



# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Torrens Title Land  
Subdivision 1 lot into 2**

**52 Abbott Road, North  
Curl Curl**

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# 1 Introduction

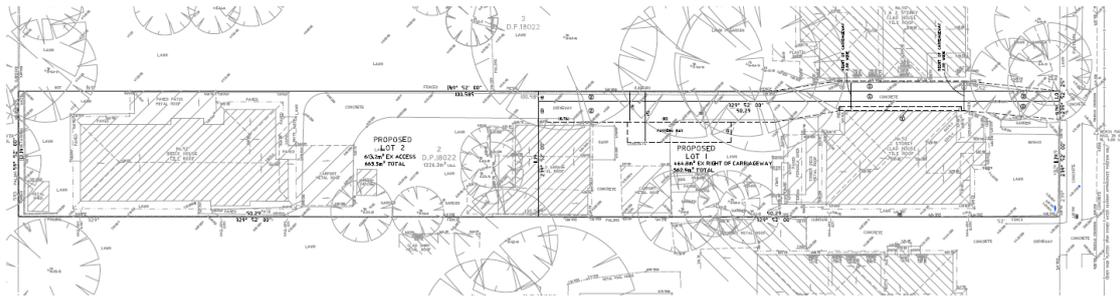
## 1.1 Description of the Proposed Development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for Torrens Title Land subdivision of existing dual occupancy development (1 lot into 2) at 52 Abbott Road, North Curl Curl.

The proposal is depicted in the accompanying subdivision plans by CMS Surveyors and Taylor Consulting Engineers. A summary of the key aspects of the proposal are noted as follows:

- demolition of existing carport
- demolition of existing garage
- alterations and additions to the existing access driveway
- civil works involving stormwater, new vehicle access arrangements including but not necessarily limited to access way, turning areas, passing bay.
- Construction of 2,6m x 6m car parking hardstands, 1 within each proposed allotment



**Figure 1 – The proposed subdivision**

### 1.1.1 Details of the proposed subdivision

The proposed allotments will have the following characteristics:

Proposed Lot 1 – fronting Abbott Road	
Lot area	464.8 m <sup>2</sup> (562.9 m <sup>2</sup> excluding access corridor)
Lot width	11.19m
Lot depth	50.29m

Proposed Lot 2 – Battle-axe allotment	
Lot area	613.2 m <sup>2</sup> (663.5 m <sup>2</sup> excluding access corridor)

Lot width	12.19m
Lot depth	50.29m (minimum)

<b>Proposed Access corridor</b>	
Width	3.0 to 3.2m
Length	33.8m to passing bay
<b>Proposed passing bay</b>	
Width	2m (plus driveway)
Length	10m
Location	33.8m (approx.) from front boundary

## 1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

## 2 Site Analysis

### 2.1 Site Description

The site is located at 52 Abbott Road, North Curl Curl. It is legally described as Lot 2 in Deposited Plan 18022. The site has an approximate area of 1,226.3m<sup>2</sup>. The site is rectangular in shape with the following dimensions:

- North and South – 12.19m
- East and West – 100.585m

### 2.2 Features of the site and the development context

The key features of the site and its development include:

- The land is developed with a dual occupancy development approved in 1987.
- Vehicle access is from Abbott Road. Car parking is established within the rear of the site, however does not meet contemporary requirements for land subdivision and alterations are proposed.
- The property benefits from a right carriage way of variable width over the adjoining property at 50 Abbott Rd (figure 5 below).
- The site and the adjoining properties have a north/ south orientation to Abbott Road.
- The property slopes from the rear towards the street with a level difference of approximately 3.0m (approximately RL 7.5 at the rear level to RL 4.5 at the front/ street).
- The property is set within a developed, predominantly low-density residential location.

Figures below depict the character of the subdivision pattern, property, and its existing development.

### 2.3 Zoning and key environmental considerations

The property is zoned R2 Low Density under the Warringah Local Environmental Plan 2011 (LEP).

The site is not affected by key environmental considerations like, for example heritage, bush fire, biodiversity, threatened species, geotechnical risk (Area A), and riparian land.

The site is affected by acid sulfate soils (Class 5) and is within a low risk flood planning precinct. These are addressed within Section 4 of this report. There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.



**Figure 1 - Location of the site within its wider context (courtesy Google Maps)**



Figure 2 - Alignment, orientation and spatial layout of the subject site and adjoining dwellings (courtesy Northern Beaches Council)

## 2.4 DA History

The following planning approval history is noted in relation to the subject application:

- development consent 87/464 was approved by Warringah Council on 17 December 1987 for 'erection of the second dwelling house for dual occupancy'.
- development consent 96/128 was approved by Warringah Council on 6 May 1996 for 'alterations and additions to an existing dwelling within a consented dual occupancy'.

Key excerpts from the approvals are provided below.

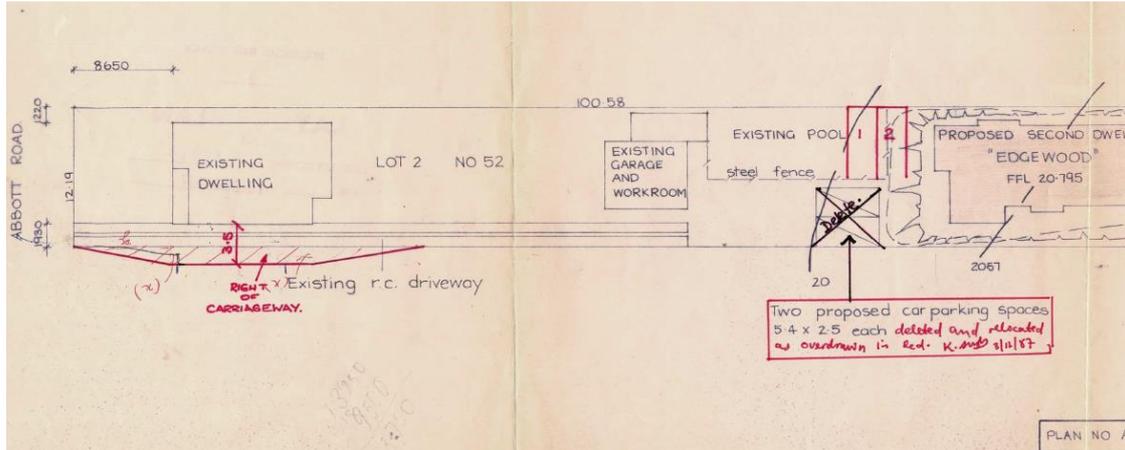


Figure 3 – approved car access and parking arrangement upon the site

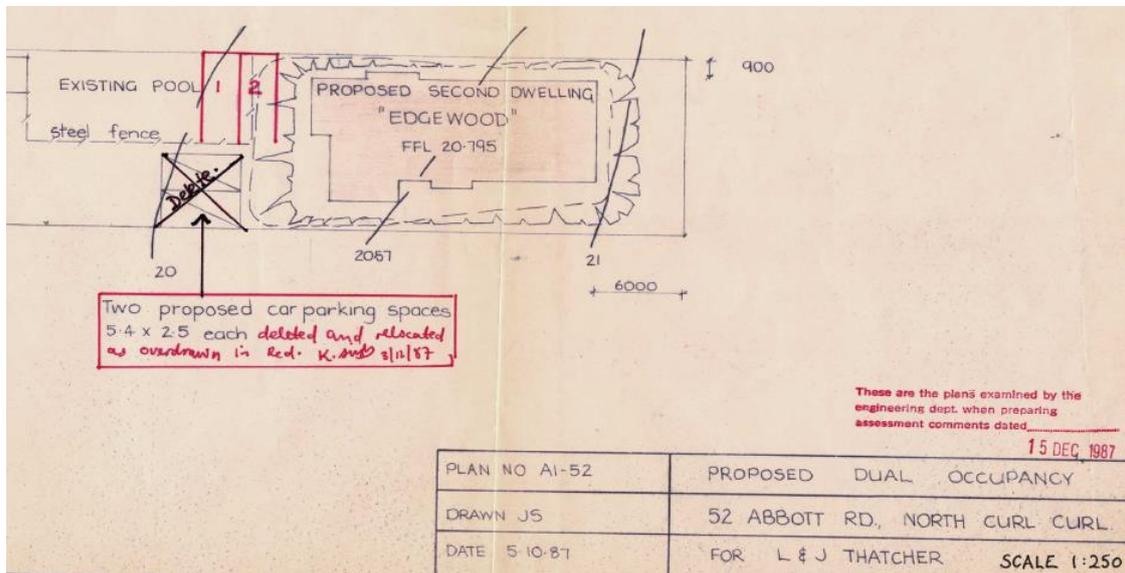


Figure 4 – approved car access and parking arrangement upon the site

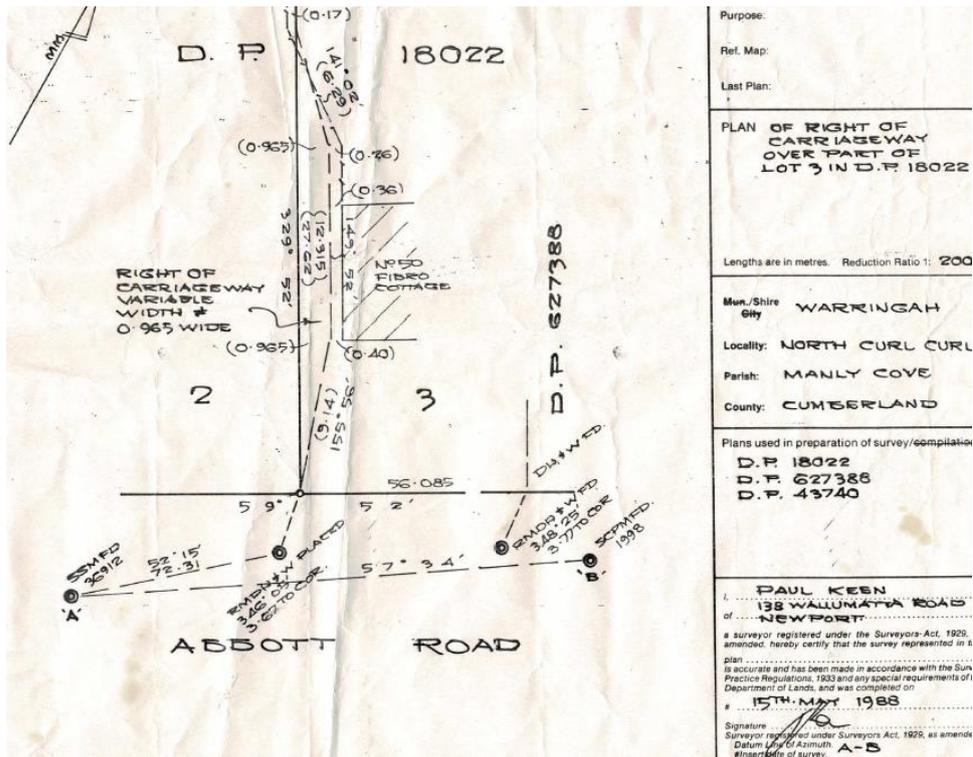


Figure 5 – approved rite of carriage way

## 3 Environmental Assessment

### 3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses 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.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 6 of this report, and the town planning justifications are discussed below.

## 4 Environmental Planning Instruments

### 4.1 Warringah Local Environmental Plan 2011 – Zoning

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2011 (LEP).



**Figure 18 – zone excerpt (Northern Beaches Council)**

The proposal constitutes development for land subdivision of the existing approved dual occupancy upon the land which is permitted with development consent as further addressing section 4.2 below.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

It is assessed that that the proposed development is consistent with the zone objectives in that:

- It will provide for the housing needs of the community within a low density residential environment.
- The resulting allotments are appropriately configured to accommodate the existing dwellings that are developed on the property.
- The proposed subdivision involves improvements to the existing vehicle access arrangements and such will improve the existing access circumstances and meet contemporary standards.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

## 4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
<b>Part 2 of LEP – Permitted or prohibited development</b>		
LEP Clause 2.3 – Subdivision—consent requirements is applicable to the land and its proposed subdivision. It states:  <i>(1) Land to which this Plan applies may be subdivided, but only with development consent.</i>	The proposed land subdivision is permitted with development consent.	Yes
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size - 450m <sup>2</sup>	464.8 m <sup>2</sup> and 613.2 m <sup>2</sup>	Yes
LEP Clause 4.3 – Height of Buildings - 8.5m	Yes	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation		NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	The site is within an area deemed to be acid sulphate soils Class 5 on the LEP maps. Modest excavation is proposed for the development's footings, new driveway (on grade) and car parking areas (also on	NA

LEP Provision	Response	Complies
	<p>grade). For Class 5 land, clause 6.1 states:</p> <p><i>'(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</i></p> <p><i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land'.</i></p> <p>In response, the site is within 500 metres of adjacent Class 1, 3 and 4 land, however the site and the proposed works involve modest excavation for the subdivision works (for example, new sections of driveway (on grade), car parking areas (also on grade), and stormwater.</p> <p>In accordance with clause 6.1(6)(b), the modest nature of the works are unlikely to result in a lowering of the water table, and therefore, it is assessed that consent under clause 6.1 is not required for these works.</p>	
LEP Clause 6.2 Earthworks	Minor excavation for footings is proposed below the existing site levels.	Yes
LEP Clause 6.3 Flood planning	<p>Based on the Council's flood Maps the property is identified as being affected by low flood hazard.</p> <p>The 1% annual exceedance probability (AEP) does not affect the site, meaning that the flood planning level does not affect the proposed development.</p> <p>Furthermore, no works are proposed that involve development of habitable areas or garages.</p> <p>For these reasons, and in response to clause 6.3(3), the consent authority may be satisfied that the development:</p> <ul style="list-style-type: none"> <li>▪ is compatible with the flood hazard of the land, and</li> <li>▪ due to the minor flood affection to the</li> </ul>	Yes

LEP Provision	Response	Complies
	<p>site, the proposal will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <ul style="list-style-type: none"> <li>▪ due to the minor flood affection to the site, the proposal does not need to incorporate measures to manage risk to life from flood, and</li> <li>▪ due to the minor flood affection to the site, will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</li> <li>▪ due to the minor flood affection to the site, is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</li> </ul> <p>The provisions of the clause are assessed as being satisfied by the proposal.</p>	
LEP Clause 6.4 Development on sloping land	The property is within Area A on the LEP maps. A geotechnical report is not required and the application satisfies this LEP provision.	Yes

## **4.3 State Environmental Planning Policies**

### **4.3.1 State Environmental Planning Policy - BASIX**

The proposed alterations and additions is not BASIX affected development as prescribed and therefore a BASIX assessment report does not accompany the application.

### **4.3.2 State Environmental Planning Policy No 55 – Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

### **4.3.3 SEPP (Vegetation in Non-Rural Areas) 2017**

Vegetation is prescribed under Warringah DCP for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal does not involve the removal of any designated trees and therefore the provisions of this policy are satisfied by the proposal.

### **4.3.4 State Environmental Planning Policy (Coastal Management) 2018**

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018. It is applicable because the site is within the designated:

- Clause 13 coastal environment area
- Clause 14 coastal use area

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

**Clause 13 - Development on land within the coastal environment area**

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
<b>(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:</b>	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(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,</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Development is established on the site.</li> <li>▪ Provision of appropriate stormwater management has been made for the site.</li> <li>▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i></li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(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,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> <li>▪ Not relevant to the assessment of the proposal.</li> </ul>
<b>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</b>	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact</i>	<ul style="list-style-type: none"> <li>▪ Responses have been made above in relation to</li> </ul>

13 Development on land within the coastal environment area	Response
<i>referred to in subclause (1), or</i>	<p>the considerations within subclause (1).</p> <ul style="list-style-type: none"> <li>▪ The proposal is assessed as satisfactory in relation to these considerations.</li> </ul>
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> <li>▪ Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u> .	<ul style="list-style-type: none"> <li>▪ Noted; not applicable.</li> </ul>

#### **Clause 14 Development on land within the coastal use area**

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
<p>(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i></p> <p><i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i></p>	
<p><i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p>	<ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<p><i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i></p>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> </ul>
<p><i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i></p>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>

14 Development on land within the coastal use area	Response
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA.</li> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> <li>▪ Noted; not applicable.</li> </ul>

## 5 Development Control Plan

### 5.1 Warringah DCP 2011

The Warringah Development Control Plan is applicable to the proposal. Relevant provisions of the Warringah DCP are addressed below.

The proposal displays compliance with the objectives and / or numerical requirements of the DCP. An assessment of the proposal is provided below.

The following built form controls apply to the subject development and are assessed as follows.

#### 5.1.1 C1 Subdivision

The objectives of these provisions are identified as follows:

*To regulate the density of development.*

*To limit the impact of new development and to protect the natural landscape and topography.*

*To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*

*To maximise and protect solar access for each dwelling.*

*To maximise the use of existing infrastructure.*

*To protect the amenity of adjoining properties.*

*To minimise the risk from potential hazards including bushfires, land slip and flooding.*

#### In response

The allotments resulting from the proposed subdivision are each capable of complying with the various residential dwelling controls of the DCP and preserving an appropriate amenity to adjoining properties.

The land is not environmentally constrained in terms of key considerations like: bushfire, threatened ecology, land contamination, land slip, or heritage.

The site is an uncharacteristically large allotment (for this location) of 1226.3m<sup>2</sup> (the minimum lot size being 600m<sup>2</sup>). Being of modestly sloping topography and unconstrained in relation to key environmental sensitivities, the site is entirely suitable for the land subdivision proposed.

#### Requirements

The dimensions required for proposed new allotments are:

- Minimum width: 13 metres
- Minimum depth: 27 metres; and
- Minimum building area: 150m<sup>2</sup>

**In response**

Both proposed lots satisfy the depth requirement of 27 metres of the DCP displaying depths of 50.29m respectively. A variation is sought to the minimum lot width requirement of 13 metres for each Lot noting that the existing lot width is 12.19m. The following points are noted in support of this variation and in response to the planning control requirements:

- As demonstrated by the existing dual occupancy dwellings upon the site, each resulting allotment is able to accommodate a dwelling house.
- The minimum allotment depths are exceeded, compensating for the slightly narrower lot widths.
- Each proposed allotment is able to be accessed from Abbott Road which is a formed, kerbed and guttered street. The grade of the street and the proposed lots do not provide constraints to access. Due to the length of the access driveway to proposed lot 2, adequate turning spaces are proposed to enable vehicles to exit the site in a forward direction.
- Each allotment is able to be serviced by key utilities like electricity, water, sewer; the detailed locations of these being subject to service authority endorsement / certification.
- Based on the above, each resulting lot is able to be developed in a manner that addresses the objectives of the DCP.

**5.1.2 Part B - Built Form Controls**

Clause	Requirement	Proposed	Complies?
B1 Wall Height	7.2m	No change	NA
B3 Side Boundary Envelope	4m at 45 degrees	No change	NA
B5 Side Setback	900mm	Car parking hardstands East - 6.2m West - 600mm (approx.)	Yes No - addressed below
<b>Justification of exceedance</b>		<p>The west side setback of the proposed car hardstands is less than 900mm and a modest exceedance is proposed that is assessed as appropriate in the circumstances and in satisfying the objectives of the control, noting:</p> <ul style="list-style-type: none"> <li>▪ The allotment, being slightly narrower than 13m, constrains the ability to achieve strict compliance with the numerical aspect of the</li> </ul>	

Clause	Requirement	Proposed	Complies?
		<p>control whilst also providing compliant manoeuvring areas to enable cars to enter and depart the property in a forward direction.</p> <ul style="list-style-type: none"> <li>▪ Sufficient setback is provided for landscaping that will be visible from the adjoining properties.</li> <li>▪ The structures will not be visible from the street and not impact upon the streetscape.</li> <li>▪ Being a non-habitable area, it will not result in any inappropriate adverse amenity impacts on the adjacent properties.</li> <li>▪ The proposed location will not inappropriately impact on the amenity of adjoining properties, their sensitive living or private open space areas.</li> </ul> <p>Based on the above, flexibility in the application of the numerical standard is assessed as appropriate in the circumstances and the objectives of the control are met.</p>	
B7 Front Setback	6.5m or average (if greater than 6.5m)	No change	Yes
B9 Rear Setback	6m	<p>Lot 1 (Abbott Road allotment) - existing rear setback increased due to demolition of existing garage.</p> <p>Lot 2 (battle-axe allotment) - no change proposed.</p>	Yes
D1 Landscaped Open Space	40% - 490.5m <sup>2</sup> (total)	<p><b>Lot 1 -</b> Existing: 177m<sup>2</sup> and 31% Proposed: 229m<sup>2</sup> and 41%</p> <p><b>Lot 2 -</b> Existing: 250m<sup>2</sup> and 38% Proposed: 278m<sup>2</sup> and 42%</p>	Yes

### **5.1.3 Conclusion**

Based on the above, it is concluded that:

- the proposal is reasonable;
- the proposal meets the objectives of the planning control;
- there are sufficient site-specific circumstances to justify the variations identified in this instance.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied. Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that this aspect of the proposal is worthy of support, in the particular circumstances.

## 5.2 Broader DCP Compliance Assessment

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part C - Siting Factors</b>		
C1 Subdivision	Previously addressed	Previously addressed
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities 2 car parking spaces are provided for each proposed allotment in compliance with contemporary standards (despite the current arrangement benefiting from previous approvals)	Yes	Yes
C4 Stormwater Stormwater, Erosion and Sediment Control (C4) & (C5) (C7) - complies, details provided in the accompanying Stormwater drainage and sediment and erosion control plans by Taylor Consulting Engineers	Drain to existing via gravity means - Yes	Yes
C5 Erosion and Sedimentation	Shown on architectural plans - Yes	Yes
C6 Building over or adjacent to constructed Council drainage easements	Yes	Yes
C7 Excavation and landfill	Yes	Yes
C8 Demolition and Construction Dedicated safe pedestrian access is, at all times, to be provided in front of the site. Demolition and construction waste will be minimised and separation, reuse and recycling of materials will be maximised. Demolition will be managed to ensure air and water borne pollutants such as noise, dust, odour, liquids and the like are minimised. Demolition will be managed to minimise site disturbance to the surrounding area.	Yes	Yes
C9 Waste Management Being of moderate slope, generous area, and highly accessible, the site is able to comfortably satisfy the demolition and waste minimisation objectives of the DCP. Further specific details can be provided at	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
Construction Certificate stage when contractors are engaged to undertake the work.		
<b>Part D - Design</b>		
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space No changes proposed to approved dwellings	Yes	Yes
D3 Noise	Yes	Yes
D4 Electromagnetic radiation	Yes	Yes
D5 Orientation and energy efficiency	Yes	Yes
D6 Access to Sunlight  Minimal physical changes are proposed. The proposal will not unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.	Yes	Yes
D7 Views –  Minimal physical changes are proposed. The proposal will not significantly or unreasonably impede any established views from surrounding residential properties or public vantage points.	Yes	Yes
D8 Privacy –  Privacy has been considered in the proposed design and satisfies the DCP's objectives. The proposal will not affect the visual privacy of the neighbouring properties.	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D13 Front fences and front walls	Yes	Yes
D14 Site facilities	Yes	Yes
D15 Side and rear fences	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
D16 Swimming Pools and Spa Pools	NA	NA
D17 Tennis courts	NA	NA
D18 Accessibility	Yes	Yes
D19 Site consolidation in the R3 and IN1 zone	NA	NA
D20 Safety and security	Yes	Yes
D21 Provision and location of utility services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
<b>Part E - The Natural Environment</b>		
E1 Private Property Tree Management	Yes	Yes
E2 Prescribed Vegetation	NA	NA
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat	NA	NA
E4 Wildlife Corridors	NA	NA
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	NA	NA
E7 Development on land adjoining public open space  The proposed subdivision involves minor works that will not be visible from the public recreational land opposite the site to the south.	Yes	Yes
E8 Waterways and Riparian Lands	Yes	Yes
E9 Coastline hazard	NA	NA
E10 Landslip Risk – report accompanying	Yes	Yes
E11 Flood Prone Land	Yes	Yes

## 6 Section 4.15 the Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental Impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of Council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

## 7 Conclusion

The application seeks development consent for Torrens Title Land subdivision of existing dual occupancy development (1 lot into 2) at 52 Abbott Road, North Curl Curl.

The proposal is an appropriate, logical, and orderly development of the property that is responsive to the prevailing planning objectives for the site.

The property is free of any significant environmental constraints and can accommodate the proposal without any significant changes or impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views.

This report demonstrates that the proposal will not give rise to any significant or unreasonable adverse environmental consequences. The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

**BBF Town Planners**



**Michael Haynes**  
Director