



STATEMENT OF ENVIRONMENTAL EFFECTS TO THE NORTHERN BEACHES COUNCIL

Alterations and Additions

4 Loftus Street, Narrabeen



Prepared on behalf of

Lavier Gomes & Maria DaCosta c/- lifestyle Home Designs

24 APRIL 2023

CONTENTS

1.0	Introduction	1
1.1	Referral authorities	1
1.2	Cost of works.....	1
2.0	Site Description and Analysis	2
3.0	Description of the Proposal	13
3.1	Overview	13
3.2	External materials and finishes.....	14
3.3	Height and wall height	15
3.4	Stormwater	15
3.5	BCA / NCC compliance	15
3.6	Waste management	15
3.7	Utilities.....	15
3.8	Setbacks / building envelope.....	16
3.9	Landscaped open space	17
4.0	Statement of Environmental Effects	18
4.1	S4.15(1)(a) Statutory considerations.....	18
4.1.1	<i>BASIX</i>	19
4.1.2	<i>Biodiversity and Conservation SEPP 2021</i>	19
4.1.3	<i>Resilience and Hazards SEPP 2021</i>	20
4.1.4	<i>Transport and Infrastructure SEPP 2021</i>	21
4.1.5	<i>LEP 2011</i>	22
4.1.6	<i>DCP 2011</i>	25
4.2	S4.15(1)(b) Impact on the environment	38
4.2.1	<i>Generally</i>	38
4.2.2	<i>Demolition</i>	38
4.2.3	<i>Vegetation and biodiversity</i>	39
4.2.4	<i>Context and character</i>	39
4.2.5	<i>Social and economic issues</i>	40
4.3	S4.15(1)(c) The suitability of the site for the proposed development.....	40
4.4	S4.15(1)(d) Any submissions made in accordance with the Act or Regulations.....	40
4.5	S4.15(1)(e) The public interest	40
5.0	Conclusion	41

List of Figures

1	Aerial location plan with the site shown outlined approximately in yellow	5
2	Zoomed aerial location plan with the site shown outlined approximately in red	5
3	Existing site and floorplans	6
4	The site's Loftus Street frontage	6
5	The site's existing first floor level front balcony view	7
6	The site's rear first floor terrace with 2 Loftus Street to the east and the rear yard of 139 Ocean Street with its direct access to Narrabeen Beach	7
7	The Loftus Street frontage of the site and its neighbours to the east (2 Loftus Street) and west (143 Ocean Street)	7
8	The southern side of Loftus Street where it terminates adjacent Narrabeen Beach showing 2 Loftus Street, the site and 143 Ocean Street	8
9	DA 2022/75 approved southern elevation at 1 Loftus Street to the site's north (currently under construction)	8
10	Built form either side of Loftus Street looking west. That to the north is an outdated photo (see Figure 9 above)	8
11	141 and 143 Ocean Street to the site's west	9
12	The eastern elevation and part backyard of 141 Ocean Street to the site's west	9
13	South easterly view over the site's rear yard and the rear yard of 139 Ocean Street from the rear first floor level terrace at 141 Ocean Street	9
14	Site and floorplan of 141 Ocean Street to the site's west	10
15	The northern façade, Loftus Street frontage of 143 Ocean Street to the site's west	10
16	Easterly view from the elevated ground floor level living room and deck of 143 Ocean Street	11
17	Site and floorplan of 143 Ocean Street to the site's west	11
18	The single storey low set dwelling at 139 Ocean Street to the site's south	11
19	The existing site and floorplan of 2 Loftus Street to the site's east	12
20	Perspective of the altered dwelling as viewed from Loftus Street	14
21	Proposed floorplans	14
22	Envelope compliance relative to the Loftus Street elevation and the relationship with the neighbouring dwellings to the east and west respectively	16
23	Section D and the loft level's departure from the building envelope control	16
24	Coastline hazards extract (site is shown coloured green)	24

List of Tables

1	Section 4.15 Checklist	18
2	Compliance with LEP 2011	22
3	Compliance with DCP 2011	26

1.0 INTRODUCTION

This Statement of Environmental Effects (**SEE**) is submitted to the Northern Beaches Council (the **Council**). It describes a Development Application (**DA**) seeking development consent pursuant to Section 4.16(1) of the Environmental Planning and Assessment, Act, 1979 (the **Act**) for alterations and additions to the existing dwelling house and its surrounds at 4 Loftus Street, Narrabeen (the **site**). A detailed description of the proposal is provided at Section 3 of this report.

Lockrey Planning and Development Solutions Pty Ltd (**LPDS**) has prepared this report on behalf of Lavier Gomes and Maria DaCosta. It is based on plans and technical information referenced below.

This report has been prepared pursuant to Section 4.12 of the Act and Part 3 (Development Applications) of the Environmental Planning and Assessment Regulation 2021 (**Regulations 2021**). The purpose of the document is to:

- provide a description of the site's context, its identification, its existing development and the character of surrounding development;
- provide a detailed description of the proposal;
- undertake an assessment of the proposal against the matters for consideration as listed under Section 4.15(1) of the Act; and
- identify and assess the issues relevant to the proposal.

It should be read in conjunction with the supporting information submitted separately:

- Survey Plan, by Richards & Loftus
- Cost Summary Report, Building Designer Drawings, including Site Analysis / Environmental Site Management, Shadow Diagrams, Calculations, Waste Management Plan, Sediment and Erosion Control, Landscape Concept Plan, Schedule of Colours and Materials and BASIX Certificate, all by Lifestyle Home Designs;
- Stormwater Drainage Plan by E2 Civil and Structural Design; and
- Geotechnical Assessment, by JK Geotechnics.

Application for Construction Certificate (**CC**) will be sought separately. Landowner's consent will be submitted separately.

1.1 Referral authorities

It is understood that only 'standard' referrals to Council's internal departments are required.

1.2 Cost of works

As detailed in the Cost Report, by Lifestyle Home Designs (submitted separately), the proposal has an estimated development cost of \$665,500.

2.0 SITE DESCRIPTION AND ANALYSIS

A Site Analysis Plan by Lifestyle Home Designs is contained within the Architectural Drawings submitted separately. For ease of reference, the site's Loftus Street frontage is taken to be its northern boundary.

The site's key characteristics are summarised below:

Location	<ul style="list-style-type: none"> – The site is on the southern side of Loftus Street, which terminates to the site's east where it meets Narrabeen Beach and its surrounds. Ocean Street is to the site's west. – The site is approximately 350m to the north east of the Narrabeen shopping village and Pittwater Road.
Legal property description	– Lot 3 in DP 152422. A Survey Plan by Richards & Loftus is submitted separately.
Site area	– 480.6m ² .
Easement(s)	<ul style="list-style-type: none"> – The site is not affected by any known easements. – The Loftus Street footpath and road reserve contains numerous utilities, including the Sydney Water sewer main.
Shape	– Rectangular.
Frontage	– 15.85m to Loftus Street.
Zoning	– The site is zoned R2 Low Density Residential pursuant to the provisions of Warringah Local Environmental Plan 2011 (LEP 2011).
Heritage and conservation	<ul style="list-style-type: none"> – The site is not an identified heritage item and is not located within the visual catchment of any identified (built form or landscape) heritage items. – The site is not within a heritage conservation area.
Topography / land conditions	<ul style="list-style-type: none"> – The site has a Landslide Risk Class A (<5⁰) classification. – The site is located within level topography associated with the Narrabeen Peninsula located between Narrabeen Lagoon to the west and the Pacific Ocean to the east. The ground surface is level along the length of Loftus Street and then slopes down to Narrabeen Beach at the eastern end of Loftus Street. – The site is almost level, with only minor changes in level due to low height garden edging walls of no more than 0.3m in height. – The existing dwelling sits on an established building pad and is provided with the following finished floor levels (FFL's): <ul style="list-style-type: none"> - FFL 9.93 for the garage, FFL 9.98 for the ground floor and FFL 9.89 for the rear ground floor patio; - FFL 12.65 for the first floor and FFL 12.63 for the rear first floor terrace; - RL 16.88, RL 17.65 and RL 18.20 for the varying roof ridges.
Vegetation	<ul style="list-style-type: none"> – The site contains established landscaping including a mixture of native mature vegetation and planted ornamental species associated with its long term residential land use. – The dwelling sits within an established garden setting. A large mature 20m high Pine tree is within the north eastern portion of the front yard. The front yard also contains low level garden beds, planters, a curved masonry fence that extends along the eastern boundary to the front

	<p>building alignment, paved areas and low stone retaining walls. The rear yard comprises lawn, garden beds, stone walls, a 9m high tree adjacent the eastern boundary and paved areas.</p> <ul style="list-style-type: none"> – Timber paling fencing is provided to the side and rear boundaries. – The neighbouring property to the west at 143 Ocean Street contains numerous trees and a continuous 7m high hedge for effectively the length of the eastern boundary. – A grassed verge with varied plantings is provided to both sides of Loftus Street. – There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register.
Flooding	– The site is not floodprone.
Bushfire	– The site is not bushfire prone.
Native vegetation / wildlife corridor / threatened species	– The site does not contain native vegetation or a wildlife corridor or threatened species.
Biodiversity	– The site does not contain any terrestrial biodiversity.
Riparian lands and watercourses	– The site does not contain riparian land or watercourses.
Coastal use and coastal environment area	– The site is within the coastal use and coastal environment zone.
Coastline hazard	– The site is not within the coastline hazards area.
Acid sulfate soils	– The site is Class 4 acid sulfate soils.
Existing improvements	<ul style="list-style-type: none"> – The site's existing built form is a four bedroom plus study two storey rendered dwelling house with a predominantly pitched tiled roof and pop up metal roof with clerestory windows. It is centrally located within the site. – The existing ground floor level comprises an integrated double garage, central entry foyer, study with a front porch / terrace, laundry, bathroom, bedrooms 3 (with ensuite) and 4 and a large rear patio area. – The existing first floor level comprises the master bedroom with walk in robe and ensuite, living area with direct access to a front balcony, bedroom 2, family room, kitchen and dining with direct access to an 'L' shaped rear terrace and BBQ area with steps to the backyard. – Pedestrian accessways are provided to each side of the dwelling enabling access from the front to the rear. – A rainwater tank (RWT) is in the rear yard adjacent the stairs to the first floor level rear terrace and a clothesline is adjacent the south western boundary. – A vehicular crossing and paved driveway enable vehicular access to the integrated double garage. Additional hardstand parking is possible on the paved driveway. The informal waste storage area is adjacent the western boundary and is partially screened by hedging.
Surrounding context	– The surrounding locality is predominantly characterised by large two and three storeys dwellings set on relatively large allotments of land with established gardens / landscaped area. It is a relatively consistent subdivision pattern and built form is oriented to take advantage of the easterly, north easterly and south easterly views of Narrabeen Beach

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- and the Pacific Ocean. Elevated external open space is a common design condition.
- The integrity of individual dwellings varies. There is no existing built form that has historical, architectural, aesthetic, social or cultural built form significance.
 - To the site's north on the opposite side of Loftus Street is a dual occupancy development with a strata subdivision creating two separate lots. Lot 1 fronts Ocean Street and contains a part single, part two storey semi-detached dwelling. It is not immediately opposite the site. Lot 2 comprises a two storey dwelling, however, this dwelling is currently undergoing construction works as approved under DA 2022/75. It is immediately to the site's north. Approved works include a new basement level, extensions and a reconfiguration of the existing ground and first floor levels (including elevated external open space), a new study / attic floor level with a west facing balcony and a new swimming pool in the northern yard. It is noted this approved DA departed from the LEP 2011 8.5m height standard with a maximum height of 8.8m approved.
 - To the site's south at 139 Ocean Street is a single storey dwelling on a large allotment. It is oriented in an east west direction. Most of its rear (eastern) yard interfaces with the site. This property has direct access to Narrabeen Beach.
 - To the site's east at 2 Loftus Street is a large two storey plus roof terrace dwelling house. The house and its elevated external open space address Narrabeen Beach and its surrounds with a small curtilage to the site. Limited openings are provided to its western elevation being that adjacent the site.
 - To the site's west at 141 and 143 Ocean Street are large three storey dwellings. 141 Ocean Street is oriented in an east west direction. The rear yard is to the east and it is provided with elevated external open space areas at the front (west) and rear (east) of the dwelling. Those at the rear are afforded south easterly views of Narrabeen Beach and the Pacific Ocean. 143 Ocean Street is a corner allotment and its predominant (by length) frontage is to Loftus Street. This dwelling is oriented to the north (Loftus Street). It is provided with elevated external areas to its northern side and eastern side which are provided views to the north east of Narrabeen Beach and the Pacific Ocean. Adjacent the shared boundary with the site are numerous high trees and a continuous 7m high hedge for effectively the length of the shared boundary.
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Aerial location plans are provided at **Figures 1 and 2**. The existing site and floorplan is **Figure 3**. Photos of the site and its surrounds and the floorplans of the relevant neighbours are provided at **Figures 4 to 19**.

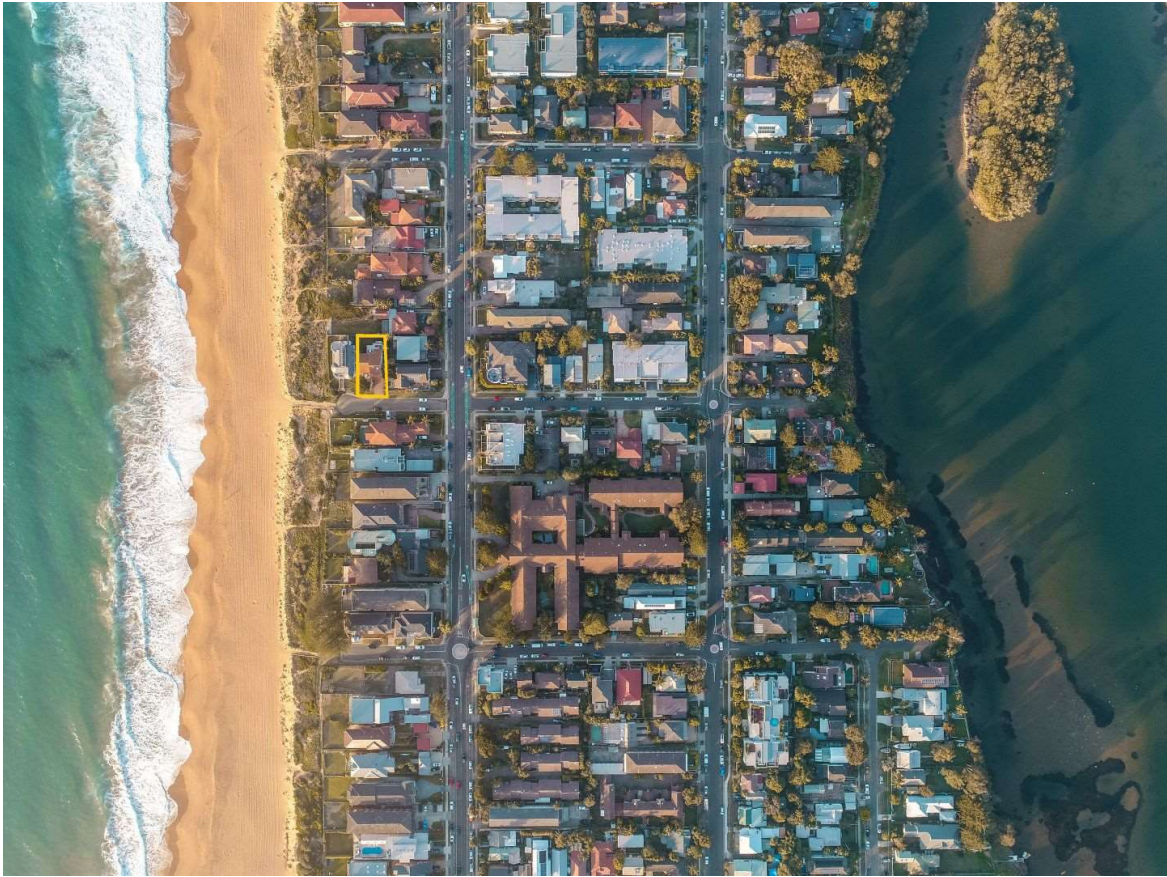


Figure 1 – Aerial location plan with the site shown outlined approximately in **yellow**



Figure 2 – Zoomed aerial location plan with the site shown outlined approximately in **red**



Figure 3 – Existing site and floorplans



Figure 4 – The site's Loftus Street frontage



Figure 5 – The site's existing first floor level front balcony view



Figure 6 – The site's rear first floor terrace with 2 Loftus Street to the east and the rear yard of 139 Ocean Street with its direct access to Narrabeen Beach



Figure 7 – The Loftus Street frontage of the site and its neighbours to the east (2 Loftus Street) and west (143 Ocean Street)



Figure 8 – The southern side of Loftus Street where it terminates adjacent Narrabeen Beach showing 2 Loftus Street, the site and 143 Ocean Street

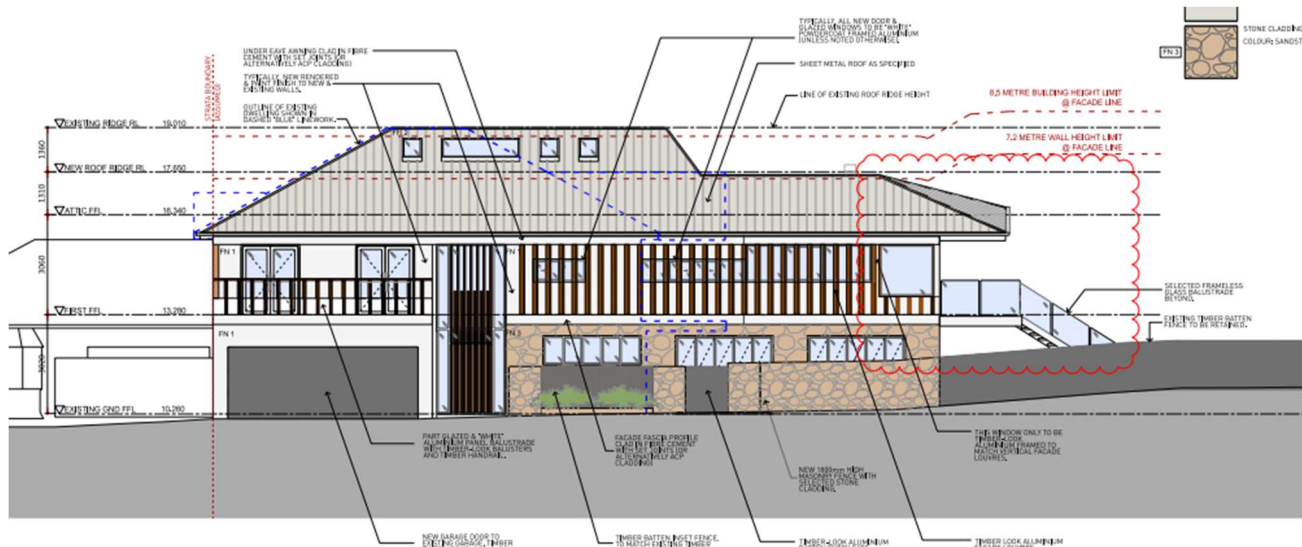


Figure 9 – DA 2022/75 approved southern elevation at 1 Loftus Street to the site's north (currently under construction)



Figure 10 – Built form either side of Loftus Street looking west. That to the north is an outdated photo (see **Figure 9** above)



Figure 11 – 141 and 143 Ocean Street to the site's west



Figure 12 – The eastern elevation and part backyard of 141 Ocean Street to the site's west



Figure 13 – South easterly view over the site's rear yard and the rear yard of 139 Ocean Street from the rear first floor level terrace at 141 Ocean Street



Figure 14 – Site and floorplan of 141 Ocean Street to the site’s west



Figure 15 – The northern façade, Loftus Street frontage of 143 Ocean Street to the site’s west



Figure 16 – Easterly view from the elevated ground floor level living room and deck of 143 Ocean Street



Figure 17 – Site and floorplan of 143 Ocean Street to the site’s west



Figure 18 – The single storey low set dwelling at 139 Ocean Street to the site’s south

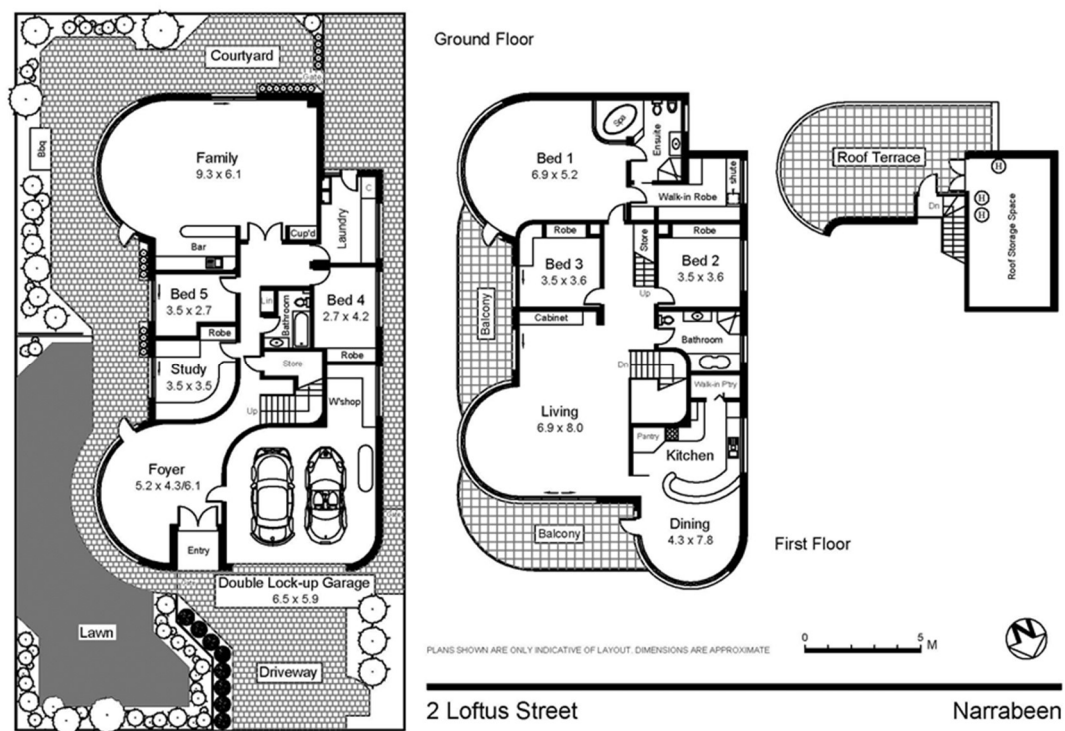


Figure 19 – The existing site and floorplan of 2 Loftus Street to the site’s east

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Overview

Development data / calculations has been provided by Lifestyle Home Designs. This section has had regard to the following consultant inputs submitted separately:

- Building Designer Drawings and related work, by Lifestyle Home Designs; and
- Stormwater Drainage Plan by E2 Civil and Structural Design; and
- Geotechnical Assessment, by JK Geotechnics.

The Architectural Drawings by Lifestyle Home Designs with **all new work shown coloured** are submitted separately. Pursuant to Section 4.16 of the Act, development consent is being sought for alterations and additions at 4 Loftus Street, Narrabeen and which can generally be described as:

- nominated demolition works (shown dotted red);
- new windows, doors, walls and stairs (where noted) at each floor level;
- internal reconfiguration and rear extension of the ground floor level (FFL 9.98 as existing) over the existing external patio area to comprise a new gym / media room, new bathroom and laundry (both in same location as existing) and enlarged ensuite to bedroom 3;
- provision of a lift at the ground floor level to enable direct access to the existing first floor level and the proposed loft level;
- internal reconfiguration of the first floor level (FFL 12.65 and FFL 12.63 as existing) to comprise the master bedroom with walk in robe and ensuite, lift, toilet, living (with access to existing front balcony with vergola over), guest bedroom / library and open pan dining, kitchen and family room with direct access to existing, albeit reconfigured (smaller trafficable area) external rear terrace and rebuilt BBQ area;
- new loft level (FFL 15.31) with an open plan room accessed via the lift and stairs and an 'L' shaped front balcony (FFL 15.21);
- retention of part of the existing roof with pitches of 17° and 19°;
- new metal roof with varying pitches (3°, 7.2°, 10° and 19°) and three skylights;
- external landscaping and site works including:
 - external shower along the western boundary accessway behind the existing secure gate;
 - retention of existing garden and retaining walls, vegetation and established landscaping;
 - new lawn in rear yard to replace existing paved areas; and
 - replacement of existing RWT with a new 5,000 litre RWT.

A perspective of the altered built form is at **Figure 20** and the proposed floorplans are at **Figure 21**.



Figure 20 – Perspective of the altered dwelling as viewed from Loftus Street

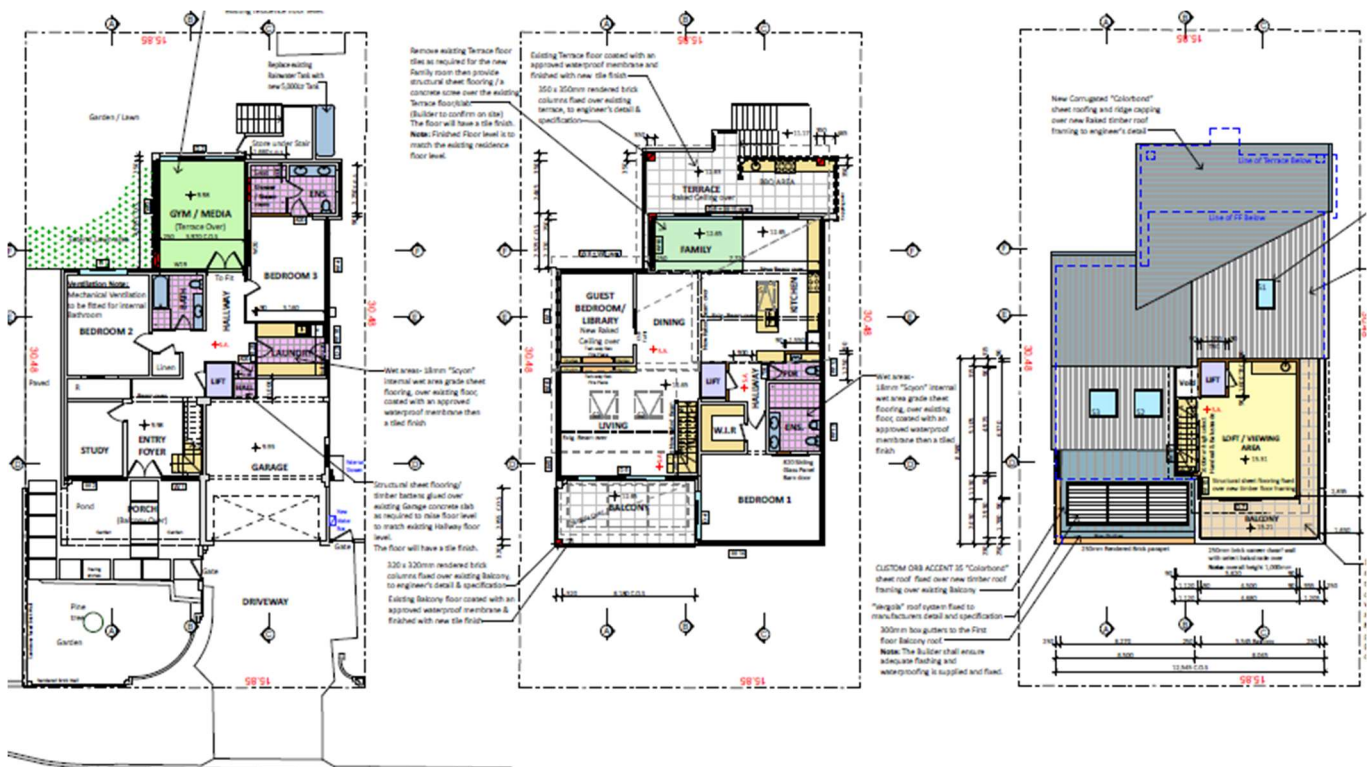


Figure 21 - Proposed floorplans

3.2 External materials and finishes

The proposed external materials and finishes are contemporary, non-reflective and are appropriate considering the site's relative harsh coastal beachfront location. The external appearance and finish of the dwelling and its surrounds will positively contribute to the locality's streetscape character. A Schedule of Colours and Materials, by Lifestyle Home Designs is submitted separately.

3.3 Height and wall height

The dwelling is predominantly two storeys, part three storeys. It has a maximum height of 8.49m (RL 18.33) as measured from ground level existing. As the dwelling is highly articulated, continuous unrelieved external walls are not provided, however, its maximum external wall height is 7.575m.

3.4 Stormwater

A Stormwater Drainage Plan, by E2 Civil and Structural Design is submitted separately. It has been prepared having regard to AS 3500 and Council's stormwater guidelines. The key aspects of the site's stormwater strategy include:

- 271m² pre and post development impervious area. The site's permeability has been maintained and on site detention (OSD) is not required;
- provision of a new 5,000 litre RWT to replace that existing;
- the site cannot discharge to street due to change of catchment. Street drainage discharges to Narrabeen Lagoon and is not suitable to connect to;
- an easement is not feasible as directly adjacent to Narrabeen Beach and a direct outlet to the beach is not compliant;
- an infiltration / dispersal system is the only feasible solution. Given the dwelling's footprint, the minimum boundary offsets are not achievable. The site has an existing infiltration/dispersal system in the rear yard that is not visible and will be reused;
- all drainage lines are to be solvent joined UPVC pipes;
- provision of 100mm downpipes;
- retention of existing natural runoff areas.

3.5 BCA / NCC compliance

Lifestyle Home Designs has prepared the Building Designer Drawings (submitted separately) in compliance with the relevant provisions of the BCA / NCC. Subject to further refinement as part of the CC process, the proposed works are capable of compliance with the relevant requirements of the BCA / NCC.

3.6 Waste management

Lifestyle Home Designs has prepared a Waste Management Plan (submitted separately) in accordance with Council's standard requirements. On-going waste management will be in accordance with Council's standard requirements. The existing waste storage area adjacent the western boundary in front of the garage is to be retained enabling safe and efficient movement to Loftus Street for collection by Council's contractors on the designated day (as existing).

3.7 Utilities

The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

3.8 Setbacks / building envelope

Building Envelope Drawings are included within the Building Designer Drawings submitted separately. The altered dwelling largely complies with the building envelope requirements with the exception of a minor area for a departure height of 1.4m along the western elevation for the proposed loft level as shown at **Figures 22 and 23**.

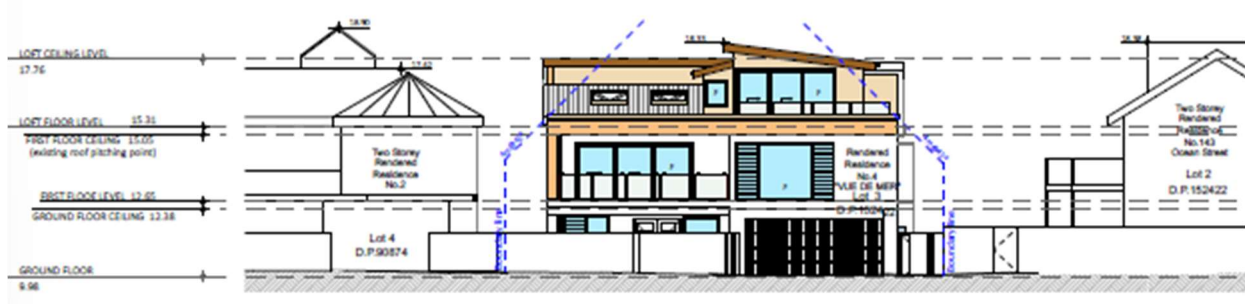


Figure 22 – Envelope compliance relative to the Loftus Street elevation and the relationship with the neighbouring dwellings to the east and west respectively

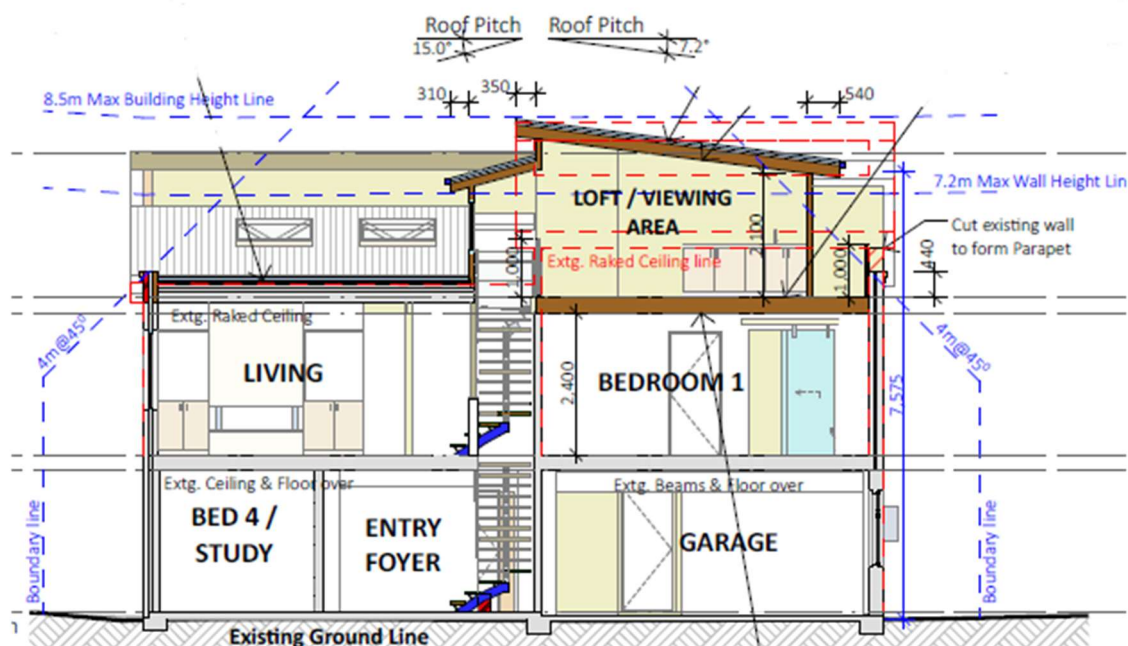


Figure 23 – Section D and the loft level's departure from the building envelope control

The predominant building envelope and its alignment has been retained. New extensions are typically at the rear of the dwelling with the exception of the proposed loft level.

The existing / proposed setback conditions are:

- northern boundary (Loftus Street):
 - the established front building alignment remains unaltered. This existing setback condition is 6.6m at both the ground floor and first floor levels;
 - 6.6m (balcony edge) at the proposed loft floor level;

- southern (rear) boundary:
 - 5.8m for the gym / media room at the ground floor level;
 - 8.6m for the family room at the first floor level. The established rear building alignment of the terrace at this level remains unaltered;
 - 15.4m for the loft floor level;
- eastern boundary:
 - 1.7m (as existing) at the ground and first floor levels;
 - 7.4m at the loft floor level;
- western boundary:
 - 1.63m (as existing) at the ground and first floor levels; and
 - 1.63m (balcony) and 2.835m (façade) at the loft floor level.

3.9 Landscaped open space

A total of 142.1m² (29.6%) landscaped area / open space is proposed, representing a 16.5m² (3.5%) increase in its provision from that existing.

The site contains substantial and established landscaped areas which are to be retained. An additional new area of lawn is proposed in the rear yard. It replaces existing pavers. A low built form site coverage is maintained as is the site's relative permeability. The fundamental characteristics of the site's landscaped area remain unaltered, that is useable and substantial promoting infiltration and absorption.

As existing, the site is provided with front and rear first floor level terraces / balconies. They are to be embellished where required. The overall size of the rear terrace has reduced given the family room rear extension. Private open space is directly accessible from the reconfigured open plan primary living rooms. It serves as an extension to the rooms, has a purposeful functionality and can be used in varying climatic conditions, noting the proposed vergola over the front balcony. The site is adjacent Narrabeen Beach and numerous other public open space areas which are readily available for either passive or active recreation.

4.0 STATEMENT OF ENVIRONMENTAL EFFECTS

The following is our assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal as identified in **Table 1**.

Table 1 – Section 4.15 Checklist

Matter for Consideration	Comment
– Provisions of relevant Environmental Planning Instruments	– Refer to Sections 4.1.1, 4.1.2, 4.1.3, 4.1.4 and 4.1.5
– Provisions of relevant Draft Environmental Planning Instruments	– NA
– Provision of relevant Development Control Plans	– Refer to Section 4.1.6
– Provisions of relevant Planning Agreements	– NA
– Any matters pursuant to the Regulations 2021	– NA
– Provisions of any relevant Coastal Management Plans	– NA
– The likely impacts of the development	– Refer to Section 4.2
– The suitability of the site for the development	– Refer to Section 4.3
– Any submission made in accordance with the Act or the Regulations	– Refer to Section 4.4
– The public interest	– Refer to Section 4.5

4.1 S4.15(1)(a) Statutory considerations

The following environmental planning instruments and development control plan are relevant to the proposal:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (**BASIX**);
- State Environmental Planning Policy (Biodiversity and Conservation 2021) 2017 (**Biodiversity and Conservation SEPP 2021**);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (**Resilience and Hazards SEPP 2021**);
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (**Transport and Infrastructure SEPP 2021**);
- Warringah Local Environmental Plan 2014 (**LEP 2011**); and
- Warringah Development Control Plan 2011 (**DCP 2011**).

An assessment of the proposal's compliance with the relevant provisions of these plans follows.

4.1.1 BASIX

BASIX applies to the proposal. A BASIX Certificate by Lifestyle Home Designs is submitted separately demonstrating compliance with the relevant BASIX requirements of thermal, water and energy.

4.1.2 Biodiversity and Conservation SEPP 2021

4.1.2.1 Chapter 2 Vegetation in non-rural areas

Chapter 2 applies to the site. It aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site contains established landscaping including a mixture of native mature vegetation and planted ornamental species associated with its long term residential land use. The dwelling sits within an established garden setting. A large mature 20m high Pine tree is within the north eastern portion of the front yard. The front yard also contains low level garden beds, planters, a curved masonry fence that extends along the eastern boundary to the front building alignment, paved areas and low stone retaining walls. The rear yard comprises lawn, garden beds, stone walls, a 9m high tree adjacent the eastern boundary and paved areas.

The neighbouring property to the west at 143 Ocean Street contains numerous trees and a continuous 7m high hedge for effectively the length of the eastern boundary, that shared with the site. A grassed verge with varied plantings is provided to both sides of Loftus Street. There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register.

The significance and vitality of the plantings varies. Most established landscaping is to be retained without alteration. A new area of lawn is proposed within the rear yard replacing an area of existing pavers.

The key landscape and tree management features of the proposal are:

- maintaining the site's permeability through the continued provision of deep soil lawn areas and associated planting;
- it has been developed to integrate the development's landscape to respect the surrounding locality's landscape identity, whilst responding to the site's context and the building's function and character;
- to create an appropriate scale and bulk of built form set in a landscape setting (unaltered front yard), and as an appropriative response to the site setting;
- a mixture of plantings to enhance the habitat values, as well as maintaining visual interest and suitability for the various landscape uses.

There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register. The proposal does not impact on vegetation on neighbouring properties or the surrounding public domain.

The proposal remains consistent with the requirements of Chapter 2 of SEPP 2021.

4.1.2.1 Chapter 6 Bushland in Urban Areas

Chapter 6 applies to the site. Section 6.8 requires the public authority to take into consideration the need to retain any bushland on the site, the effect of the proposal on bushland zoned or reserved for public open space purpose and on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland and any other matters relevant to protect the bushland zoned or reserved for public open space.

Considering the proposal's proximity to any bushland zoned, reserved public open space, it is considered that it will not adversely impact the open space, being Narrabeen Beach to the east.

Appropriate erosion and sediment control measures will be incorporated during demolition and construction of the proposal to ensure any potential impacts are minimised. Existing and complementary new landscaping is proposed to ensure the locality's landscape and scenic qualities are maintained.

4.1.3 Resilience and Hazards SEPP 2021

4.1.3.1 Chapter 2 – Coastal Management

The site is within the coastal environment and coastal use zone. An assessment of the proposal's consistency with the relevant clauses of Chapter 2 are addressed below:

Clause 2.10 - Development on land within the coastal environmental area

The consent authority is to consider whether the proposal 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 proposal has an acceptable outcome in relation to the above as:

- it does not affect the site's or locality's hydrological environment. Only minor site works are required and the overall permeability has been maintained;
- the site does not contain any terrestrial biodiversity;
- the site does not contain riparian land;
- it has no identifiable impact on marine vegetation or native vegetation;

- although near beachfront, the site is not a waterfront location and is therefore unlikely to adversely impact the water quality within the marine estate. Appropriate technical inputs have been provided in this regard;
- established landscaping complements the locality's landscape and scenic quality;
- it does not impact any aboriginal cultural heritage, practices or places;
- it does not alter access to and along the foreshore; and
- it is not in the surf zone.

Clause 2.11 - Development on land within the coastal use area

The consent authority is to be satisfied that:

(a) 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*

The proposal has an acceptable outcome in relation to the above as:

- refer to the assessment at Clause 2.10 above;
- the site and adjacent properties do not have any heritage significance;
- the surrounding locality does not contain any heritage significance;
- it does not result in the loss of views to the foreshore from the surrounding public domain;
- there is no overshadowing impact of the foreshore or waterway; and
- given its location and the existing dwelling at 2 Loftus Street provided in between, which takes visual precedence, the altered dwelling when viewed from the public domain (Loftus Street or Narrabeen Beach) is not incompatible considering its existing and likely future built form context.

4.1.4 Transport and Infrastructure SEPP 2021**4.1.4.1 Chapter 2 Infrastructure****Clause 2.48 – Determination of DA's other development**

Pursuant to Clause 2.48 a consent authority is to refer (give written notice) for development carried out within 5m of an exposed overhead electricity power line (amongst other things).

Considering the above, it is assumed that Council will refer the DA to the appropriate authority and if no response is received within the 21 day requirement, Council can assume concurrence and impose appropriate conditions of consent

4.1.5 LEP 2011

The relevant provisions of LEP 2011 are addressed at **Table 2**.

Table 2 – Compliance with LEP 2011

Clause	Requirement	Proposal/Compliance
Cl. 2.1 – Land use zones and Cl. 2.2 – Zoning of land to which this plan applies	– Pursuant to the zoning map, the site is located within the R2 Low Density Residential zone.	✓ Noted.
Cl. 2.3 – Zone objectives and land use table	<p>– Council is able to grant development consent but must have regard to the relevant zone objectives.</p> <p>– The following development is permissible with development consent in the R2 Low Density Residential zone: <i>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 (our emphasis)</i></p> <p>– The objectives of the R2 Low Density Residential zone are:</p> <ul style="list-style-type: none"> - 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. 	<p>✓ Noted, see below.</p> <p>✓ The site contains a single dwelling house. The land use is not being altered, rather alterations and additions and associated ancillary works are proposed. It is permissible with development consent.</p> <p>✓ The proposal is consistent with the objectives of the R2 Low Density Residential zone as it:</p> <ul style="list-style-type: none"> - maintains the existing single dwelling house, a low density residential land use on an existing low density allotment of land; - extends, modernises and improves the internal living spaces and amenity for its occupants; - maintains an appropriate mix of residential land uses in the locality; - maintains a human scale when viewed from the surrounding public domain; - there is no alteration to dwelling or land use diversity; - is located on a site of sufficient size to appropriately accommodate the proposal; - responds positively to the site's locational characteristics; - there are no unreasonable amenity impacts to neighbouring and nearby dwelling and the surrounding public domain; and - does not proposed non-residential land uses, although the occupants can work

Clause	Requirement	Proposal/Compliance
		<p>from home as/if required;</p> <ul style="list-style-type: none"> - does not threaten existing nearby non-residential land uses that provide daily services to the local community; and - provides a built form which is integrated into its landscape and increases the overall provision of landscaped area on the site.
Cl. 2.7 – Demolition requires development consent	– Demolition requires development consent.	✓ Consent is sought for the nominated demolition works. Refer to the Building Designer Drawings by Lifestyle Home Designs submitted separately.
Cl. 4.3 – Height of buildings	– 8.5m maximum building height	✓ The altered dwelling has a maximum height of 8.49m.
Cl. 6.1 – Acid sulfate soils	– The site is Class 4 acid sulfate soils.	✓ The proposed site works (see Clause 6.2 discussion below) are not likely to lower the water table below 1m AHD on any land within 500m of a Class 1, 2 and 3 land classification. Accordingly, any further assessment is not required as acid sulfate soil affectation is unlikely.
Cl. 6.2 - Earthworks	<p>– Council is to consider the following in relation to earthworks:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the 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 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 waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>✓ Minor site recontouring works and footings for the rear extensions are proposed. The works are typical of many alterations and additions to existing dwellings and their surrounds. The proposal is clearly consistent with the requirements of Clause 6.2 as:</p> <ul style="list-style-type: none"> – the site is not known to contain any items of historical, aesthetic, social or cultural significance; – the site's existing topography is respected; – an appropriate curtilage to the neighbours for all new built form is maintained; – there is no impact to existing vegetation; – new lawn is proposed in an area currently comprising pavers; and – the site's permeability is maintained as approximately double the required landscaped area is proposed. <p>✓ Neighbouring and nearby properties are at similar elevations and have similar geomorphology. No geotechnical hazards adversely affect the site and the proposed excavation is unlikely to have an adverse impact relative to natural watercourses, natural drainage patterns and landform in general.</p> <p>✓ Standard conditions of consent can be imposed relative to the extent and type of site works proposed.</p>


Clause	Requirement	Proposal/Compliance
Cl. 6.4 – Development on sloping land	<p>– Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (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. 	<p>✓ The site has a Landslide Risk Class A (<5°) classification. A Geotechnical Assessment by JK Geotechnics is submitted separately. It makes the following comments regarding the proposal:</p> <p><i>Based on our site inspection none of the following are present at the site or are proposed as part of the proposed alterations and additions:</i></p> <ol style="list-style-type: none"> 1. Fill of more than 1m in depth. 2. Cuts or excavation that are more than 2m. 3. Cliff lines that are more than 3m in height. 4. Excavation or fill proposed of more than 2m. <p><i>Therefore, in accordance the Warringah E10 Landslide Risk Planning Rules a detailed geotechnical slope stability risk assessment of the site and the proposed development is not required. We consider that the proposed alterations and additions will not affect the landslide risk of the subject site or the adjoining properties and can be carried out in accordance with standard engineering principles.</i></p>
Cl. 6.5 Coastline hazards	<p>– Applies to land affected by coastline hazards.</p>	<p>✓ The provisions of the coastline hazards (and land with reduced foundation capacity) clause do not technically apply to the site as although it is in proximity to Narrabeen Beach it is outside of the land to which it applies as demonstrated by Figure 24. The site is shown coloured green.</p> 

Figure 24 – Coastline hazards extract (site is shown coloured green)

4.1.6 DCP 2011

An assessment of the proposal's compliance or otherwise with the **specifically relevant** controls/guidelines contained in DCP 2011 is undertaken at **Table 3**.

Section 4.15(3A) of the Act states:

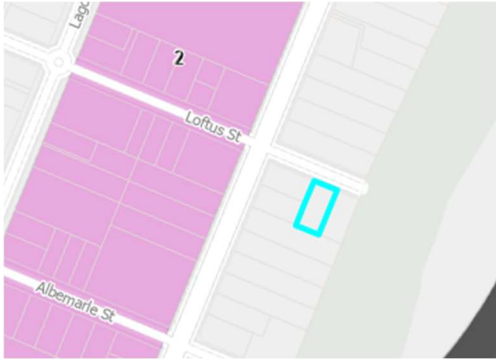
If a development control plan contains provisions that relate to the development that is subject of a development application, the consent authority:

- (a) if those provision set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development does not strictly comply with those standards – **is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and***
- (c) may consider those provisions only in connection with the assessment of that development application. (our emphasis)*

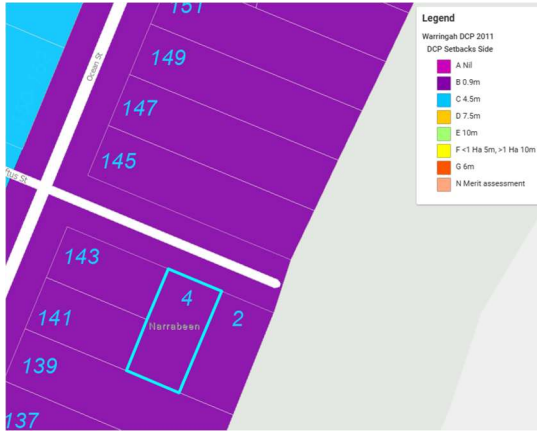

The proposal relies on some minor variations to DCP 2011. The proposal is consistent with development already permitted on adjacent land and under the circumstances, dispensation from strict adherence to the controls will enable a better outcome for the site.


We note that Sections 3.42 and 4.15(3A) of the Act clarify that a DCP is only to act as a guideline, and that Council's are to be flexible and allow for alternative solutions where an application does not meet the applicable guidelines in a DCP.

Table 3– Compliance with DCP 2011

Element	Control	Proposal/Compliance
Part B – Built form controls		
Wall heights / storeys	<p>– 7.2m.</p> <p>– Storeys control is NA. The site is not identified on the storeys map – see below:</p> 	<p>X The dwelling is predominantly two storeys, part three storeys. It has a maximum height of 8.49m (RL 18.33) as measured from ground level existing. As the dwelling is highly articulated, continuous unrelieved external walls are not provided, however, its maximum external wall height is 7.575m. The dwelling's wall height and number of storeys is clearly shown at Figure 23. Whilst technically departing from the wall height guideline, the overall built form is nonetheless consistent with the guideline's objectives and provides for an appropriate and equitable planning outcome for the following reasons:</p> <ul style="list-style-type: none"> - the dwelling's maximum height complies with the LEP 2011 height standard; - numerous dwellings within the site's visual catchment are also three storeys and will be provided with an external wall height greater than 7.2m and some of which also depart from the LEP 2011 height standard; - a consistent front and rear building alignment is maintained; - existing side boundary setback conditions have been retained and the façade of the new loft level has a setback of 2.835m from its nearest boundary and is not provided with openings to its western elevation. Compliant curtilage to the neighbours has been maintained; - the altered built form sits below the established tree canopy; - excavation is not required to accommodate the altered built form. The site's established topographical characteristics are clearly maintained; - a variety of roof forms and pitches are provided, ensuring visual interest; - the room use by level has not altered from that existing. Rather a reconfiguration and rear extension of the floorplan is proposed; - the dwelling's wall height does not materially add to the bulk and scale of the dwelling. The overall built form is not dissimilar to neighbouring properties and built form. The dwelling is not incompatible considering its established and likely future locational built form context; - appropriate landscaped areas are proposed which maintain the landscape and scenic quality/characteristics of the

Element	Control	Proposal/Compliance
		<p>locality;</p> <ul style="list-style-type: none"> - the dwelling's external wall height will not set an undue precedent and will not preclude appropriate redevelopment of neighbouring properties. The dwelling's architecture provides an appropriate height and mass relationship to the locality's existing and likely future character; - it provides a built form that is appropriate to its locational context as a basis for innovative and imaginative design; - it supports the principles of ecological sustainable development, particularly promoting cross flow and stack effect ventilation and solar access to primary living areas; - the expression of the built form is adjusted to respond to: <ul style="list-style-type: none"> - the site's topography; - solar access and the site's orientation; - the design and character of neighbouring development; - internal and external amenity for the future occupants; - the overall built form does not result in unreasonable amenity impacts. An equitable planning outcome is provided relative to: <ul style="list-style-type: none"> - solar access and overshadowing; - access to natural daylight and ventilation; - aural and visual privacy; - views and vistas to and from the public domain and neighbouring properties; and - visual and streetscape impact.
Side boundary envelope	– 4m building envelope and projecting plane at 45°.	<p>Predominant compliance – Building Envelope Drawings are included within the Building Designer Drawings submitted separately. The altered dwelling largely complies with the building envelope requirements with the exception of a minor area for a departure height of 1.4m along the western elevation for the proposed loft level as shown at Figures 22 and 23. Refer to the above discussion regarding wall height and storeys.</p> <p>The departures (see above) do not result in unreasonable amenity or environmental impacts to neighbouring properties and the surrounding public domain (Loftus Street and / or Narrabeen Beach).</p> <p>The proposed built form relative to height, bulk and scale unquestionably maintains a human scale and is similar to neighbouring and nearby</p>

Element	Control	Proposal/Compliance
Side boundary setbacks	<p>– 0.9m side boundary setback, see below:</p> 	<p>properties which have undergone or are undergoing renovation.</p> <p>✓ The side boundary setbacks are:</p> <ul style="list-style-type: none"> - eastern boundary: <ul style="list-style-type: none"> - 1.7m (as existing) at the ground and first floor levels; - 7.4m at the loft floor level; - western boundary: <ul style="list-style-type: none"> - 1.63m (as existing) at the ground and first floor levels; and - 1.63m (balcony) and 2.835m (façade) at the loft floor level. <p>✓ Additionally, the following is noted:</p> <ul style="list-style-type: none"> - existing built form alignment dictates new built form alignment; - compliance is maintained with the LEP 2011 height standard; - the location of the new additions is logical and has no unreasonable impact to neighbouring properties and the surrounding public domain; - contiguous or unrelieved external wall heights are not proposed; - appropriate sight lines are maintained; - there is no unreasonable impact on the use and amenity of the private open spaces or primary living rooms of the neighbours; - the existing and proposed side boundary setbacks do not preclude the appropriate maintenance of the neighbouring built form.
Front boundary setbacks	<p>– 6.5m front boundary setback, see below:</p>  <p>– The front boundary setback area is to be landscaped and generally free of any structures, basements, car parking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</p>	<p>✓ The dwelling's established front building alignment to Loftus Street is not altered. This existing setback is 6.6m to the balcony edge at the loft floor level and the façade at the first floor level.</p> <p>✓ The front setback contains comprises established and unaltered landscaping, including mature vegetation, walkways, feature planting and the driveway.</p>

Element	Control	Proposal/Compliance
Rear boundary setbacks	<p>– 6m rear boundary setback, see below:</p> 	<p>X/v The rear boundary setbacks are:</p> <ul style="list-style-type: none"> - 5.8m for the gym / media room at the ground floor level. Although departing from the guideline, this new room is in part of an area that was previously part of the external ground floor patio (with balcony over). It has a setback of 6.2m to the nearest side (eastern) boundary and sits below the unaltered setback condition of the first floor level rear terrace. There is no unreasonable impact to neighbours from this proposed built form element and the overall provision of landscaped area has increased from that existing; - 8.6m for the family room at the first floor level. The established rear building alignment of the terrace at this level remains unaltered. Its trafficable area however has been reduced; and - 15.4m for the loft floor level.
Part C – Siting factors		
Traffic, access and safety	<p>– Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</p>	<p>✓ The existing crossover and driveway via Loftus Street remain unaltered.</p>
Parking facilities	<p>– Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site</p> <p>– 2 parking spaces per dwelling.</p>	<p>✓ Works to the existing integrated double garage are not proposed.</p> <p>✓ An integrated double garage is maintained without alteration. Additional hardstand parking is available on the driveway.</p>
Stormwater	<p>– Stormwater management plan required.</p>	<p>✓ A Stormwater Drainage Plan, by E2 Civil and Structural Design is submitted separately. It has been prepared having regard to AS 3500 and Council's stormwater guidelines. Refer to Section 3.4 for further information. The site's overall permeability has been maintained.</p>
Erosion and sedimentation	<p>– Erosion and sediment control plan required.</p>	<p>✓ An Erosion and Sediment Control Plan is included within the Building Designer Drawings by Lifestyle Home Designs submitted separately.</p>
Excavation and landfill	<p>– All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.</p> <p>– Excavation and landfill works must not result in any adverse impact on adjoining land.</p> <p>– Excavated and landfill areas shall be constructed to ensure the geological stability of the work.</p>	<p>✓ Council can impose a condition of consent to satisfy this requirement as part of the CC process.</p> <p>✓ Refer to the Clause 6.2 of LEP 2011 assessment at Table 2 for further information. Adverse impacts relative to the required site works are unlikely.</p>
Demolition and construction	<p>– Waste management plan required.</p> <p>– All demolition work to comply with AS 2601.</p>	<p>✓ A Waste Management Plan by Lifestyle Home Designs M in accordance with Council's standard practices is submitted separately.</p> <p>✓ Noted, refer to Section 4.2 for further information. Demolition works are shown coloured red on the Building Designer Drawings by Lifestyle Home Designs.</p>

Element	Control	Proposal/Compliance
Waste management	– Each dwelling is to accommodate appropriate waste storage areas.	✓ The existing waste storage area adjacent the western boundary in front of the garage is to be retained enabling safe and efficient movement to Loftus Street for collection by Council's contractors on the designated day (as existing).

Part D - Design

Landscaped open space and bushland setting – 40% of the site to comprise landscaped area, see below:



Existing non-compliance improved - A total of 142.1m² (29.6%) landscaped area / open space is proposed, representing a 16.5m² (3.5%) increase in its provision from that existing. The site contains substantial and established landscaped areas which are to be retained. An additional new area of lawn is proposed in the rear yard. It replaces existing pavers. A low built form site coverage is maintained as is the site's relative permeability. The fundamental characteristics of the site's landscaped area remain unaltered, that is useable and substantial promoting infiltration and absorption.

Private open space	<ul style="list-style-type: none"> – Minimum 60m² in area and with minimum dimensions of 5m – 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. – Private open space shall not be located in the primary front building setback. – Private open space is to be located to maximise solar access. 	<ul style="list-style-type: none"> ✓ As existing, the site is provided with front and rear first floor level terraces / balconies. They are to be embellished where required. The overall size of the rear terrace has reduced given the family room rear extension. Private open space is directly accessible from the reconfigured open plan primary living rooms. It serves as an extension to the rooms, has a purposeful functionality and can be used in varying climatic conditions, noting the proposed vergola over the front balcony. Additionally, most of the rear yard is available as private open space and can be accessed from the media room or the existing external stairs from the rear first floor level terrace. ✓ The site is adjacent Narrabeen Beach and numerous other public open space areas which are readily available for either passive or active recreation. ✓ All private open space areas are provided with an appropriate amenity, useability, functionality and access to natural daylight, ventilation and solar access. ✓ The provision of private open space on the site is not dissimilar to that already permitted on neighbouring land. See Section 2 for further details.
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Element	Control	Proposal/Compliance
Noise	<ul style="list-style-type: none"> – Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise. 	<ul style="list-style-type: none"> ✓ The site is within an established low density residential neighbourhood. ✓ The proposal has been designed to ensure appropriate levels of noise/sound transmission in accordance with relevant BCA requirements and Australian Standards. This will maintain existing levels of amenity for the neighbouring dwellings. Adverse acoustic impacts are therefore not anticipated.
Access to sunlight	<ul style="list-style-type: none"> – Development should avoid unreasonable overshadowing any public open space. – 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. 	<ul style="list-style-type: none"> ✓ The altered dwelling does not unreasonably overshadow any nearby public open space. ✓ Existing and proposed Shadow Diagrams during the winter solstice by Lifestyle Home Designs at 9am, 12 noon and 3pm are submitted separately. ✓ The proposal's overshadowing impacts are determined as: <ul style="list-style-type: none"> - at 9am, there is an additional shadow cast over the rear roof areas and rear yard of 139 Ocean Street; - at 12 noon there is an additional shadow cast over part of the rear yard at 139 Ocean Street. Most of the rear yard remains free of shadow for the majority of the day; - at 3pm there is an additional shadow cast over external areas of 2 Loftus Street and the initial beachfront zone. At no other time is there any additional shadow cast over 2 Loftus Street or the beach and at 3pm, the additional shadow cast by the proposal is likely to fall within the shadows cast by the dwelling and its surrounds at 2 Loftus Street; - there is no additional impact to the neighbours to the west at 141 and 143 Ocean Street at any critical period of the day; - there is no identifiable impact to the built form and public domain to the site's north at any critical period of the day; - compliant solar access has been maintained to the primary living areas and private open space areas of the neighbours; - much of the shadows cast by the proposal result from a building envelope (height, FSR [bulk and scale] and setbacks), site coverage and landscaped area which is clearly anticipated by the planning controls; - the design is consistent with the objectives of the control as it ensures the built form's bulk and scale is not excessive. By this the proposal exhibits a height, bulk and scale

Element	Control	Proposal/Compliance
		<p>which is generally expected by the planning controls;</p> <ul style="list-style-type: none"> - small areas of land are affected and their relative useability is not compromised; - the site's topographical characteristics are not altered; - if at the ground plane, the additional shadows hit small areas of land or solid walls and their relative useability is not materially compromised; - the neighbouring built form overshadows itself; - overshadowing from boundary fencing remains unaltered; - the resultant overshadowing impact of the largely compliant proposal is unlikely to preclude an appropriate redevelopment or the redevelopment potential of the neighbouring property; - the limited overshadowing of the proposal is acceptable in the circumstances of the case as it occurs for short periods of time and in the winter arc of the sun; and - additional solar access would clearly be provided during the equinox, which is often the true test of the acceptability of a building envelope. <p>✓ The site and its neighbour's benefit from a near direct northerly orientation. Direct solar access to primary living rooms, external elevated and ground level open space is typically not an issue. Logical compliance is maintained relative to built form location, articulation and alignment.</p> <p>✓ Compliance is maintained with the LEP 2011 height standard.</p>
Views	– Development shall provide for the reasonable sharing of views	<p>✓ The predominant building alignment to the front and rear has largely been retained and the new loft level complies with the height standard and is provided with a side boundary setback significantly greater than that required. Neighbouring dwellings to the west are provided with views either across the site at its front or rear (see Section 2 and Figures 13 and 16 for further information) from elevated external open space areas and living rooms. These views will be retained. There is no identifiable impact to views available from the neighbour to the east or the neighbour to the south.</p> <p>✓ There is no impact to and from views and vistas from the surrounding public domain and nearby public open space.</p>

Element	Control	Proposal/Compliance
Privacy	<ul style="list-style-type: none"> – Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties. – Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. – The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass. – 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. – 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. 	<p>✓ The surrounding locality is predominantly characterised by large two and three storey dwellings set on relatively large allotments of land with established gardens / landscaped area. It is a relatively consistent subdivision pattern and built form is oriented to take advantage of the easterly, north easterly and south easterly views of Narrabeen Beach and the Pacific Ocean. Elevated external open space is a common design condition. Neighbouring and nearby built form includes:</p> <ul style="list-style-type: none"> - to the site's north on the opposite side of Loftus Street is a dual occupancy development. Lot 1 fronts Ocean Street and contains a part single, part two storey semi-detached dwelling. It is not opposite the site. Lot 2 comprises a two storey dwelling, however, this dwelling is currently undergoing construction works as approved under DA 2022/75. It is immediately to the site's north. Approved works include a new basement level, extensions and a reconfiguration of the existing ground and first floor levels (including elevated external open space), a new study / attic floor level with a west facing balcony and a new swimming pool in the northern yard; - to the site's south at 139 Ocean Street is a single storey dwelling on a large allotment. It is oriented in an east west direction. Most of its rear (eastern) yard interfaces with the site. This property has direct access to Narrabeen Beach. - to the site's east at 2 Loftus Street is a large two storey plus roof terrace dwelling house. The house and its elevated external open space address Narrabeen Beach and its surrounds with a small curtilage to the site. Limited openings are provided to its western elevation being that adjacent the site. - to the site's west at 141 and 143 Ocean Street are large three storey dwellings. 141 Ocean Street is oriented in an east west direction. The rear yard is to the east and it is provided with elevated external open space areas at the front (west) and rear (east) of the dwelling. Those at the rear are afforded south easterly views of Narrabeen Beach and the Pacific Ocean. 143 Ocean Street is a corner allotment and its predominant (by length) frontage is to Loftus Street. This dwelling is oriented to the north (Loftus Street). It is provided with elevated external areas to

Element	Control	Proposal/Compliance
		<p>its northern side and eastern side which are provided views to the north east of Narrabeen Beach and the Pacific Ocean. Adjacent the shared boundary with the site are numerous high trees and a continuous 7m high hedge for effectively the length of the shared boundary.</p> <p>✓ Specific privacy design measures to maintain existing visual privacy between the site and its neighbours includes:</p> <ul style="list-style-type: none"> - new works are typically built with the same alignment as that existing. This design condition is efficient and logical; - curtilage to each side neighbours has been maintained; - a substantial portion of the site remains unbuilt upon; - the established principal façade line to the front and rear is not altered; - existing FFL's remain unaltered; - primary living rooms are logically oriented to the rear; - limited new side boundary openings and where provided are offset or are provided with louvres / screens or a brick screen; - provision of a vergola over the existing front first floor level balcony; - a reduction in the trafficable area of the rear first floor terrace; - the proposed loft level and its external terrace area is oriented to the north and east away from the nearest neighbours. It is not provided with openings to its western elevation; - retention of existing landscaping, vegetation and boundary fencing; - the building alignment does not have any identifiable impact on the use and amenity of the private open spaces or primary living rooms of the neighbouring and nearby dwellings, nor does it unreasonably preclude maintenance of the neighbouring built form / property; - location, orientation and design of windows and openings including the entry screens to avoid the incidence of direct overlooking between the site and the neighbouring dwellings. <p>✓ The locality's subdivision pattern and building proximity creates assumed privacy impacts. Given the existing and proposed built form there is a degree of mutual overlooking, however, the proposal is not considered to increase it to an unacceptable level. The site's altered built form is consistent with that existing, and that already considered acceptable on neighbouring and</p>

Element	Control	Proposal/Compliance
Building bulk	– Side and rear setbacks are to be progressively increased as wall height increases.	<p>nearby properties.</p> <p>✓ The nature of such an urban environment is that all future development seeks to maximise levels of residential amenity and density through design. Privacy concerns have not impacted on the redevelopment of neighbouring and nearby properties and it is not considered the proposal will materially increase privacy concerns to unacceptable levels.</p>
	– Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	<p>✓ The existing built form alignment dictates and has clearly informed the new built form alignment. At the rear and although departing from the guideline, the new gym /media room is in part of an area that was previously part of the external ground floor patio (with balcony over). It has a setback of 6.2m to the nearest side (eastern) boundary and sits below the unaltered setback condition of the first floor level rear terrace. There is no unreasonable impact to neighbours from this proposed built form element and the overall provision of landscaped area has increased from that existing. The established first floor level façade setback of 8.6m has been maintained and the proposed loft level has a setback of 15.4m to the rear boundary.</p> <p>✓ The dwelling is highly articulated and continuous unrelieved external walls are typically not provided. The dwelling's wall height does not materially add to the bulk and scale of the dwelling. The overall built form is not dissimilar to neighbouring properties and built form. The dwelling is not incompatible considering its established and likely future locational built form context.</p> <p>✓ Compliant side boundary setbacks are maintained and the new loft level has a façade line setback of 2.835m to the western boundary, significantly greater than that required.</p> <p>✓ The dwelling clearly maintains a human scale, has visual interest and is set within a garden setting with mature vegetation. It positively contributes to the locality's scenic quality.</p>
	– Building height and scale needs to relate to topography and site conditions.	<p>✓ Refer to the above comment.</p> <p>✓ Increased articulation to visible facades is proposed through the provision of architectural elements. Different materials assist in breaking up the existing facades.</p> <p>✓ The altered dwelling that complies with the LEP 2011 height standard is clearly not incompatible considering its established and likely future built form context. Excessive site disturbance is not required. The site's topographical characteristics are maintained.</p>

Element	Control	Proposal/Compliance
	– Orientate development to address the street.	✓ The dwelling's orientation is not altered. Existing street front openings are maintained.
Building colours and materials	– In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	✓ The proposed external materials and finishes are contemporary, non-reflective and are appropriate considering the site's relative harsh coastal beachfront location. The external appearance and finish of the dwelling and its surrounds will positively contribute to the locality's streetscape character. A Schedule of Colours and Materials, by Lifestyle Home Designs is submitted separately.
Roofs	– Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	✓ The existing main pitched roof form is retained and a variety of new metal roofs are proposed, all with a Colorbond sheet roof. The proposed roof form is generally consistent with the surrounding context and ensures the dwelling sits comfortably within the its adjacent built form context.
Front fences and front walls	– Fences, including side fences, located within the street setback area are to be compatible with the existing streetscape character.	✓ The existing curved masonry front wall is retained without alteration.
Site facilities	– Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	✓ Waste storage facilities are maintained within the western side accessway adjacent the garage and are screened by existing hedging. ✓ The existing clothesline adjacent the south western boundary is maintained. The laundry is at the ground floor level. ✓ The existing letterbox is to remain unaltered.
Side and rear fences	– 1.8m maximum height.	✓ Noted. No change to existing timber paling fencing is proposed.
Safety and security	– Development to be designed in accordance with CPTED principles.	✓ The proposal is consistent with CPTED principles as secure access points are maintained / proposed. The site's entry provides architectural, landscape and spatial interest and a clear address. The clear definition of the private and public domain and the sequences of the front, side and rear landscaped areas and the site's built form generally will positively contribute to the occupants levels of residential amenity.
Provision and location of utility services	– All required infrastructure to be provided.	✓ The utility services available to the site including electricity, gas, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

Element	Control	Proposal/Compliance
Conservation of energy and water	<ul style="list-style-type: none"> – The orientation, layout and landscaping of sites is to make the best use of natural ventilation, daylight and solar energy. – Site layout and structures are to allow for reasonable solar access for the purposes of water heating and electricity generation and maintain reasonable solar access to adjoining properties. – Buildings are to be designed to minimize energy and water consumption. – Landscape design is to assist in the conservation of energy and water. 	<p>✓ The design intent is to undertake alterations and additions including new built form that seamlessly connects to external areas with good access to natural light and ventilation. The works have been designed to respond to, not only with urban design rationale, but also to make the overall built form efficient in terms of its energy use. The following is noted:</p> <ul style="list-style-type: none"> - the proposal is BASIX (thermal, energy and water) compliant; - retention of a large portion of the existing built form and materials enables ESD; - retention of existing openings; - the provision of new openings; - new floor to ceiling glazing enabling increased natural daylight to rear primary living rooms; - the site's permeability has been maintained and an increased provision of landscaped area is proposed; - the provision of stair voids and three skylights assist in increased natural daylight, ventilation and solar access; - provision of a 5,000 litre RWT for water storage and reuse; - provision of a vergola over the front first floor level balcony; - retention of existing FFL's; - natural cross flow and stack effect ventilation is provided; - the landscape design minimises the discharge of stormwater (by drainage or overland flow) from the site. The site's permeability has been maintained; - new construction materials will provide high thermal mass to minimise heating and cooling loads; - windows, openings and the internal open floor plan ensures appropriate levels of solar exposure to all areas of the dwelling; - primary living areas are connected to the external facades and glazing. These areas will benefit from the ability to make use of trapped solar heat gain through its glazing during the winter months; - the use of water and energy efficient fixtures and finishes; and - the engagement with the outdoors, the natural ventilation, the increase in natural light and the passive solar controls will reduce energy consumption.

Element	Control	Proposal/Compliance
Part E – The Natural Environment		
Prescribed vegetation	– Development is to be situated and designed to minimise the impact on prescribed vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.	<p>✓ Refer to Section 4.1.2.1 for further information. Existing mature vegetation internal and external to the site is to be maintained. There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register. There are no additional trees on neighbouring properties that will be affected by the proposal.</p> <p>✓ The site's established landscape characteristics are maintained and embellished where required. The site's overall permeability and positive contribution to the locality's landscape and scenic quality has been maintained.</p>
Retaining unique environmental features	– Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.	<p>✓ The site does not contain any distinctive environmental features. Refer to Section 2 for further information. It is also not subject to coastline hazards as determined by the LEP 2011 Clause 6.5 assessment at Table 2.</p>
Landslip risk	– Geotechnical investigation required.	<p>✓ The site has a Landslide Risk Class A (<5⁰) classification. A Geotechnical Assessment by JK Geotechnics is submitted separately. Refer to the LEP 2011 Clause 6.4 (Development on sloping land) assessment at Table 2.</p>

4.2 S4.15(1)(b) Impact on the environment

4.2.1 Generally

Given the detailed assessment within the preceding sections, the proposed development has appropriate planning merit and therefore an acceptable impact on the environment. There are no adverse or unreasonable environmental impacts to neighbouring and nearby properties and the surrounding public domain.

4.2.2 Demolition

The following is noted relative to demolition works:

- nominated demolition works will be undertaken in accordance with the requirements of AS2601 – The Demolition of Structures;
- civil construction works associated with the proposed built form will utilise normal (standard) site management practices to ensure that waste material is minimised and that excess material generated by the works is re-used on site, or disposed of suitably;
- a Site Waste Minimisation and Waste Management Plan by Lifestyle Home Designs is submitted separately;
- erosion and sediment control measures, dust control (watering, shade cloth etc), waste containers, fencing, hoarding, toilet facilities, stockpiling, materials handling etc will be in place at times to Council's standards;

- all existing services will be located, capped off or demolished / replaced in accordance with the relevant authority requirements. Further all pathways, kerbs, gutters, and existing services in the footpath reserve zone will be maintained and protected at all times;
- Council can impose standard conditions of consent in relation to the payment of bonds and rectification works to Council land (kerbs, gutters, footpaths, nature strips etc) in accordance with Council's standard requirements / specifications; and
- Council can impose standard conditions of consent in relation to construction hours and management plans.

4.2.3 *Vegetation and biodiversity*

There is no significant vegetation, critical habitat or threatened species, populations or ecological communities, or their habitats on or around the subject land or that will be affected by the proposed development.

Existing vegetation is to be retained internal and external to the site, a desirable outcome. The dwelling is maintained within a garden setting.

4.2.4 *Context and character*

The scale of the proposal is characterised by the desired future character for the area. The height, bulk and scale of the built form complies with Council's key built form standards and guidelines. The dwelling remains modest and its scale is further broken down by the articulation of facades and the retention of existing mature vegetation and landscaping. Separation between the built form and its neighbouring built form has generally been maintained and where it is reduced still provides for adequate separation.

In terms of architecture, urban design and streetscape, the proposal will have a positive impact on the built environment in that:

- the expression of the built form is adjusted to respond to:
 - solar access and the site's northerly orientation;
 - the site's natural constraints;
 - the site and surrounding locality's topographical characteristics;
 - maintaining the amenity of the neighbouring property owners;
 - internal and external amenity for the future occupants;
- the built form appropriately interprets roof shapes and slopes and integrates contemporary materials and an architectural aesthetic;
- high quality and durable (relative to natural / environmental constraints) external materials and finishes are proposed;
- a high quality level of design is proposed ensuring an excellent standard of residential amenity for the occupants in terms of access, solar access, natural, cross flow ventilation, visual and acoustic privacy, overlooking, overshadowing, outlook and views; and
- the dwelling is created with a modern facade treatment to the elevations with a variation of materials, colours, patterns and textures which assist in the delineation of zones within the dwelling and create an aesthetically pleasing development.

4.2.5 Social and economic issues

The provision of improved housing close to public transport, employment opportunities and services, will enable improved accommodation that is suitable for the occupants. The altered dwelling has been designed to cater for a family household which in turn enriches residential diversity.

The altered dwelling will unquestionably provide an appropriate or expected level of amenity for its occupants. This is however not at the unreasonable expense or impact to neighbouring and nearby owners or the surrounding public domain generally. This is an appropriate social and economic impact and an equitable planning outcome.

A well-designed and socially responsive development will always attract a socially diverse mix of people and in turn improve and enhance for a much richer community life in the area.

4.3 S4.15(1)(c) The suitability of the site for the proposed development

Having regard to the characteristics of the site and its location, the proposal is appropriate in that:

- the site is zoned to accommodate the proposal;
- the size and dimensions of the land are appropriate for the accommodation of the proposal;
- it will not result in any unreasonable environmental impacts to the neighbouring properties or surrounding public domain. Environmental amenity will be maintained;
- the site has good access to amenities, services and facilities;
- the site is fully serviced and existing infrastructure can be appropriately extended if required;
- the retained land use, density and scale is generally consistent with that of the surrounding (existing and likely future) context; and
- it is consistent with Council's planning controls and where it departs, it is still nonetheless entirely consistent with the established and likely future built form and landscape context.

As detailed within this SEE, the proposal has several positive impacts whilst not resulting in adverse or unreasonable environmental impacts. Therefore, the site is suitable to accommodate the proposal.

4.4 S4.15(1)(d) Any submissions made in accordance with the Act or Regulations

It is expected that Council will notify the proposal in accordance with its notification policy and will consider submissions (if any) made during the period of public exhibition and will afford the applicant to respond to such submissions as/if required.

4.5 S4.15(1)(e) The public interest

The public interest is an overarching concept. Approval of the proposal will result in an altered dwelling house appropriate environmental design initiatives on land that is specifically zoned for that purpose.

The altered dwelling house is clearly not incompatible given its locational (existing and proposed built form, landscape and scenic) context and the building envelope anticipated by the planning controls.

There are no reasons why the proposal is not in the public interest.

5.0 CONCLUSION

An assessment of the relevant planning issues reveals the proposal has appropriate planning merit and does not result in any adverse or unreasonable environmental impacts to the neighbouring properties and the surrounding public domain.

Through the demonstration of a high quality architectural design solution and a largely maintained landscape condition, an improved level of amenity will be provided to the occupants of the dwelling. At the same time, the proposal does not adversely impact the amenity of the neighbouring and nearby properties and the surrounding public domain. Furthermore, the technical studies of the site's capacity for redevelopment do not indicate any significant obstacles to development of the site for the purposes proposed.

Council can approve the development with confidence that its merits are sound. The Council as the determining authority unquestionably has the power to approve the proposal as it is empowered to approve a development that complies with the key LEP 2011 height standard. Compliance / consistency is also maintained with all relevant LEP 2011 local provisions.

Where the proposal departs from development guidelines in DCP 2011, the departure from the guideline is reasonable, not inconsistent with the context of the surrounding locality, adjacent built form and is fully justified in the presented circumstances of the case. Relative to the DCP 2011 departures it is considered there are sufficient planning grounds for their justification as an appropriate and equitable planning outcome results.

Considering the above, the proposal is worthy of Council's consent.