

STATEMENT OF ENVIRONMENTAL EFFECTS

36 AUSTIN AVENUE, NORTH CURL CURL

**CONSTRUCTION OF DWELLING ALTERATIONS AND
ADDITIONS AND NEW SWIMMING POOL**

**PREPARED ON BEHALF OF
Mr & Mrs Turner**

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1. INTRODUCTION

This application seeks approval for the construction of dwelling alterations and additions and new swimming pool upon land at Lot 138 in DP 6143 which is known as **No. 36 Austin Avenue, North Curl Curl**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Waterview Surveying Services, Ref No. 1790 and dated 19/10/2023.
- Architectural Plans prepared by Brianna Emily Design, DWG No. # DA-BS-00 to DA-BS-17, Issue A and dated 02/06/2025.
- Geotechnical Assessment prepared by JK Geotechnics, Ref No. 30588Srpt1 and dated 17 July 2024.
- BASIX Certificate #A1772107_02 and dated 06/02/2025.
- 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 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. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 138 in DP 6143 which is known as 36 Austin Avenue, North Curl Curl. The site is a rectangular shaped allotment located on the northern side of Austin Avenue. The site has a frontage of 10.06m to Austin Avenue and a depth of 45.26. The site has an area of 455.2m². The locality is depicted in the following map:



Site Location Map

The site is currently occupied by a two storey rendered and clad dwelling with metal roof and garage under. The dwelling is constructed of brick and clad with a tiled roof. The dwelling is orientated towards Austin Avenue.

The site falls from the rear northern boundary (RL39.1) towards the southern boundary adjacent to Austin Avenue (RL34.65). The site has been previously excavated to accommodate the lower level garage (DA2017/0782). There is no significant vegetation on site.

The site is depicted in the following photographs:



View of Site from Austin Avenue



View of Existing Upper Level looking north

The existing surrounding development comprises a mix of one, two and some three storey detached residential dwellings on allotments of similar size to the subject site. The site and surrounding properties enjoy water and district views towards the south and southeast.

The subject site and existing surrounding development are depicted in the following aerial photograph:



Aerial Photograph of Locality

As noted previously, there are a number of large 3 storey dwellings in the vicinity, a number of which are depicted below:



No. 18 Austin



No. 6 Austin



No. 38 Austin



No. 40 Austin



No. 42 Austin



No. 46 Austin



No. 48 Austin

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to the existing dwelling and construction of a new swimming pool.

Dwelling Additions/Alterations

The proposed additions are summarised below.

Lower / Garage Level

There are no changes proposed to this level.

Ground Floor

- Reconfigure to provide for four bedrooms, bathroom, WC, living area and laundry. All works are contained within the existing footprint.

First Floor

- Addition to the south of the existing first floor level including a new balcony on southern elevation.
- Create balcony to rear northwest corner.
- Setbacks of 1.021m and 0.997m to the sites eastern and western boundaries, respectively.
- Internal layout provides for kitchen, living/dining room, powder room and study.

The internal stair between the ground and first floor is relocated.

Swimming Pool

The proposal provides for a new swimming pool in the rear yard, towards the northeast corner. The pool is to be setback 1.538m to the rear northern boundary and 0.978m to the side eastern boundary.

Stormwater

All collected stormwater will continue to discharge to the existing stormwater system which ultimately disperses to Austin Avenue.

The proposal will result in the following numerical indices:

Site Area:	455.2m ²
Existing Landscaped Area:	143.23m ² or 31.46%
Proposed Landscaped Area:	153.87m ² or 34%

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

4.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 (Coastal Management) of the SEPP aims to manage development in the coastal zone and protect the environmental assets. The subject site is identified as 'coastal use area' on the Coastal Management Map and therefore the provisions of this SEPP apply. The following Clauses are relevant to the proposed development:

Clause 2.10 Coastal Environment Area

This clause provides:

- (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.*

Comment: The site is well separated from the foreshore and the proposal does not affect the integrity or resilience of the biophysical, hydrological or ecological environment. There is no impact on fauna or flora of the headlands or rock platforms. The proposal does not impact on existing public open space or access to the beach or the foreshore. A Geotechnical Assessment report has been provided.

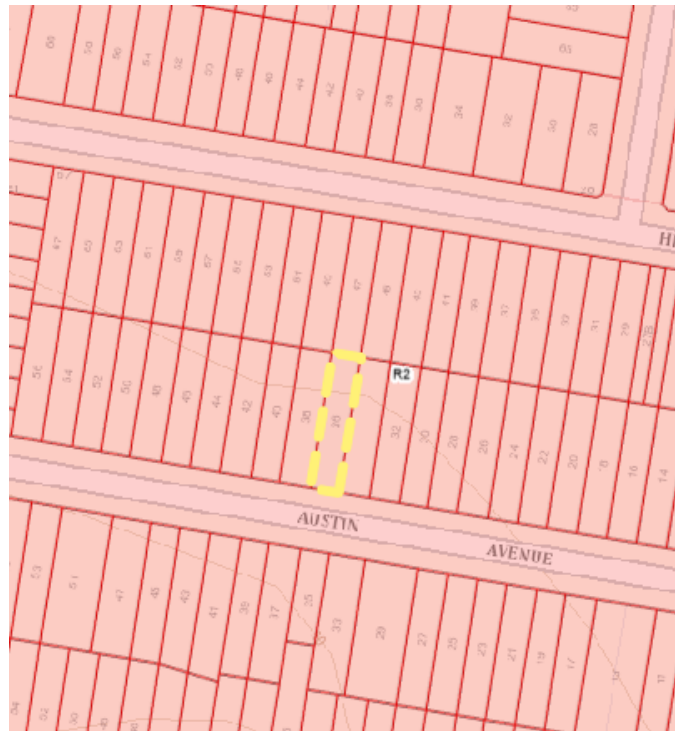
Clause 2.12 Development in Coastal Zone Generally – Development not to increase risk of coastal hazards

The proposal is well setback from the foreshore and public open space. A Geotechnical Assessment report has been submitted with the application. No further information is required in this regard.

There are no other provisions of the SEPP that apply to the proposed development.

4.3 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the construction of alterations and additions to the existing dwelling is permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	9.730m	Clause 4.6 Variation provided

The following provisions are also relevant:

Clause 6.4 Development on Sloping Land

The site is classified as Area B on Council's Landslip Map. A Geotechnical Assessment has been by JK Geotechnics which supports the proposal subject to a number of recommendations.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	Given the slope of the site and previous excavation the proposal results in a non-compliance with this control. This is discussed in further detail in the Clause 4.6 Variation.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	There is a variation sought to this control. See commentary at end of table.

Clause	Requirement	Compliance
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes The proposed additions are setback at least 0.997m to the western side boundary and 1.021m to the eastern side boundary.
B7 – Front Boundary Setbacks	Minimum 6.5m Secondary frontage 3.5m	Yes Proposed additions are setback at least 7.35m to the street frontage. Not Applicable
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.5m	Yes Dwelling additions comply. The pool does not occupy more than 50% of the rear setback area.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Not Applicable – no change to existing vehicular crossing.
C3 – Parking Facilities	Garages not to visually dominate façade	Not Applicable – no change to the existing parking.

Clause	Requirement	Compliance
	Parking to be in accordance with AS/NZS 2890.1	
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will continue to discharge to the existing stormwater system which ultimately disposes to Austin Avenue.
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Minimal excavation/fill required for pool.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes Existing waste storage areas retained. There is ample area behind the front building line for storage of waste containers.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal provides for a landscaped area of 153.87m ² or 34%. Whilst not complying with the numerical controls of this clause, it is considered justified for the following reasons:

Clause	Requirement	Compliance
		<ul style="list-style-type: none"> • The existing landscaped area is 31.46% and as such the proposed additions do not reduce the existing landscaped area. Rather the proposal provides additional landscaping with the balcony planter. • The additions do not result in the removal of any protected vegetation. • All collected stormwater will continue to discharge to the street gutter in Austin Avenue. The non-compliance will not result in any additional stormwater runoff to adjoining properties.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes The proposal improves access to and useability of private space. Currently the private space is disjointed and this application aims to improve private open space.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable

Clause	Requirement	Compliance
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes A BASIX certificate has been issued and forms part of the submission to Council.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes Shadow diagrams have been submitted with the application. Given the north south orientation of the allotment the proposal does not result in any significant overshadowing to adjoining properties. The proposal complies with this clause.
D7 - Views	View sharing to be maintained	Yes The subject and surrounding properties enjoy views to the south and south east. The proposed additions have been designed to ensure appropriate view sharing. This has been achieved by retaining the existing side boundary setbacks to retain view corridors. Further, the proposed roof form does not extend above the height of the existing ridge at the rear of the dwelling.

Clause	Requirement	Compliance
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	<p>Yes</p> <p>The proposed dwelling has been designed to maintain privacy to the adjoining properties.</p> <p>Whilst the upper level provides for living areas and a balcony views from this level area orientated either towards the southeast to maximise water views or over the rear yard. The front deck from this level provides water views and is consistent with surrounding dwellings in this locality. The rear balcony is provided with privacy screen on the side elevation to prevent overlooking.</p> <p>The proposal complies with this clause.</p>
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	<p>Yes</p> <p>The proposed additions result in a part three two storey dwelling. The upper level is provided with an increased setback to the street frontage and is compatible with the majority of the existing surrounding development which comprises large two and three storey dwellings.</p>
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	<p>Yes</p> <p>External finishes selected to complement the natural environment.</p>

Clause	Requirement	Compliance
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposed additions provide for a pitched roof form to complement the locality.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
D13 - Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	Not Applicable
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Yes There is ample area on site for storage and site facilities.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Yes Pool is located in rear yard and will not reduce amenity to the adjoining properties.
D17 – Tennis Courts	N/A	Not Applicable

Clause	Requirement	Compliance
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The resultant dwelling will provide good views of Austin Avenue and the dwelling approach.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes
D23 - Signs	Not Applicable	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Not Applicable
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable

Clause	Requirement	Compliance
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map Area B.	Yes A Geotechnical Assessment Report has been submitted.
E11 – Flood Prone Land	Not Applicable	Not Applicable

****B3 - Side Boundary Envelope**

The site is subject to a 5m building envelope. The objectives of this clause are:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The proposal results in a minor non-compliance to the building envelope on the eastern elevation. This is clearly depicted in the architectural plans which provides for a 'building envelope blanket'. This non-compliance does not result in unreasonable overshadowing as depicted in the shadow diagrams.

The resultant dwelling is of a bulk and scale that is compatible with the existing surrounding development, including more recently constructed dwellings. Particularly reference is made to No. 38, 40 and 42 Austin Avenue.

The non-compliance is a result of the slope of the site.

The proposal ensures appropriate privacy is maintained to the adjoining properties, as discussed in detail in the table above. The proposal complies with the side boundary setbacks and is well articulated on all facades.

There are no other provisions of the DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of dwelling additions is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

It is considered that the development will provide for the construction of dwelling alterations and additions without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant vegetation and there is no detrimental impact on the adjoining properties.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a dwelling alterations and additions in this zone are permissible with the consent of Council. The resultant building is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for additions to an existing dwelling that are consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction dwelling alterations and additions and ancillary work. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of dwelling alterations and additions and a new swimming pool at **No. 36 Austin Avenue, North Curl Curl** is worthy of the consent of Council.

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