

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS AND ADDITIONS TO THE EXISTING COMMERCIAL PREMISES

SECTION 4.55(1A) MODIFICATION

1 AND 1A NARRABEEN PARK PARADE NORTH NARRABEEN

AUGUST 2021

statement of environmental effects

Submission to

NORTHERN BEACHES COUNCIL

**ALTERATIONS AND ADDITIONS
TO THE EXISTING COMMERCIAL PREMISES**

S4.55(1A) MODIFICATION TO CONSENT DA2019/1478

1 AND 1A NARRABEEN PARK PARADE NORTH NARRABEEN

Prepared on behalf of

MR JIMMY ARSLAN

Genevieve Henry

B Plan (UQM)

Town Planner

Nic Najar

BA (ICMS)

Town Planner



Town Planners

Suite 2301

Quattro Building 2

Level 3

4 Daydream Street

WARRIEWOOD NSW 2102

Phone: 02 9979 4922

Fax: 02 9979 4811

August 2021

T:\Property Folders\Current Matters\ars.nar1n\SEE\ars.nar1n7_SEE_GHTGNNPLB_130821
www.turnbullplanning.com.au
info@turnbullplanning.com.au

© Turnbull Planning International Pty Limited and Peter A Le Bas 2021.

This document is copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Turnbull Planning International Pty Limited, Suite 2301, Quattro Building 2, Level 3, 4 Daydream Street Warriewood NSW 2102.

This statement has been prepared in consideration of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence. The opinions in the statement represent the professional opinions of the authors, based on an assessment of the facts and circumstances as have been cited in the document.

TABLE OF CONTENTS

1.0	INTRODUCTION	4
2.0	PROPERTY LOCATION AND DESCRIPTION.....	5
3.0	PROPOSAL.....	5
4.0	STATUTORY PLANNING CONTROLS	6
4.1	Relevantly Applicable Legislation Etc	6
4.1	SEPP (Coastal Management) 2018	7
4.1.1	Objectives	7
4.1.2	Coastal Environment Area.....	7
4.2	Pittwater LEP 2014 (PLEP)	8
4.2.1	Zoning	8
4.2.2	Zone Objectives	8
4.2.3	Permissibility and Existing Use Rights.....	10
4.2.4	Height of Buildings.....	13
4.2.5	Acid Sulfate Soils.....	14
4.2.6	Biodiversity.....	14
4.2.7	Bushfire	15
4.3	Pittwater 21 DCP 2014 (PDCP)	15
4.3.1	Warriewood locality.....	15
4.3.2	Character as viewed from a public place	17
4.3.3	Scenic protection - General.....	18
4.3.4	Building Colours Materials and Construction ..	19
5.0	MERIT CONSIDERATIONS.....	20
5.1	Substantially the Same Development.....	20
5.2	Environmental Risk.....	21
5.3	Amenity Impacts	21
6.0	CONCLUSION	22

TABLE OF ANNEXURES

ANNEXURE 1 – LOCALITY PLAN (EXTRACT FROM SIX MAPS)

ANNEXURE 2 – CADASTRAL DETAIL (EXTRACT FROM SIX MAPS)

ANNEXURE 3 – PHOTOGRAPHIC PALETTE

ANNEXURE 4 – LAND ZONING MAP (EXTRACT FROM PLEP)

ANNEXURE 5 – HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)

While we have made every effort to make sure the information in this document correct, the information is provided in good faith and without any express or implied warranty. We do not accept responsibility for any loss or damage occasioned by reliance upon the whole or any part of this document.

1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a proposal to modify development consent DA2019/1478 by way of s4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EPAA).

This statement of environmental effects relates to an application to Northern Beaches Council (the Council) for modification of development consent DA2019/1478 as regards a property known as No 1 & 1A Narrabeen Park Parade, North Narrabeen (the property).

This is a matter that is, in our opinion, a modification involving 'minimal environmental impact' (refer s4.55(1A)).

We note that the following matters are required to be addressed by the consent authority in its assessment of this proposal under the EPAA:

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

We note the development will remain substantially the same notwithstanding the proposed minor amendments.

The application is to be notified to neighbours.

We submit that the proposed amendments to the approved plans would not, of themselves, create any significant environmental impacts.

Submissions are for the consent authority to consider and determine.

Consideration has been given to the environmental merit of the proposal as well as in relation to the relevant legislature, statutory planning instruments and subordinate policies.

2.0 PROPERTY LOCATION AND DESCRIPTION

The property is known as No 1 & 1A Narrabeen Park Parade.

The property is situated east of Narrabeen Park Parade in North Narrabeen.

Annexures 1 and **2** provide a location plan and an aerial photograph (plus cadastral details) respectively, of the property.

The immediate surrounding area comprises primarily low to density residential development in the form of one or two storey dwelling houses, as well as open space for recreational uses. The property is across from Sydney Lakeside Holiday Park and about 0.2km from North Narrabeen Rock Pool and Beach.

The site is serviced by a public car park and had been used as a café premises for a number of years.

3.0 PROPOSAL

The proposal seeks to change the approved plans in DA2019/0478, per condition 1 as described below:

Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

- a) Approved Plans.

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

The proposal seeks approval to maintain the elevated timber deck that has been built over Crown Land. The deck was not built in accordance with the previous development consent, as such this application seeks to modify DA2019/0478, to incorporate the timber deck into the development consent.

The application is supported by:

- A plan master set;
- Boundary survey;
- Arborist report;
- Statement of environmental effects;
- Owners consent; and
- Structural certificate.

Annexure 3 provides a photographic palette including a photo of the relationship of the deck with the neighbour and the street.

4.0 STATUTORY PLANNING CONTROLS

4.1 Relevantly Applicable Legislation Etc

- *Environmental Planning and Assessment Act 1979 (EPAA);*
- *Environmental Planning and Assessment Regulation 2000 (EPAR);*
- *State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP);*
- *Pittwater Local Environmental Plan 2014 (PLEP); and*
- *Pittwater 21 Development Control Plan 2014 (PDCP).*

4.1 SEPP (Coastal Management) 2018

4.1.1 Objectives

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) applies to the property.

The primary objective of the Coastal Management SEPP is the management of the coastal environment of New South Wales in an ecologically sustainably manner for the social, cultural and economic wellbeing of the people.

The relevant clauses in the Coastal Management SEPP relating to the proposal are referred to and discussed below, to the extent to which they are relevant to the proposed deck.

4.1.2 Coastal Environment Area

The property is identified as being within the coastal environmental area.

The provisions of clause 13(1) of the Coastal Management SEPP are as follows:

- (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:
 - (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 deck is, for the most part, within the existing building area of the commercial premises, being ancillary to the use of the property. The elevated deck has been erected at the rear (side) outdoor area.

The timber deck as built, is not expected to create, any additional adverse impacts on the biophysical, hydrological and ecological environment nor to natural coastal process.

The deck does not alter, change or otherwise impact the safe access to and along Narrabeen Park Parade.

The proposal complies with clause 13(1) of the Coastal Management SEPP as the work is designed and sited to avoid any adverse impact of the kind referred in such of the provisions in the subclause as are relevant to the proposal.

4.2 Pittwater LEP 2014 (PLEP)

4.2.1 Zoning

The property is zoned part R2 Low Density Residential and part RE1 Public Recreation under the provisions of PLEP 2014.

Annexure 4 provides an extract from the relevant PLEP zoning map.

4.2.2 Zone Objectives

The objectives of the R2 Low Density Residential zone are as follows:

Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

The objectives of the RE1 Public Recreation zone are as follows:

Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To allow development that does not substantially diminish public use of, or access to, public open space resources.
- To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.

The modification will not result in any inconsistency with zone objectives.

In particular, we submit that the deck will maintain the low-density character of the precinct. The deck will provide further amenity for the existing restaurant users and will be compatible with the surroundings.

Additionally the deck will assist in enabling the general public interact with the recreational area and use the adjoining café space, whilst enjoying the local ambience.

The development will not unreasonably impact the natural environment specifically noting the location of Norfolk pine trees in close proximity to the structure.

The striking out of the condition will not create any amenity impacts to any adjoining properties.

4.2.3 Permissibility and Existing Use Rights

The building work the subject of the modification application, is not permissible, being work that is ancillary to the carrying out of development for the purpose of a 'restaurant', as relevantly defined in the Dictionary at the end of PLEP.

The definition of 'restaurant' or 'café' is as follows:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

We note that the current use of the site, ie the restaurant, is development that is prohibited in the R2 zone under PLEP 2014.

The building work carried out on the property, being ancillary to the restaurant, is therefore development that is also prohibited. Notwithstanding the above, the land on which the timber deck is constructed, is zoned RE1 Public Recreation. Under the PLEP 2014 Land-use table 'Restaurants or cafes' are permitted with development consent in the RE1 zone.

The deck structure is ancillary to this use and is permitted with consent from the consent authority given it is wholly located within the RE1 zone.

Having that said, it is noted that the current premises, the restaurant, is identified as enjoying 'existing use rights' (EUR) under clause 4.65 of EPA&A Act 1979 and has not been abandoned.

The definition of 'existing use rights' is defined in Clause 4.54 of EPA&A as follows:

4.65 Definition of "existing use"

(cf previous s 106)

In this Division, **existing use** means—

- a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and
- b) the use of a building, work or land—
 - i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

Clause 4.66 of EP&A Act provides that nothing prevents the continuation of an existing use, subject to certain qualifications.

Clause 4.66 EP&A Act says:

4.66 Continuance of and limitations on existing use

(cf previous s 107)

- 1. Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.
- 2. Nothing in subsection (1) authorises—
 - a) any alteration or extension to or rebuilding of a building or work, or

- b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
- c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use.

Clause 41 of EPAR 2000 provides indication regarding further development for properties enjoying existing use rights.

Clause 41 of EPAR 2000 says:

41 Certain development allowed

(cf clause 39 of EP&A Regulation 1994)

1. An existing use may, subject to this Division—
 - a) be enlarged, expanded or intensified, or
 - b) be altered or extended, or
 - c) be rebuilt, or
 - d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or
 - e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or
 - f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).
2. However, an existing use must not be changed under subclause (1)(e) or (f) unless that change—
 - a) involves only alterations or additions that are minor in nature, and

- b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and
- c) does not involve the rebuilding of the premises associated with the existing use, and
- d) does not involve a significant intensification of that existing use.
- e) (Repealed)

Development consent is required under Clause 42 of EPAR 2000 to permit any enlargement, expansion or intensification of and existing use. See under.

Clause 42 EPAR 2000 states:

42 Development consent required for enlargement, expansion and intensification of existing uses (cf clause 40 of EP&A Regulation 1994)

- 1) Development consent is required for any enlargement, expansion or intensification of an existing use.
- 2) The enlargement, expansion or intensification—
 - a) must be for the existing use and for no other use, and
 - b) must be carried out only on the land on which the existing use was carried out immediately before the relevant date.

In summary, the proposal to incorporate the deck structure into DA2019/0478, is permissible in the RE1 zone as the deck structure is wholly located on this portion of land and it is prohibited under the R2 zoning controls, notwithstanding that the subject site is identified as benefiting from existing use rights.

4.2.4 Height of Buildings

Clause 4.3 of PLEP controls the height of buildings.

The objectives of clause 4.3 are as follows (refer clause 4.3(1), PLEP):

- To ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality.
- To ensure that buildings are compatible with the height and scale of surrounding and nearby development.
- To minimise any overshadowing of neighbouring properties.
- To allow for the reasonable sharing of views.
- To encourage buildings that are designed to respond sensitively to the natural topography.
- To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

By virtue of PLEP Height of Buildings Map, the maximum permissible height of a building on the property is 8.5 metres.

The striking out of the condition of consent referred to above, will not impact or result in the height of the existing building being changed.

A Height of Buildings Map extract from PLEP is provided at **Annexure 5**.

4.2.5 Acid Sulfate Soils

The proposal does not significantly affect the existing building footprint and does not interfere with acid sulfate soils in the soil/biomass.

4.2.6 Biodiversity

The proposal will not cause any significant adverse impact on existing flora and fauna nor disturbed the biodiversity structure, function, and composition of the property.

The deck is elevated to protect the root zone of the existing Norfolk Pine trees.

An arborist report accompanies this application and the applicant is open to any reasonable additional conditions of consent.

4.2.7 Bushfire

The subject site is identified as bushfire prone land. It is unlikely that the deck will cause any significant adverse impact in terms of bushfire prone land.

4.3 Pittwater 21 DCP 2014 (PDCP)

Pittwater 21 Development Control Plan 2014 (PDCP) applies to all land to which PLEP applies and provides more detailed provisions than PLEP for development in so much of the Northern Beaches local government area as previously comprised the former local government area of Pittwater. PDCP applies to development on the property.

The purpose of PDCP is to provide best practice standards for developments. In this case there is no work proposed by virtue of the modification. The reader is invited to review the SEE accompanying a development application for recladding of and use of the elevated deck.

4.3.1 Warriewood locality

The desired outcomes for the Warriewood Locality, in which this site falls, are as follows:

A4.14 Warriewood Locality

The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

Any dual occupancies (detached) will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Warriewood Square will meet the retail needs of the local and regional community as well as some smaller neighbourhood centres.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The proposal is consistent with the desired character of the locality by providing for additional non impacting facilities for an existing restaurant which are consistent with the low-density scale of the area and which will not be visually prominent within the Narrabeen Park Parade locality.

The proposed work is largely within the existing disturbed portion of the site and will not require the removal of any trees.

The deck is finished in a range of textures and finishes which will complement the existing surrounding development and the use of earthy and light tones will harmonise with the bushland/waterside setting of the property.

The deck will allow for the customers of the café to sit and enjoy the natural beauty the locality has to offer.

In our view the elevated deck is consistent with the locality and desired future character of the Warriewood locality.

4.3.2 Character as viewed from a public place

The D14 Warriewood Locality Statement contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing character of the area at an appropriate development scale.
- The proposal maintains existing views and amenity to nearby property owners/occupants.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the D14 Warriewood Locality is provided below:

D14.1 Character as Viewed from a Public Place

The control seeks to achieve the outcomes:

Achieve the desired future character of the Locality. The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at human scale. Within residential areas, buildings give the appearance of being two-storey maximum. (S) Vaughan Milligan Development Consulting Pty Ltd

1 & 1A Narrabeen Park Parade, North Narrabeen
25

Parking structures are minimised and secondary to the built form, landscaping and vegetation. (S)

Access to public places and spaces is clear and defined. (S)

The plans provided with the modification submission demonstrate that the proposed elevated deck for the restaurant/café will be complementary in terms of bulk and scale and colour to the existing facility.

The timber deck has been finished in external materials and colours which match the existing building and will allow the work to integrate within the existing building facade. The timber deck is not overbearing and does not dominate the streetscape.

In our view the proposal is consistent with the control.

4.3.3 Scenic protection - General

The controls seek to achieve the following outcomes:

Achieve the desired future character of the Locality. Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)

Preservation of the visual significance of the Ingleside/Warriewood Escarpment. (En, S)

The proposal seeks to provide additional amenity to the existing restaurant. The new work will not exceed the existing maximum ridge height, and the nature of the

development will be complementary to existing surrounding development in the locality.

The proposal will not require the removal of any significant vegetation and will provide additional landscaping. The existing vegetation forward of the site will continue to soften the built form.

The elevated deck is compatible with the surrounding locality and does not unreasonably detract from the scenic value but rather enhances the space.

In our view the proposal is consistent with the control.

4.3.4 Building Colours Materials and Construction

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality.
- The development enhances the visual quality and identity of the streetscape. (S)
- To provide attractive building facades which establish identity and contribute to the streetscape.
- To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.
- The colours and materials of the development harmonise with the natural environment. (En, S)
- The visual prominence of the development is minimised. (S)
- Damage to existing native vegetation and habitat is minimised. (En)

The controls seek to ensure that the external colours and materials shall be dark and earthy tones.

Whilst acknowledging that the PDCP control suggests that white colours are not encouraged, the timber structure in this

instance, has white railing surrounding the elevated deck, to keep it consistent with the existing café and outdoor space.

The development is appropriate and the works will match the existing restaurant finishes.

5.0 MERIT CONSIDERATIONS

5.1 Substantially the Same Development

The alterations proposed by virtue of the modification of approved plans under DA2019/1478, do not render the development different in terms of its essential character or essence.

In this development, there is no change to:

1. The visible size of the development;
2. The scale and envelope of the development;
3. The nature of the ultimate use of the development by a single family;
4. The overall visual impact of the development.

There will also be no increase in the extent, duration, or severity of any environmental impacts that may occur.

In *Moto Projects (No 2) Pty Ltd v North Sydney Council* [1999] NSWLEC 280 Bignold J, described two tests to assist consent authorities in deciding whether a particular development was able to be dealt with as a modification application. At 55 and 56 Bignold J, held:

55. The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.

56. The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of

the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).

In the present case, the modification proposed as regards the elevated deck will allow the café use to continue in terms of providing a structure for patrons to use and enjoy at a slightly elevated height, when attending the premises. The development will be essentially and materially the same.

The changes to the scheme, as outlined in section 3.0 above, are also minor in 'quantum and quality' such that the development remains substantially the same, per dicta of Bignold, J.

The use will remain the same, the built form will remain the same, and the modifications will remain responsive and compatible with relevant controls provided in the PLEP and PDCP.

As such, we contend that the development will be substantially the same, notwithstanding the modifications now sought.

5.2 Environmental Risk

The deck structure is not expected to unreasonably impact on the surrounding environment.

5.3 Amenity Impacts

The proposal will continue to have virtually no impact on, nor cause any disturbance to, other properties in the vicinity of the site.

The proposal is consistent with the overall function of the site and surroundings, with no impact to public amenity or in respect of the public domain. It will improve the current condition of the site aesthetically, functionally and environmentally.

The proposed modification will not be inconsistent with the PLEP and PDCP controls.

We are of the view that the modification as proposed will not result in any adverse impact to streetscape or as regards the character of the locality. The modification will not alter existing view corridors nor

will it result in colours and materials of the structure being altered such as to cause an inconsistency with desired future character.

6.0 CONCLUSION

This document addresses the applicable statutory planning regime as is relevant to the modification sought under section 4.55(1A) of the EPAA.

The proposal is compliant with the relevantly applicable development standards and other planning controls, and the level of compliance with controls does not alter.

The proposed modification is of de minimis environmental impact and the development remains substantially and materially the same.

The heads of consideration contained in section 4.55(1A) of the EPAA as are relevant, have been examined and considered to the extent to which they are applicable to the proposal and, in our opinion, there are no matters which would prevent Council from agreeing to the modification subject to the imposition of appropriate and reasonable additional (relevant) conditions of consent.

In our opinion, the proposed modification merits support from the consent authority.

ANNEXURE 1

LOCALITY PLAN (EXTRACT FROM SIX MAPS)



LOCALITY PLAN

EXTRACT FROM SIX MAPS



TOWN PLANNERS
 Suite 2301, Quattro Building 2
 Level 3, 4 Daydream Street
 WARRIEWOOD NSW 2102
P > 02 9979 4922
F > 02 9979 4811
E > info@turnbullplanning.com.au
W > www.turnbullplanning.com.au
 ABN 12 061 186 409

March 2021
 Ref: ars.nar1n

DRAWN: TG

Annexure 1

1&1A Narrabeen
 Park Parade
 North Narrabeen

ANNEXURE 2

CADASTRAL DETAIL & AERIAL (EXTRACT FROM SIX MAPS)



CADASTRAL DETAIL & AERIAL

EXTRACT FROM SIX MAPS



TOWN PLANNERS
 Suite 2301, Quattro Building 2
 Level 3, 4 Daydream Street
 WARRIEWOOD NSW 2102
P > 02 9979 4922
F > 02 9979 4811
E > info@turnbullplanning.com.au
W > www.turnbullplanning.com.au
 ABN 12 061 186 409

March 2021
 Ref: ars.nar1n

DRAWN: TG

Annexure 2

1&1A Narrabeen
 Park Parade
 North Narrabeen

ANNEXURE 3

PHOTOGRAPHIC PALETTE



Photograph 1 – View looking North from public carpark.



Photograph 2 – View looking South towards Narrabeen Beach & Lagoon.



Photograph 3 – View looking East of subject site.



Photograph 4 – View looking East of elevated deck, subject of the modification application.



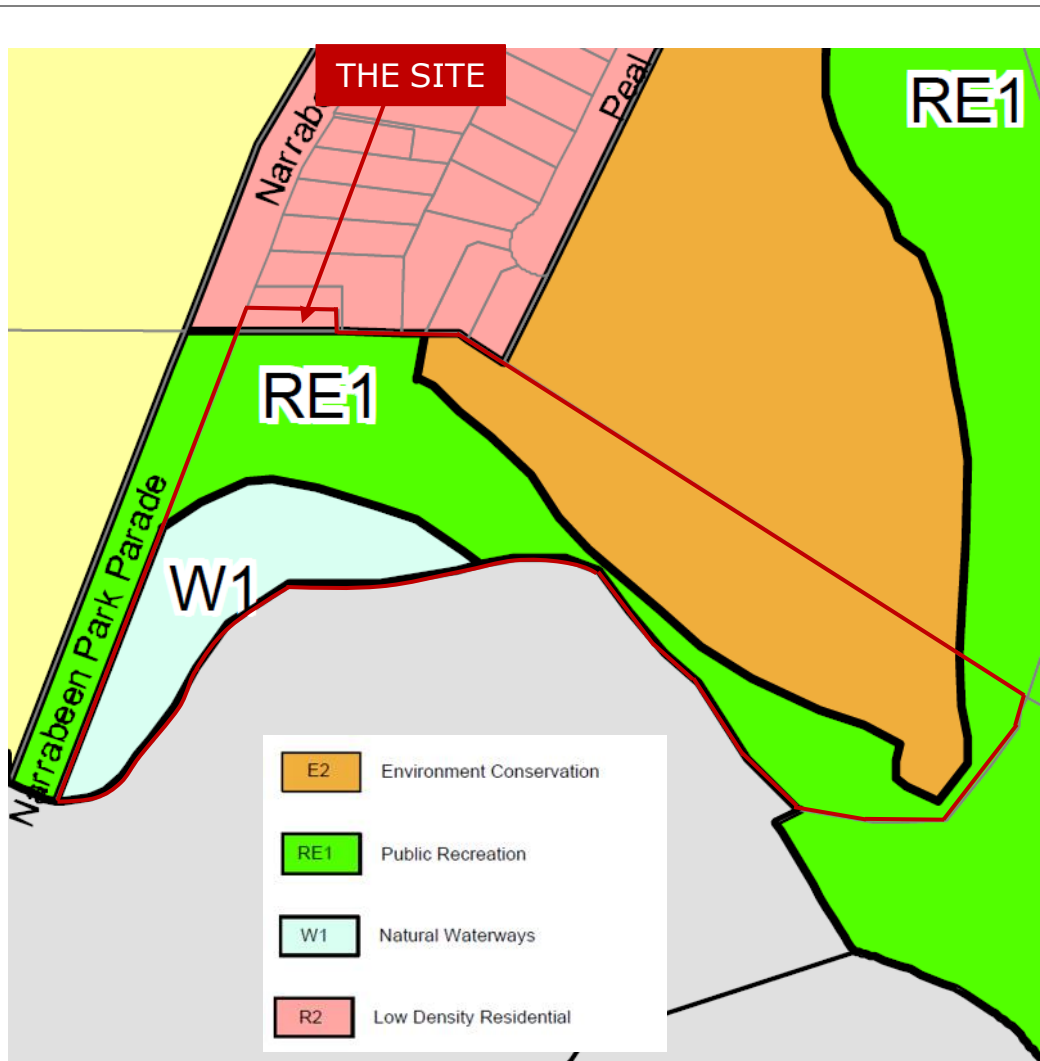
Photograph 5 – View of elevated deck structure.



Photograph 6 – View looking West towards elevated deck and subject site.

ANNEXURE 4

LAND ZONING MAP (EXTRACT FROM PLEP)



LAND ZONING MAP

EXTRACT FROM PLEP



TOWN PLANNERS
 Suite 2301, Quattro Building 2
 Level 3, 4 Daydream Street
 WARRIEWOOD NSW 2102
P > 02 9979 4922
F > 02 9979 4811
E > info@turnbullplanning.com.au
W > www.turnbullplanning.com.au
 ABN 12 061 186 409

March 2021
 Ref: ars.nar1n

DRAWN: TG

Annexure 4

1&1A Narrabeen
 Park Parade
 North Narrabeen

ANNEXURE 5

HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)



HEIGHT OF BUILDINGS MAP

EXTRACT FROM PLEP



TOWN PLANNERS
Suite 2301, Quattro Building 2
Level 3, 4 Daydream Street
WARRIEWOOD NSW 2102
P > 02 9979 4922
F > 02 9979 4811
E > info@turnbullplanning.com.au
W > www.turnbullplanning.com.au
ABN 12 061 186 409

March 2021
Ref: ars.nar1n

Annexure 5

DRAWN: TG

1&1A Narrabeen
Park Parade
North Narrabeen