involves works that will remain entirely compatible with the existing development and the streetscape setting. The proposal will reflect positively to the existing streetscape and the appearance of the building within the public domain. The development is suitable for the site.

d) *Any submissions received in accordance with this act or regulations*

Comment: No submissions are available at this time.

e) *The public interest*

Comment: The proposed development is within the public interest. Whilst development for the purposes of a residential flat building is a prohibited form of development within the R2: Low Density Residential Zone, the continuation of this 'existing use' is acceptable having regard to Clause 4.66 of the Act.

The proposed works which involve alterations to an existing apartment is acceptable with respect to Clauses 164 and 165 of the Regulations. The works are permissible with consent as the reparations and rebuilding of a residential apartment and alterations to the building will continue to relate to the existing use of the building is carried out on land to which the building was erected before the relevant day. The 'existing use' provisions set out under the Act and Regulations have the benefit of permitting these works with development consent.

The extent of these works is acceptable as the development does not contribute to any adverse environmental impacts including visual bulk and scale, overshadowing, visual and acoustic privacy or view loss impacts to either the public domain or the neighbouring dwellings.

Further, the proposal will be consistent with the objectives of the R2: Low Density Residential Zone. Refer to Section 4.3 Warringah Local Environmental Plan 2011 for detailed assessment.

6. Summary and Conclusion

The proposal for alterations and additions to an existing residential flat building is permissible with consent having regard to the Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulations 2021 for the following reasons:

- The reparation of damaged elements of the building will result in a visually pleasing façade when viewed from the streetscape and public domain. Further, the reparation of damaged balconies will increase safety for the occupants of the building.
- The proposal will not generate any adverse environmental impacts. The proposal will not contribute to any additional overshadowing or the public domain, view loss, bulk and scale and visual and acoustic privacy to the neighbouring dwellings.
- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979 (as amended)*. There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.

Accordingly, the proposed works at 157 Ocean Street, Narrabeen, within Strata Plan 3128, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.