



Minto Planning Services

Town Planning Consultants

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

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

140-142 OCEAN STREET, NARRABEEN

**On behalf of
Trio Industries Pty Ltd**

19th February 2025

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STATEMENT OF ENVIRONMENTAL EFFECTS

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

140-142 Ocean Street, Narrabeen

Prepared under instructions from

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Trio Industries P/L. The proposal seeks approval for the demolition of the site's existing structures followed by the construction of a residential flat building upon land identified as Lot 13 in DP 606591 and Lot 12 Section 47 in DP 111254 and which is known as 140-142 Ocean Street, Narrabeen.

The proposal also seeks approval for the consolidation of the subject sites into a single development site.

By way of background, Development Application DA 2019/512 for 140 Ocean Street, Narrabeen was granted approval by Council on the 22nd July 2020 for *Demolition and construction of multi-dwelling housing* subject to conditions. A modification application Mod2021/1015 was approved by Council on 29th June 2022. Development Application DA2021/1166 for 142 Ocean Street, Narrabeen was granted approval by Council on the 15th December 2021 for *Demolition works and construction of a Residential Flat Building* subject to conditions. This new application replaces the previous development application and includes the adjoining site known as 140 Ocean Street, Narrabeen and seeks approval for the consolidation of the subject sites, demolition of the existing structures upon and construction of a new residential flat building.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

Additional information to support this application includes:

- Detail & Boundary Identification Survey Plan prepared by C & A Surveyors NSW P/L, Ref. No. 16303-21 DET/ID, Sheet 1 of 1, Revision V3 and dated 27/08/2024.
- Arboricultural Impact Assessment Report prepared by Rain Tree Consulting, Ref No. 10824 and dated 23/10/2024.
- Architectural Plans, Shadow Diagrams, Sun Eye Views, Schedule of Finishes & 3D Perspectives prepared by PopovBass Architects, Drawing No. 0649-DA100 to 0649-DA121, Revision 01 and dated 10/02/2025.
- Apartment Design Guide (ADG) Compliance Statement prepared by Popov Bass Architects, Issue A and dated February 2025.

- SEPP 65 Report & Design Verification Statement prepared by PopovBass Architects, Issue 1 and dated January 2025.
- Landscape Plans prepared by Jane Britt Design, Drawing No. DAL01B to DAL06B, Revision B and dated 07/06/2021 and DA-Detail-L07A to DA L10, Revision A and dated 08/02/2025.
- Stormwater Management Plans & Erosion and Sediment Control Plan prepared by Capital Engineering Consultants, Project No. SW24372, Drawing No's SW001, SW010, SW020, SW021, SW022, SW030, SW040, SW050 & ER001, Revision A and dated 7/2/25.
- Geotechnical Investigation Report prepared by Crozier Geotechnical Consultants, Ref No. 2021-073.1, Issue 2 and dated 07/02/2025.
- Access Report prepared by Purple Apple Access, Ref No. PAA_24271, Revision 1 and dated 06/02/2025.
- Traffic Impact Assessment Report prepared by The Transport Planning Partnership, Ref No. 24241, Version V01 and dated 10/02/2025.
- BASIX Certificate No. 1782920M and dated 10/02/2025.
- NatHERS Summary Certificate No. 72CUGI7YSV and dated 10/02/2025.
- BCA Compliance Assessment Report prepared by Building Code Clarity, Report No. J1212-BCA-2 and dated 11/02/2025.
- Quantity Surveyor's DA Estimate Report & Council's Cost Summary Report prepared by Mitchell Brandtman and dated 14/2/25.
- Waste Management Plan.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

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

2. THE SITE

The subject site comprises two allotments of land as detailed below:

- Lot 13 in DP 606591 - 140 Ocean Street, Narrabeen
- Lot 12, Section 47 in DP 111254 - 142 Ocean Street, Narrabeen

The combined site is a rectangular shaped allotment located on the western side of Ocean Street between its intersection with Albemarle Street to the south and Loftus Street to the north. The site has a site area of 1,890m² (by calculation) with a frontage of 31.03m to Ocean Street and a maximum depth of 60.92m.



Site Location Map

The site is a gently sloping allotment of land having a constant fall from the front eastern boundary (RL 10.11) to the rear north western portion (RL 8.17). The total fall over the site is approximately 1.94m. Consistent with the fall of the land stormwater from the proposal is to be disposed of both on-site to an absorption trench via a below ground holding tank and to the street gutter.

Development currently located upon the site identified as No. 140 Ocean Street comprises a single storey clad dwelling house with metal roof located within the eastern portion of the site. A detached fibro shed, metal garage and small shed are located to the rear of the existing dwelling adjoining the southern side boundary. A small metal shed is located within the south western corner. A low block retaining wall is located to the rear of the dwelling. A low brick wall with brick columns and timber panel infills is located at the front boundary and extends from the north eastern corner to the existing driveway. Vehicular access is located parallel with the southern side boundary.

Development currently located upon the site identified as No. 142 Ocean Street comprises a one and two storey brick and clad dwelling house with metal roof located centrally upon the site. Two metal sheds and a timber deck are located to the rear of the existing dwelling. A low brick fence/wall is located at the front boundary and extends from the south eastern corner to the existing driveway. Vehicular access is located parallel with the northern side boundary.

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

Vegetation located upon the site comprises of fifteen (15) non-prescribed exempt trees to be removed as detailed in the Arboricultural Impact Assessment Report prepared by Rain Tree Consulting and which accompanies this application. There are two (2) street tree adjoining the frontage of the site and are to be retained as part of this application.



No. 140 Ocean Street as viewed from the street



No. 142 Ocean Street as viewed from the street



An aerial view of the subject site

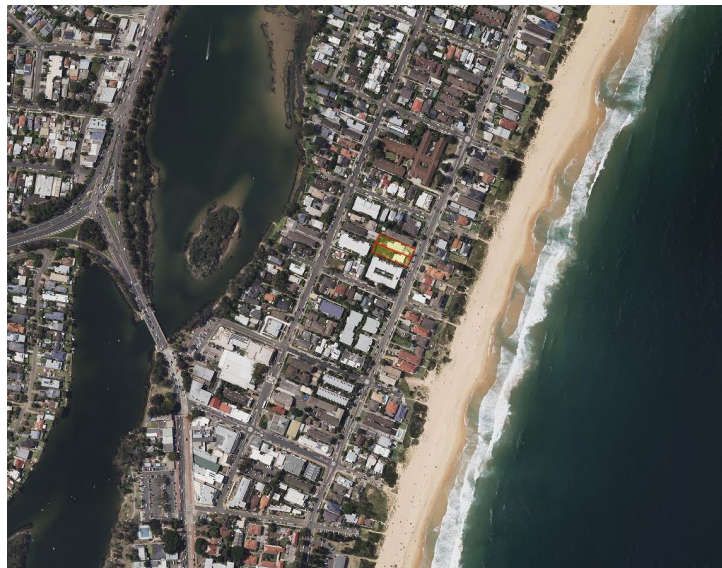
3. THE SURROUNDING ENVIRONMENT

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

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

Adjoining the site's northern boundary is a three storey brick residential flat building, whilst the southern boundary is adjoined by a two storey rendered multi-dwelling housing.

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



An aerial view of the subject and adjoining properties

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

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

4. THE PROPOSAL

The proposal seeks approval for the demolition of the sites existing structures followed by the construction of a residential flat building. The development is proposed to comprise a part two and three storey building with rooftop terrace (for the exclusive use of Apartments 06, 07 & 11 and which includes the installation of a freestanding spa pool) erected over a single level of basement carparking. The residential flat building will comprise eleven (11) residential apartments.

The proposal also seeks approval for the consolidation of the subject sites into a single development site.

The development which is architect designed will be of masonry construction with a flat roof. The proposal is to be finished with a combination of face brick, concrete fluted, tile, timber look and metal cladding, rendered and painted elements, sandstone, metal screens and balustrades.

Vehicular access to the property is to be via a new 5.5m wide driveway and crossing located adjacent to the south eastern corner of the site. Pedestrian entry to the site is to be via a new entry located adjacent to the north eastern corner of the site which then connects with a graded pathway connecting to the main entry which is located centrally within the northern side elevation of the development.

The development is to be sited with a 6.5m front setback from Ocean Street measured to the ground floor and first floor front façade of the building proper. It is noted that the basement level is also setback 6.5m from the street frontage. A side setback of 4.5m is provided to the northern and southern side boundaries.

A setback of 6m is provided to the sites rear boundary measured to the ground and first floor.

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

The development incorporates 1 x 2 bedroom and 10 x 3 bedroom apartments.

The composition of each of the apartments is:

Apartment No. 01

Entry, three bedrooms (Bed 1 with ensuite), laundry, bathroom, kitchen, living/dining and outdoor terrace.

Apartment No. 02

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living, dining and outdoor terrace

Apartment No. 03

Entry, two bedrooms (Bed 1 with ensuite & WIR), study, bathroom, laundry, kitchen (with prep), living/dining and outdoor terrace.

Apartment No. 04

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living/dining and outdoor terrace.

Apartment No. 05

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living/dining and outdoor terrace.

Apartment No. 06

Entry, three bedrooms (Bed 1 with ensuite), laundry, bathroom, kitchen, living/dining and balcony.

Apartment No. 07

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living, dining and balcony.

Apartment No. 08

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living/dining and balcony.

Apartment No. 09

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living/dining and balcony.

Apartment No. 10

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, bathroom, kitchen, living/dining and balcony.

Apartment No. 11

Entry, three bedrooms (Bed 1 with ensuite & WIR), laundry, two bathrooms, kitchen, living/dining, balcony and outdoor terrace.

The proposal also includes a new spa pool located to the balcony provided as part of the entitlement of apartment No. 11. The spa pool is provided with generous setback distances and landscaping to minimise any potential adverse impacts upon adjoining properties.

In relation to the provision of car parking upon the site it is advised that a total of twenty-two (22) car spaces are proposed to be provided within the basement car park. The proposed carparking comprises of 19 resident spaces (located in eight double garages and three adaptable garages) and 3 visitor spaces. The basement also includes the provision of bicycle parking, storage areas, bulk waste storage and stair and lift access to all levels. The basement has been designed and configured so as to allow for all vehicles to enter and leave the site in a forward direction.

The proposal given that it in part comprises of 3 storeys is subject to the requirements of Chapter 4 of SEPP (Housing) 2021 and the Apartment Design Guide. An assessment of the proposal against the requirements of Chapter 4 of SEPP (Housing) 2021 and the Apartment Design Guide has been undertaken by the architects and forms part of the information accompanying this application.

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

The development will require the removal of fifteen (15) trees being tree no's. T10 to T24. The trees are identified as being exempt non-prescribed trees under Council's Tree Protection Order and can be removed without consent.

The proposal also provides for collected stormwater to be disposed of both to an absorption trench via a separate below ground rainwater tank with a capacity of 7,000L and to the street gutter. The rainwater re-use tank is to collect run-off from a minimum of 505.73m² of roof area. Retained water is to be used in accordance with the requirements of the accompanying BASIX Certificate.

The development indices associated with the proposal are detailed below:

Site Area:	1,890m²
Landscaped Open Space:	658.5m² or 34.8%
Landscaped Open Space (inc. planters/areas <2m wide):	950.55m² or 50.3%

5. ZONING AND DEVELOPMENT CONTROLS

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

The following is an assessment of the proposal against the relevant provisions of the Act, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Housing) 2021 and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 Planning for Bushfire Protection

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

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



Extract of Council's Bushfire Prone Lands Map

5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 - Coastal Management

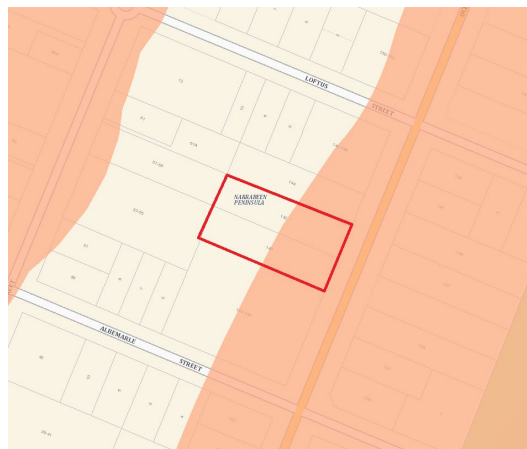
The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The assessment against Part 2.2 - Division 3 and Division 4 of the SEPP below demonstrates compliance with the aims of this policy.



Extract of Coastal Environment Area Mapping



Extract of Coastal Use Area Mapping

Division 3 - Coastal Environment Area

An assessment of the proposal against Section 2.10 is provided in the table below.

SEPP Requirement	Response
<p>1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>b) coastal environmental values and natural coastal processes,</p> <p>c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>e) existing public open space and safe access to and along</p>	<p><i>The proposal involves construction of a residential flat building and is considered to not result in any adverse impacts on the integrity and resilience of the biophysical, hydrological and ecological environment.</i></p> <p><i>The proposal will not impact upon the coastal environment and natural coastal processes.</i></p> <p><i>The proposed residential flat building is located in a residential locality and is not considered to have any adverse impacts on water quality of any marine estate.</i></p> <p><i>The proposal does not seek to remove any marine or significant native vegetation and is not considered to result in any adverse impacts on native vegetation, fauna and their habitats.</i></p> <p><i>The subject site and location of proposed works will not result in</i></p>

<p>the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>f) Aboriginal cultural heritage, practices and places,</p> <p>g) the use of the surf zone.</p>	<p><i>any adverse impacts to public open space and safe access for members of the public.</i></p> <p><i>The site is not identified as containing land of Aboriginal Cultural Heritage.</i></p> <p><i>The proposal will not result in any adverse impact to the use of the surf zone.</i></p>
<p>2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that:</p> <p>a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</p> <p>b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p><i>The proposed development has been designed and sited to avoid any potential adverse impacts referred to in subsection (1).</i></p>
<p>3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of SEPP (Biodiversity and Conservation) 2021, Chapter 6.</p>	<p><i>The SEPP (Biodiversity and Conservation) 2021, Chapter 6 does not apply to the subject site.</i></p>

Division 4 - Coastal Use Area

An assessment of the proposal against Section 2.11 is provided in the table below.

SEPP Requirement	Response
<p>1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>iv) Aboriginal cultural heritage, practices and places,</p> <p>v) cultural and built environment heritage, and</p>	<p><i>With regard to Subsection (a)(i), the proposed development is entirely on private property and will not affect public foreshore, beach, headland or rock platform access.</i></p> <p><i>With regard to Subsection (a)(ii), the proposal will not overshadow or reduce the visual amenity of the surrounding area when viewed from the public domain.</i></p> <p><i>With regard to Subsection (a)(iii), the proposal is considered unlikely to result in adverse impact to the visual amenity of the coast.</i></p> <p><i>With regard to (a)(iv), The site is not identified as containing land of Aboriginal Cultural Heritage.</i></p> <p><i>With regard to (a)(v), the subject site is not identified as comprising a heritage item and is not located within a Heritage Conservation Area and does not adjoin any identified heritage items. On this basis it is not considered to result in any adverse impacts on cultural and built environment heritage.</i></p>
<p>b) is satisfied that:</p> <p>i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p>	<p><i>With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Section 2.11(1) for the matters considered herein.</i></p>

<p>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</p>	
<p>c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p><i>Subsection (c) is further address in the DCP assessment below.</i></p> <p><i>The proposal is considered to be consistent with the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i></p>
<p>2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of SEPP (Biodiversity and Conservation) 2021, Chapter 6.</p>	<p><i>The SEPP (Biodiversity and Conservation) 2021, Chapter 6 does not apply to the subject site.</i></p>

Division 5 - General

Section 2.12

It is considered that the proposed residential flat building will not result in an increased risk of coastal hazards to the subject site, surrounding properties or foreshore area.

Section 2.15

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

Chapter 4 - Remediation of land

The object of Chapter 4 is to provide a State-wide planning approach to the remediation of land and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

This Chapter requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.

The subject site is currently used for residential purposes and is unlikely to have been contaminated from past use.

On this basis the application does not require further consideration under the SEPP.

Summary

It is my opinion based upon this assessment that the proposal satisfies the requirements of State Environmental Planning Policy (Resilience & Hazards) 2021.

5.3 State Environmental Planning Policy (Housing) 2021

Chapter 4 - Design of residential apartment development

Pursuant to the operation of Clause 144(2), Chapter 4 applies to residential flat buildings having a height of 3 or more storeys and containing 4 or more dwellings and as such does apply to the proposal.

The primary aim of the policy is to ensure that there is an improvement in the design quality of residential apartment development. This is proposed to be primarily achieved by ensuring that in cases where the policy applies that buildings are designed by registered architects and that any design has regard to 9 design quality principles.

A SEPP 65 Report and Design Verification Statement addressing each of the 9 design principles has been prepared by the architect in accordance with the requirements of the SEPP form part of the information accompanying this application.

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

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

It is therefore my opinion that the proposal satisfies the requirements of Chapter 4 of the SEPP and the Apartment Design Guide.

5.4 Warringah Local Environmental Plan 2011

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

The objectives for development within the R3 zone are:

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

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

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



Extract from Council Zoning Map

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

Clause 4.3 - Height of Buildings

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

The proposal as detailed on the accompanying plans will result in works having a height below 8.5m and which therefore complies with the requirements of this Clause.



Extract of Council Height of Buildings Map

Clause 5.10 - Heritage Conservation

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

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

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



Extract from Council Heritage Map

Clause 7.6 - Acid Sulfate Soils

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

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

That report within its conclusion stated that:

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

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



Extract from Council Acid Sulfate Map

Clause 6.2 - Earthworks

The proposal primarily provides for excavation to accommodate the basement parking level associated with the proposal. The remaining earthworks are consistent with development of this type and gently sloping nature of the site. A Geotechnical Investigation has been prepared by Crozier Geotechnical Consultants and forms part of the accompanying documentation.

It is not considered that there will be any detrimental impacts associated with the proposed earthworks and that they will result in development consistent with the objective of this clause in that they will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage item or features of the surrounding land.

The proposal is therefore considered to satisfy the requirements of this clause.

Clause 6.4 - Development on Sloping Land

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

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

That report within its conclusion stated that:

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

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



Extract from Council Landslip Risk Map

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

Summary

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

5.5 Warringah Development Control Plan

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

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

Control	Requirement	Proposal	Compliance
B2 - Number of Storeys	<ul style="list-style-type: none"> Maximum of 2 storeys 	<ul style="list-style-type: none"> 3 storeys 	Non-compliance. Variation sought on the basis that the building façade generally presents as two storeys with the non-compliance limited to a small section of building located towards the rear of the site and resulting from the localised falling away of the rear portion of the site.
B3 - Side Boundary Envelope	<ul style="list-style-type: none"> Minimum of 4m 	<ul style="list-style-type: none"> Refer to plans 	Yes
B5 - Side Boundary Setbacks	<ul style="list-style-type: none"> Minimum of 4.5m Basement - Min 2m. POS - Min 3.5m 	<ul style="list-style-type: none"> 4.5m to the northern and southern side boundary. POS exceeds 3.5m. 	Yes

Control	Requirement	Proposal	Compliance
B7 - Front Boundary Setbacks	<ul style="list-style-type: none"> 6.5m 	<ul style="list-style-type: none"> Minimum of 6.5m to external wall. 	Yes
B9 - Rear Boundary Setbacks	<ul style="list-style-type: none"> 6m 	<ul style="list-style-type: none"> Minimum of 6m to external wall. 	Yes
D1 - Landscaped Open Space	<ul style="list-style-type: none"> Minimum of 50% of site area (945m²) 	<ul style="list-style-type: none"> 658.50m² or 34.8% 	<p>A variation is sought on the following basis:</p> <ul style="list-style-type: none"> It is considered that the landscaped area provided is consistent with the surrounding properties noting that the R3 zone provides for more intensive development types. Complies with the ADG requirement for minimum Deep Soil achieving 140.13m² or 7.4%. Landscape area increases to 50.3% when including the planters and areas less than 2m wide. The proposal will make a positive contribution to the landscape character of the locality.
D2 - Private Open Space	<ul style="list-style-type: none"> A minimum of 10m² Minimum dimension of 2.5m 	<ul style="list-style-type: none"> Refer to Plans 	Yes

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

C2 - Traffic, Access and Safety

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

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

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

C3 - Parking Facilities

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

The proposal provides for twenty-two (22) car spaces within the basement car park. The proposed carparking comprises of 19 resident spaces (located in eight double garages and three adaptable garages) and 3 visitor spaces and which satisfies the DCP requirement as contained in Appendix 1.

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

The DCP provides that 1 bicycle parking spaces per dwelling is required for residents and 1 space per 12 dwellings for visitors. The proposal provides a bicycle space for each dwelling within individual garages in the basement car park together with 1 visitor space located at the ground floor building entry and complies with this section of the DCP.

C4 - Stormwater

The proposal also provides for collected stormwater to be disposed of both to an absorption trench via a separate below ground rainwater tank with a capacity of 7,000L and to the street gutter. The rainwater re-use tank is to collect run-off from a minimum of 505.73m² of roof area. Retained water is to be used in accordance with the requirements of the accompanying BASIX Certificate.

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

C7 - Excavation and Landfill

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

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

C8 - Demolition and Construction

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

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

C9 - Waste Management

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

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

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

D6 - Access to Sunlight

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

View from the sun diagrams have been prepared in support of the proposal. Those diagrams indicate that the proposal complies with the ADG objectives as 72.7% of the apartments receive a minimum of 2 hours of direct sun to living rooms and private open space.

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

D7 - Views

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

D8 - Privacy

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

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

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

Other windows and balconies related to upper floors which are orientated towards the adjoining properties to the north and south are provided with privacy screens.

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

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

D9 - Building Bulk

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

The development is well articulated on all facades and the external materials comprise of a combination of face brick, concrete fluted, tile, timber look and metal cladding, rendered and painted elements, sandstone, metal screens and balustrades. The proposal provides ample setbacks to all boundaries of the site with the setback areas being well landscaped.

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

D10 - Building Colours & Materials

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

D11 - Roofs

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

D18 - Accessibility

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

Three adaptable car spaces are located within the basement carpark.

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

D13 - Front Fences and Front Walls

Front fencing associated with the proposal comprises of a sandstone wall having a height of approximately 1.5m together with a 1.1m vertical metal slat fence presenting to Ocean Street and returning to the building façade.

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

D16 - Swimming Pools and Spa Pools

The proposal also includes a new freestanding spa pool located to the balcony provided as part of the entitlement of apartment No. 11. The spa pool is provided with generous setback distances and landscaping to minimise any potential adverse impacts upon adjoining properties.

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

D20 - Safety and Security

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

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

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

E10 - Landslip Risk

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

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

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

Conclusion

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

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

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

6. SECTION 4.15(1) ASSESSMENT

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

The subject site is zoned R3 - Medium Density Residential under the provisions of the Warringah Local Environmental Plan 2011. The proposed demolition of the existing structures and construction of a residential flat building comprising of 11 apartments and basement car parking is permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of the SEPP (Resilience and Hazards) 2021 & SEPP (Housing) 2021 and both the Warringah LEP 2011 and Warringah Development Control Plan as detailed within this report and the proposal was found to appropriately satisfy the requirements of these policy documents.

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

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

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

The proposed development has been designed in accordance with the requirements of the Apartment Design Guide as detailed both within this report and the accompanying Apartment Design Guide (ADG) Compliance Statement and SEPP 65 Report & Design Verification Statement.

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

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

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

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

Public Interest - Section 4.15(e)

In the absence of any detrimental impacts, it is considered that the proposal which provides for 11 new dwellings in a residential flat building built form consistent with the zoning of the land is in the public interest.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Warringah Local Environmental Plan 2011 and has been assessed against the requirements of Section 4.15(1) of the Act, SEPP (Resilience and Hazards) 2021, SEPP (Housing) 2021 and the Warringah LEP & DCP. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and the applicable prescriptive requirements of the above controls.

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

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

It is therefore considered that the proposed demolition of the existing structures and construction of a residential flat building containing 11 apartments, spa pool and basement car parking upon land at 140-142 Ocean Street, Narrabeen is worthy of the support of Council.



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19th February 2025