

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

Proposed Light Industrial  
Development

**35-39 Carter Road  
Brookvale**



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# **Statement of Environmental Effects**

**Proposed Light Industrial Development**

**35-39 Carter Road, Brookvale**

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## **1.0 INTRODUCTION**

This document forms a component of a development application proposing the demolition of the existing warehouse building and mechanical workshop on the southern portion of the consolidated allotment (37-39 Carter Road) and alterations and additions to the two storey industrial building located on the northern portion of the site (35 Carter Road) to facilitate the construction of a new industrial building comprising 12 industrial tenancies each with an ancillary office space. The proposal includes the retention of the existing vehicle repair station use and the provision of additional light industrial tenancies with associated loading dock facilities and carparking and building signage. A small takeaway food and drink premises is proposed along the Carter Road frontage. The application also proposes the implementation of an integrated site landscape regime.

In the preparation of the final documentation consideration has been given to the minutes arising from formal pre-lodgement discussions with Council (PLM2023/0170) and the Northern Beaches Design and Sustainability Advisory Panel (DSAP). In this regard, the proposal has been refined to enhance the amenity and streetscape quality of the development.

Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed Brookvale Structure Plan and draft Northern Beaches Local Environmental Plan. In the preparation of this document consideration has been given to the following statutory planning regime:

- The Environmental Planning and Assessment Act, 1979 as amended (the Act).
- Warringah Local Environmental Plan 2011 (the LEP).
- Warringah Development Control Plan (the DCP).
- Brookvale Structure Plan (BSP)
- Draft Northern Beaches Local Environmental Plan (draft LEP)

The proposed works are permissible and generally compliant with the built form controls, or their objectives, applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

The proposed front setbacks are contextually compatible and satisfy the outcomes of the front setback control as reasonably applied to an application proposing legitimate alterations and additions to an existing building on a corner allotment. To the extent that the retained West Street setbacks represent a non-compliance with the DCP provision such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

## 2.0 SITE DESCRIPTION AND LOCATION

The subject properties are legally described as Lot 15-17, Section 12, DP 5767, No. 35-39 Carter Road, Brookvale. The consolidated allotment has primary frontage and address to Carter Road of 41.145 metres, secondary frontage to West Street of 50.29 metres and a combined area of 2069m<sup>2</sup>. The consolidated allotment is generally flat and contains no significant trees or vegetation. An aerial location/context photo is at Figure 1 below.



**Figure 1** – Aerial location map

The properties are occupied by one and two storey industrial building displaying no remarkable built form qualities or characteristics with the established built form circumstance depicted in the survey extract at Figure 2 over page and the subsequent photographs.



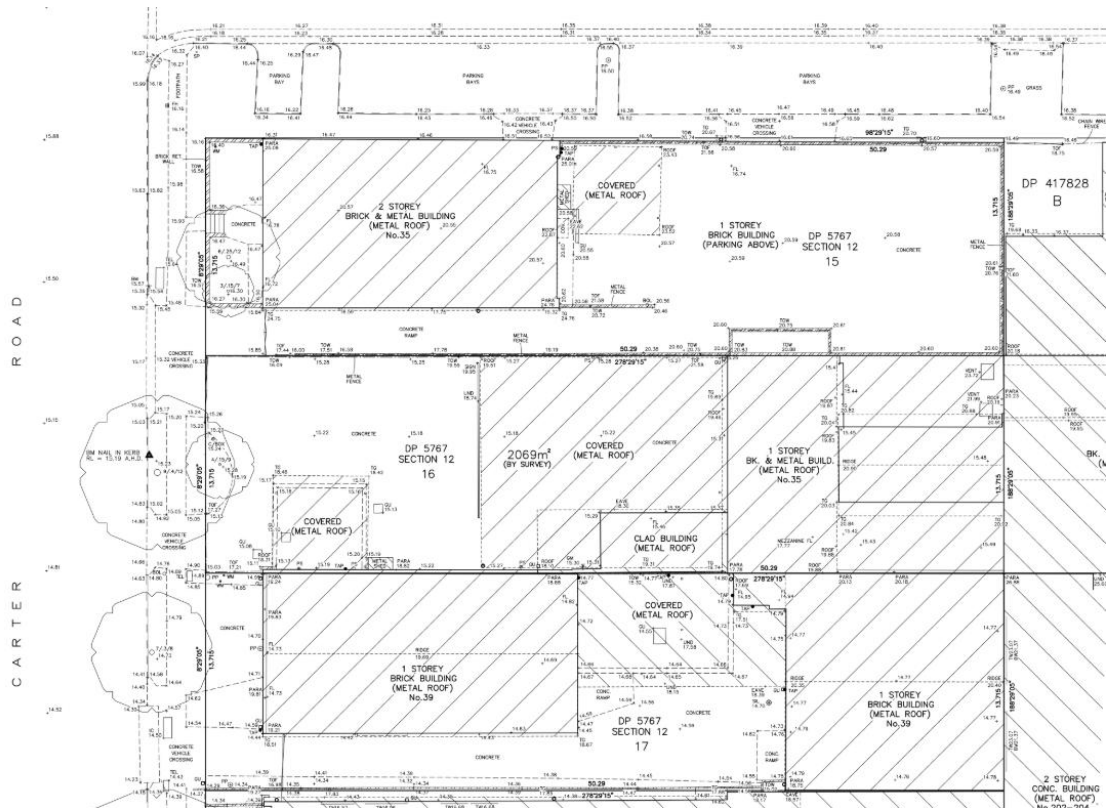


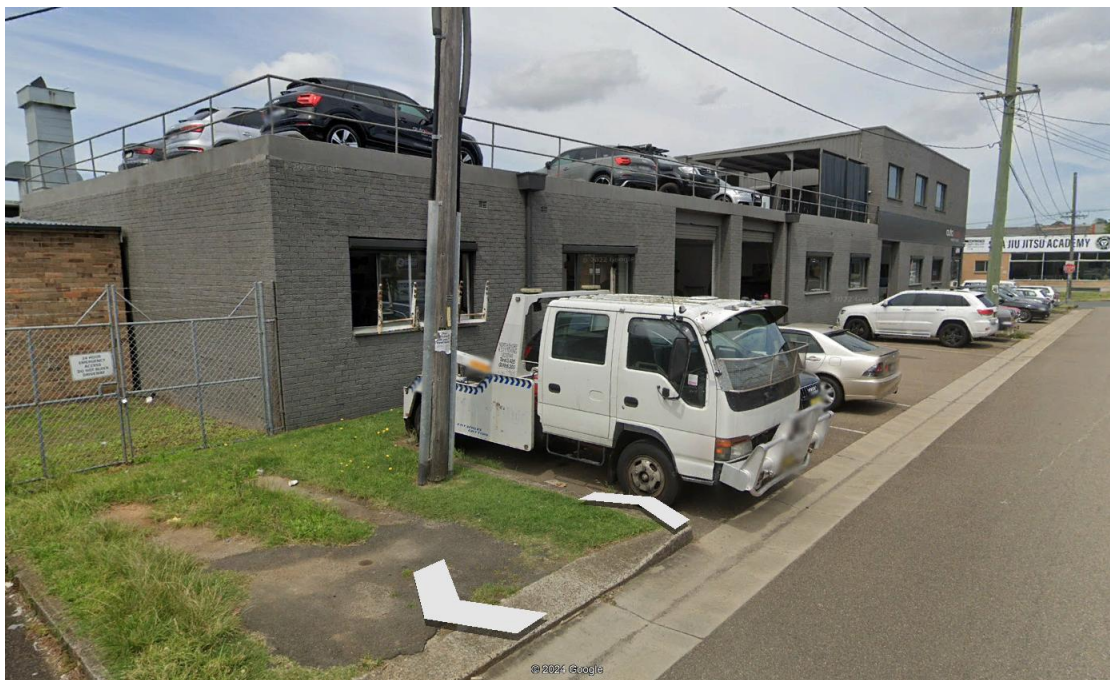
Figure 2 – Survey extract



Figure 3 - Subject properties as viewed from intersection of Carter Road and West Steet



**Figure 4** - Subject properties as viewed from Carter Road



**Figure 5** - Subject property as viewed from West Street

The built form characteristics established by development within the sites visual catchment includes 1, 2 and 3 storey industrial development throughout the Brookvale industrial precinct.



### 3.0 DEVELOPMENT PROPOSAL

The application proposes the demolition of the existing warehouse building and mechanical workshop on the southern portion of the consolidated allotment (37-39 Carter Road) and alterations and additions to the two storey industrial building located on the northern portion of the site (35 Carter Road) to facilitate the construction of a new industrial building comprising 12 industrial tenancies each with an ancillary office space and building signage. The proposal includes the retention of the existing vehicle repair station use and the provision of additional light industrial tenancies with associated loading dock facilities and carparking. A small 22.98m<sup>2</sup> takeaway food and drink premises is proposed along the Carter Road frontage. The proposed works are depicted on the following plans prepared by Figgis + Jefferson Tepa Architects:

	DRAWING NO	DESCRIPTION
COVER PAGE		
	000	COVER PAGE
	001	DEVELOPMENT INFORMATION
EXISTING BUILDING PLAN		
	010	EXISTING GROUND FLOOR PLAN
	011	EXISTING FIRST FLOOR PLAN
	012	EXISTING ROOF PLAN
SITE ANALYSIS		
	030	SITE ANALYSIS PLAN
SHADOW DIAGRAMS		
	070	SHADOW DIAGRAMS
SITE PLAN		
	100	SITE PLAN
FLOOR PLAN		
	110	LOWER GROUND FLOOR PLAN
	111	GROUND FLOOR AND GROUND MEZZANINE PLAN
	112	PROPOSED FIRST FLOOR PLAN
	113	PROPOSED FIRST MEZZ FLOOR PLAN
	114	PROPOSED ROOF PLAN
EXTERNAL ELEVATIONS		
	200	EXISTING ELEVATIONS
	201	PROPOSED ELEVATIONS (1)
	202	PROPOSED ELEVATIONS (2)
SECTIONS		
	300	SECTIONS (1)
	301	SECTIONS (2)
MISCELLANEOUS DETAILS		
	440	CONCEPT STRATA PLAN
	441	CONCEPT SIGN PLAN

Off-street parking is proposed for a total of 27 cars (including 2 disabled spaces) at various locations throughout the site, including 13 spaces on the ground floor level and 14 spaces within the upper floor level, in accordance with Council's requirements. Each of the units will have direct vehicular access via the internal circulation roadway, with dedicated parking spaces located directly outside each of the respective units. Vehicular access to the proposed parking and loading facilities is to be provided via two entry/exit driveways on the southern end of the Carter Road site frontage.

In this regard, the existing vehicular access to warehouse units No. 1-3 will be retained via separate rollers doors off West Street.

Loading/servicing is expected to be undertaken by a variety of light commercial vehicles such as the Hyundai iLoad and similar "white vans", up to and including 6.4m SRV trucks with a height clearance of 3.5m., in accordance with AS2890.2. Each of the proposed light industrial units have been designed to accommodate a 6.4m long SRV truck, with the exception of Warehouse Tenancy IN10, which is intended for light industrial uses where loading will be minimal, if any.

The application requires the removal of 2 Bangalow Palms and 1 Cocos Palm to facilitate the proposed development as detailed within the accompanying Arboricultural Impact Assessment Report prepared by Seasoned Tree Consulting with such tree loss appropriately compensated for through the implementation of the enhanced site landscape regime as depicted on the accompanying plans prepared by Ground Ink. The landscaping includes deep soil landscaping within the Carter Road frontage and on-slab planting in various locations throughout the development.

The acceptability of the proposed excavation is addressed in detail in the accompanying Geotechnical Investigation prepared by STS Geotechnics Crozier Geotechnical Consultants with accessibility addressed in the accompanying Access Assessment Report prepared by East Coast Accessibility. BCA performance is addressed in the accompanying BCA Assessment Report prepared by Certitude.

Traffic generation and parking provision is detailed in the accompanying Traffic and Parking Assessment Report prepared by Varga Traffic Planning with stormwater appropriately disposed of to the street drainage system as detailed on the accompanying plans prepared by Acor Consultants. Finally, the application is accompanied by a Preliminary Site Investigation prepared by Dr Upsilon Environments which concludes that the site is suitable for the proposed industrial development from the site contamination perspective subject to compliance with the recommendations of the report.

## 4.0 STATUTORY PLANNING FRAMEWORK

### 4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.2 Warringah Local Environmental Plan 2011

#### 4.2.1 Zone and Zone Objectives

The subject property is zoned E4 General Industrial pursuant to the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011). Light industries, vehicle repair stations and takeaway food and drink premises are permissible with consent in the zone with light industry defined as follows:

***light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—*

- (a) high technology industry,*
- (b) home industry,*
- (c) artisan food and drink industry,*
- (d) creative industry.*

The various light industrial tenancies will be occupied by light industry as defined with the proposed light industry, vehicle repair station and takeaway food and drink premises uses permissible with consent.

#### 4.2.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 11 metres above existing ground level. Building height is defined as follows:

**Building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The stated objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Building height is defined as follows:

**building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

Ground level existing is defined as follows:

**ground level (existing)** means the existing level of a site at any point.

The Carter Road facing building façade is compliant with the building height standard at its northern end and 12.1 metres in height at its southern end representing a variation of 1.1 metres or 10%.

The West Street facing building façade is compliant with the building height standard.

The southern building façade breaches the building height standard at its eastern and western edges by between 1.023 metres (9.3%) and 1.1 metres (10%). The extent of building height breach is depicted in the following plan extracts.

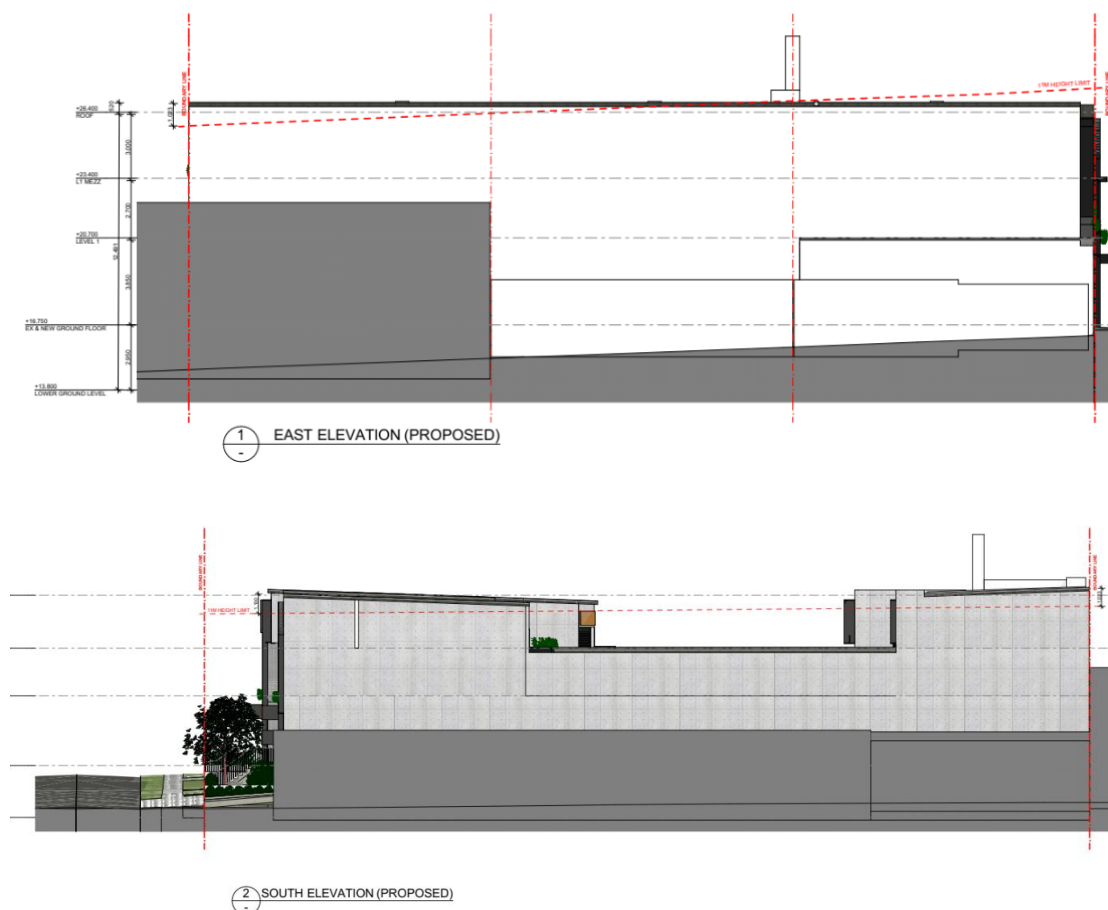


1 WEST ELEVATION (PROPOSED)  
1:100



2 NORTH ELEVATION (PROPOSED)  
1:100





**Figure 6** - Plan extract showing extent of building height breach with the red line showing the 11 metre height standard measured above ground level (existing)

Clause 4.6 of WLEP 2011 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the zone and the objectives of the development standard.

Sufficient environmental planning grounds exist to support the variation proposed including the consistency of building height with the height anticipated by the recently endorsed BSP and draft LEP.

The clause 4.6 variation request at Attachment 1 is well founded.

#### **4.2.3 Earthworks**

We rely on the accompanying geotechnical report prepared by STS Geotechnics to demonstrate that the excavation proposed to accommodate the basement will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of WLEP 2011.

#### **4.2.4 Development on sloping land**

The site is within Landslip Risk Area A, as identified on the Landslip Risk Map of WLEP 2011. The proposal requires excavation works for the basement carpark and a geotechnical report prepared by STS Geotechnics accompanies this application. The level of excavation will not have any significant adverse impacts on the local environment, public amenity or surrounding development. Council can be satisfied that –

- the application has been assessed for the risk associated with landslides in relation to both property and life, and
- the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and
- the development will not impact on or affect the existing subsurface flow conditions.

Accordingly, the clause 6.4 WLEP development on sloping land considerations are satisfied.

#### **4.3 Brookvale Structure Plan and draft Northern Beaches Local Environmental Plan**

The Brookvale Structure Plan (BSP) was endorsed by Northern Beaches Council at its meeting of 28 November 2023. The BSP anticipates an 18 metre building height standard applying to development on the land which such height standard incorporated into the draft Northern Beaches Local Environmental Plan (draft LEP) endorsed by Council at its meeting of 17<sup>th</sup> of June 2024 and currently with the Minister for Planning and Public Spaces for Gateway Determination.

The consent authority can be satisfied that notwithstanding the relatively minor variations to the 11 metre building height standard that the proposal is consistent with the height and form of development anticipated pursuant to the BSP and draft LEP on this particular site and within the Brookvale industrial precinct.

#### **4.4 Warringah Development Control Plan**

The following built form controls apply to the subject development.

##### **4.3.1 Merit assessment of side boundary setbacks**

Pursuant to these provisions side boundary setbacks will be determined on a merit basis having regard to the following:

- Streetscape,
- Amenity of surrounding properties, and
- Setbacks of neighbouring development.

The proposal maintains nil setbacks to the southern and eastern side boundaries of the allotment consistent with the built form characteristics established by surrounding development and that reasonably anticipated within the industrial precinct.

The side boundary setbacks proposed will not give rise to adverse streetscape or amenity impacts and will not be perceived as inappropriate or jarring having regard to the setback characteristics established by adjoining development and development generally within the site's visual catchment. The side boundary setback succeeds on merit.

##### **4.3.2 Front boundary setbacks**

Pursuant to these provisions, development shall maintain a 4.5 metre front setback. There are no specific provisions in relation to corner sites. The stated objectives associated with this control are as follows:

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The proposal new works maintain a 4.5 metre setback to Carter Road with the existing setbacks maintained to both street frontages from the retained building at 35 Carter Street. That said, new built form elements along West Street maintain variable setbacks of between 300mm and 600mm.

The front setbacks are considered to be contextually appropriate and consistent with the objectives of the control are as follows.

- *To create a sense of openness.*

The proposed setbacks are consistent with the setback established by existing development on the site and the adjoining development to the west along West Street. The setbacks ensure that pedestrian movement through the site and along both street frontages not compromise.

This objective is achieved.

- *To maintain the visual continuity and pattern of buildings and landscape elements.*

Response: For the reasons previously identified we are satisfied that the proposed setbacks will maintain the visual continuity and pattern of buildings along both street frontages. In relation to landscaping, we note that the setbacks will not compromise the ability to provide appropriate landscape treatments along the Carter Road frontage.

This objective is achieved.

- *To protect and enhance the visual quality of streetscapes and public spaces.*

Response: For the reasons previously identified we are satisfied that the front setbacks proposed will protect the visual quality of the streetscape and adjacent road reserve.



Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council (2005) NSW LEC 191* we have formed the considered opinion that most observers would not find the spatial relationship of the proposed building to the front boundaries of the site offensive, jarring or unsympathetic in a streetscape and urban context.

In this regard, it can be reasonably be concluded that the proposed development is capable of existing together in harmony with adjoining and nearby development. The proposed front setback achieves this objective.

- *To achieve reasonable view sharing.*

Response: Having inspected the site and its immediate surrounds we are satisfied that the proposed development, in particular its setback to the front boundaries, will not impact public or private views. The proposed front setback achieves this objective.

To the extent that the front setback represents a non-compliance with the DCP provision such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

#### **4.3.3 Traffic, Access and Safety**

We rely on the accompanying Traffic and Parking Assessment Report prepared by Varga Traffic Planning which concludes that the traffic generation of the proposed development will not present any adverse traffic implications.

#### **4.3.4 Parking Facilities**

We rely on the company Traffic and Parking Assessment Report prepared by Varga Traffic Planning which concludes that the proposed parking provision complies with Council's DCP criteria and will adequately service the development with the proposed access, internal circulation and parking arrangements designed in accordance with the applicable Australian standard.

Further, the development is appropriately serviced and will not give rise to unacceptable traffic implications.

#### **4.3.5 Stormwater**

Stormwater will be appropriately disposed of to the street drainage system as detailed on the accompanying plans prepared by Acor Consultants.

#### **4.3.6 Erosion and sedimentation**

Potential erosion and sedimentation control/ management can be dealt with by appropriately worded conditions.

#### **4.3.7 Demolition and construction**

The site is of adequate size and dimension to ensure that all demolition and construction works/ storage can be contained within the boundaries of the allotment.

#### **4.3.8 Noise**

In accordance with the clause D3 Noise provisions the development must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured at the receiving boundary of residential and other noise sensitive land uses.

No objection is raised to suitably worded conditions requiring compliance with the above provision and certification of same prior to issue of any occupation certificate.

#### **4.3.9 Access to Sunlight, Views and Privacy**

The development is not located within proximity of any residential uses such as to result in unacceptable privacy, view or shadowing impacts.

#### **4.3.10 Building bulk**

For the reasons previously outlined in this submission the proposed works will be consistent with the bulk and scale of industrial development anticipated within the Brookvale industrial precinct pursuant to the recently endorsed BSP and draft LEP. The development will not be considered jarring or offensive within its context.

#### **4.3.11 Building colours and materials**

The application is accompanied by a schedule of materials and finishes which demonstrates a high-quality built form outcome.

#### **4.3.12 Accessibility**

We rely on the accessibility considerations contained within the accompanying Access Assessment Report prepared by East Coast Accessibility.

#### **4.3.13 Signs**

The application proposes building identification signage as depicted on the signage pan at DA 441 and the plan extracts at Figure 6.

We confirm that the signage is limited to flush mounted non-illuminated wording on each street facing building façade approximately 10 metres in width and 1.2 metres in height. Having regards to the clause D23 signage provisions we confirm the following:

- The signage is sited and designed so as to not adversely impact on the amenity of the streetscape and surrounding locality.
- The signage is compatible with the design, scale and architectural character of the building.
- The signage will not obscure views of vehicles, pedestrians or potentially hazardous road features.
- The signage will not emit any glare or reflection.
- The signage will not obscure or compromise important views.
- The flush mounted wall signage does not extend within 200mm of the top and sides of the wall, does not cover any window architectural projection, is of a size and shape that relates to the architectural design of the building, is not illuminated and does not project more than 300mm from the wall.

Accordingly, the proposed signage satisfies the applicable DCP provisions.

We also confirm that the proposal satisfies the assessment criteria contained at schedule 5 of State Environmental Planning Policy (Industry and Employment) 2021 as it relates to character of the area, views and vistas, streetscape, siting and building and illumination.

#### **4.4 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

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

##### **4.4.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.**

The proposed works are permissible and generally compliant with the built form controls, or their objectives, applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed Brookvale Structure Plan and draft Northern Beaches Local Environmental Plan.

##### **4.4.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.**

###### *Context and Setting*

- i) *What is the relationship to the region and local context on terms of:*
  - *the scenic qualities and features of the landscape?*

- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

The proposed works will not contribute to unacceptable building height, bulk or scale nor will they give rise to any unacceptable streetscape or physical impacts on adjoining properties in terms of privacy, solar access, visual bulk or views. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings and compliant with the objectives of the height of buildings control.

*ii) What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

*Access, transport and traffic*

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

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



The proposal provides appropriately for off-street carparking as detailed in the accompanying Traffic Impact Assessment prepared by Varga Traffic Planning.

#### *Waste collection*

Normal commercial waste collection applies to the development with the proposed waste management arrangements detailed in the accompanying Waste Management Plan.

#### *Natural hazards*

The subject site is not identified as affected by any natural hazards.

#### *Economic impact in the locality*

The proposal will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period of the development.

#### *Site design and internal design*

i) *Is the development design sensitive to environmental conditions and site attributes including:*

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

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the built form controls.

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

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*

- *likely compliance with the Building Code of Australia?*

The proposed development is able to comply with the provisions of the Building Code of Australia as detailed in the accompanying BCA Assessment Report prepared by Certatude.

#### *Construction*

- i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **4.4.3 The suitability of the site for the development.**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

*Are the site attributes conducive to development?*

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed development.

#### **4.4.4 Any submissions received in accordance with this Act or the regulations.**

It is envisaged that Council will appropriately consider any submissions received.

#### **4.4.5 The public interest.**

The proposed works are permissible and consistent with the built form controls applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

Approval of the development would not be contrary to the public interest.

### **5.0 CONCLUSION**

The proposed works are permissible and generally compliant with the built form controls, or their objectives, applicable to this form of development on this particular site and as anticipated by the recently endorsed BSP and draft LEP.

In the preparation of the final documentation consideration has been given to the minutes arising from formal pre-lodgement discussions with Council (PLM2023/0170) and the Northern Beaches Design and Sustainability Advisory Panel (DSAP). In this regard, the proposal has been refined to enhance the amenity and streetscape quality of the development.

Although the application requires Council to give favourable consideration to a variation to the height of building standard the accompanying clause 4.6 demonstrates that strict compliance is unreasonable and unnecessary and that sufficient environmental planning grounds exist to justify the variation sought including the consistency of building height with the height anticipated by the recently endorsed Brookvale Structure Plan and draft Northern Beaches Local Environmental Plan.

The proposed front setbacks are contextually compatible and satisfy the outcomes of the front setback control as reasonably applied to an application proposing legitimate alterations and additions to an existing building on a corner allotment. To the extent that the retained West Street setbacks represent a non-compliance with the DCP provision such variation succeeds pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

**Boston Blyth Fleming Pty Ltd**

A handwritten signature in black ink, appearing to read 'Greg Boston', is written over a horizontal line.

**Greg Boston**  
**Director**

**Attachment 1**

Clause 4.6 variation request - Height of buildings

**Separately Circulated**