

STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and additions
to dwelling house, new
swimming pool, and new
secondary dwelling**

**10 Lido Avenue, North
Narrabeen**

RESPONSIBLE FOR THIS REPORT:

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1 Introduction

1.1 Overview

This report accompanies and supports a Development Application (DA) for alterations and additions to the existing dwelling, including first floor addition, a new swimming pool, and a secondary dwelling at 10 Lido Avenue, North Narrabeen.

Blue Sky Building Design have responded to the client's brief with an appropriate design that is responsive to the prevailing planning provisions impacting upon the site. The proposal involves a contemporary design that is compatible with the character of the location.

The property can accommodate the proposal without any significant impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's built-form context.

Overall, the proposed development outcome represents appropriate improvements to the land and is worthy of Council's approval.

1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects, 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 10 Lido Avenue, North Narrabeen and legally described as Lot 329 in Deposited Plan 16719. The site has an area of 464.5m² (by survey).

The site is rectangular in shape with a south western frontage of 12.19m to Lido Avenue and rear north eastern boundary the same. The north western and south eastern side boundaries are 38.10m.

The land contains a single storey weatherboard and rendered dwelling with tile roof and concrete lined garage and driveway down the south eastern boundary. There are also three sheds at the rear of the block.

A creek adjoins the rear of the site, is a source of flood waters, and results in the proposal being integrated development.

The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2012 (LEP) as is most of the surrounding land. The site is not affected by key environmental considerations like, for example, heritage conservation, biodiversity, bushfire, or geotechnical. The site is affected by acid sulfate soils, flood risk, waterways, and the coastal management SEPP.

The figures on the following pages depict the character of the property and its existing development.

2.2 Pre-lodgement Meeting

A Pre-DA lodgement meeting was held with Council officers in relation to proposed development of the site. The application has been prepared in response to the issues raised by Council and discussed at the meeting between the parties. The following design changes and information responses are noted:

- The proposal retains more of the existing development
- The proposal is now compliant with the DCP definition c1.9 – Alterations and Additions, as it relates to development within a flood planning area
- The previous proposed garage has been changed to a carport
- The proposal is lower in building height and bulk than a new dwelling constructed to flood planning levels.

In these ways the subject application has addressed the issues raised by Council during the Pre-DA lodgement discussions.

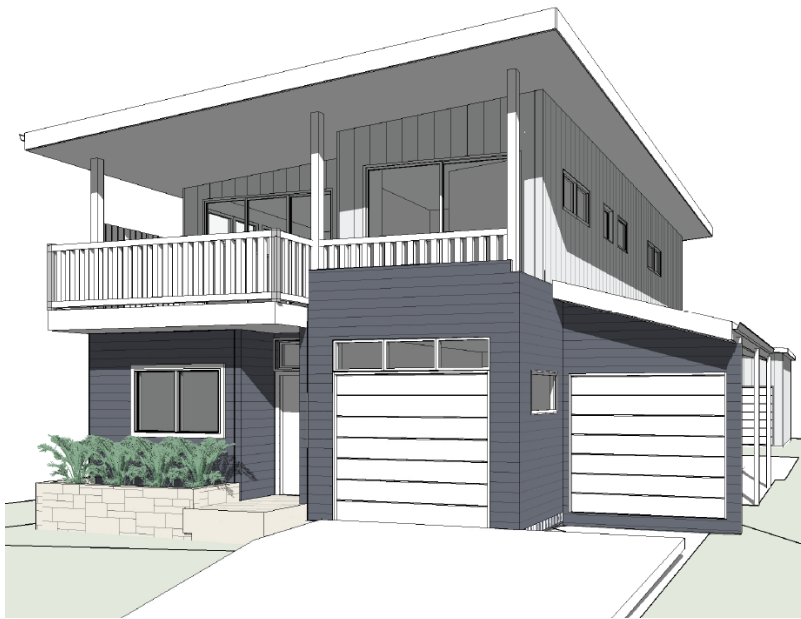


Figure 1 – Pre-DA design



Figure 2 - Proposed design

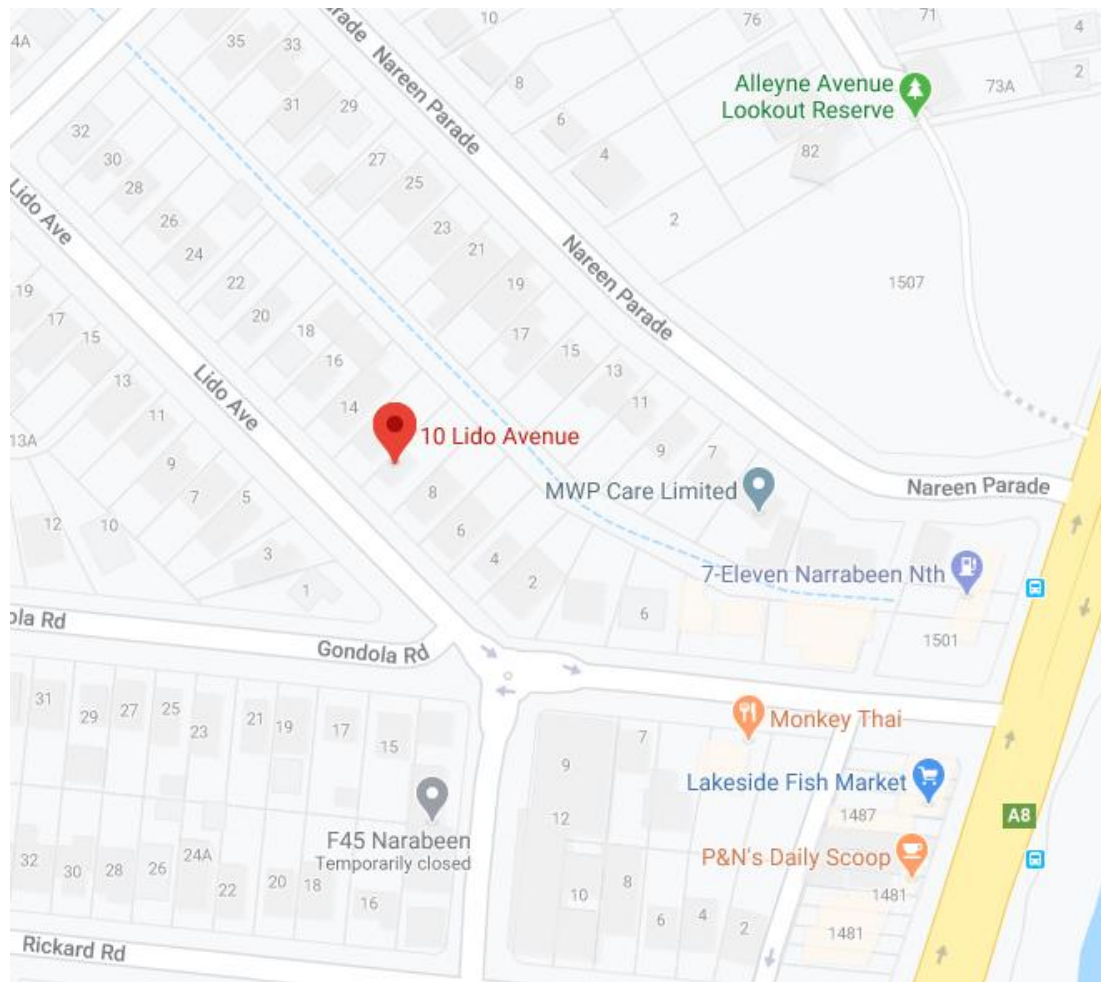


Figure 3 – Location of the site within its wider context (courtesy Google Maps)



Figure 4 – Alignment, orientation and spatial layout of the subject site and adjoining dwellings (courtesy Northern Beaches Council)



Figure 5 – the existing development as viewed from Lido Avenue



Figure 6 – the interface with adjoining development to the north west of the site at 12 Lido Avenue



Figure 7 – the interface with adjoining development to the north west of the site at 12 Lido Avenue



Figure 8 – the interface with adjoining development to the north west of the site at 12 Lido Avenue

3 Description of Proposed Development

The application seeks development consent for alterations and additions to the existing dwelling, including first floor addition, a new swimming pool, and a secondary dwelling at 10 Lido Avenue, North Narrabeen.

The proposed alterations and additions are depicted in the accompanying architectural plans by Blue Sky Building Design. A breakdown of the key aspects of the proposal are noted as follows:

Ground floor level

- Demolition of existing internal elements to create open plan kitchen / living / dining room (as marked on the architectural plans)
- Home office/ guest room
- Laundry
- Bathroom
- Window, wall, and door alterations as marked on the architectural plans

First floor level new

- Addition of new level and skillion roof
- 4 bedrooms
- 2 bathrooms
- Rumpus room with balcony to the front (south west)

Secondary dwelling

- A one bedroom secondary dwelling of 33 square metres within the rear north eastern corner of the site

Landscaping and site works

- Swimming pool
- Garden areas and landscaping as marked on the architectural plans

4 Environmental Assessment

4.1 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:

- State Environmental Planning Policies – as relevant
- Pittwater Local Environmental Plan 2014
- Pittwater 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 is addressed within Section 5 of this report, and the town planning justifications are discussed below.

5 Section 4.15 (1)(i) the provisions of any environmental planning instrument

5.1 Pittwater Local Environmental Plan 2014

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Pittwater Local Environmental Plan 2014 (LEP).

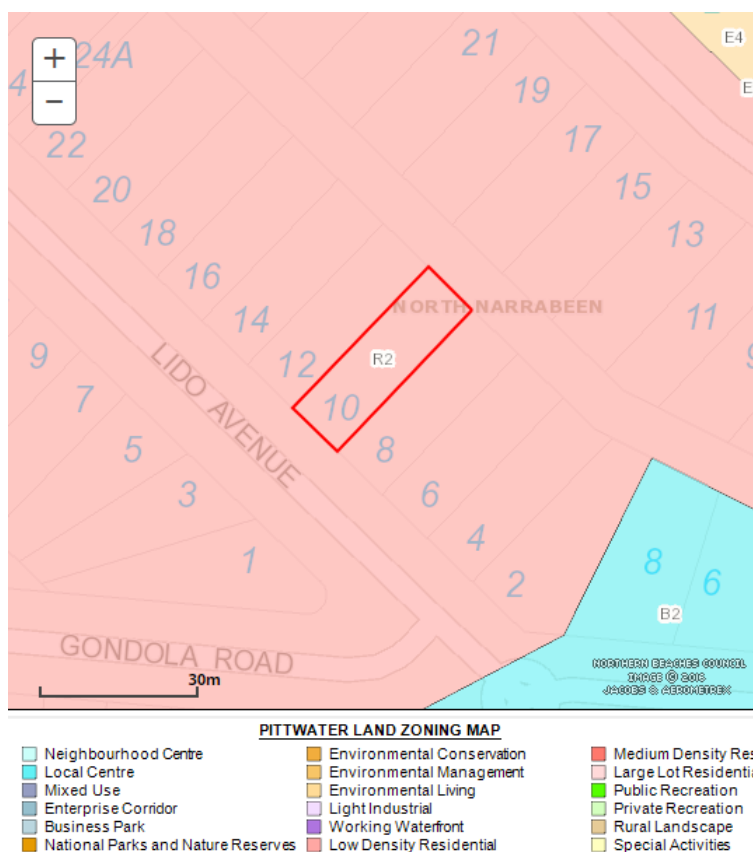


Figure 9 – zone excerpt (Northern Beaches Council)

The proposal constitutes alteration and addition and a new secondary dwelling. The proposal is permitted within the zone with Development Consent.

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 provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses

We have formed the considered opinion that the proposed development is consistent with the zone objectives as the land will continue to provide for the housing needs of the community.

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

5.2 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
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size	550m ²	NA
LEP Clause 4.3 – Height of Buildings	Complies as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
<p>LEP Clause 5.4 Controls relating to miscellaneous permissible uses</p> <p>Pursuant to clause 5.4(9) of the LEP, if development for the purposes of a secondary dwelling is permitted under the Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:</p> <p>(a) 60 square metres,</p> <p>(b) 25% of the total floor area of the principal dwelling.</p>	<p>In response:</p> <p>A secondary dwelling is permitted under the Plan and the total floor area of the dwelling does not exceed 60 square metres (33 square metres proposed)</p>	Yes
LEP Clause 5.10 Heritage Conservation	NA	NA
Part 6 of LEP – Additional Local Provisions		
<p>LEP Clause 7.1 Acid sulfate soils</p> <p>Relevant to the subject site the clause states:</p> <p>4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate</p>	<p>The proposal is within acid sulphate soils Class 3 on the LEP maps. Excavation is proposed for footings and the new swimming pool. For Class 3 land clause 7.1 states:</p> <p>(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.</p> <p>Works more than 1 metre below the natural ground surface. Works by which the</p>	Yes

LEP Provision	Response	Complies
<p><i>soils management plan is not required for the works, and</i></p> <p><i>(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</i></p>	<p><i>watertable is likely to be lowered more than 1 metre below the natural ground surface.</i></p> <p>As a result of the above, a preliminary geotechnical report including acid sulfate soils assessment accompanies the proposal. The report finds that the proposed development upon the site is satisfactory subject to compliance with recommendations made to mitigate any potential impacts.</p> <p>Based on the above, the provisions of the clause are assessed as being satisfied by the proposal.</p>	
LEP Clause 7.2 Earthworks	Modest excavation for footings is proposed for footings and the new swimming pool. The consent authority may be satisfied that in relation to any ancillary earthworks, that the matters within 7.2(3) (a) to (i) are able to be satisfied by the proposal.	Yes
LEP Clause 7.3 Flood planning	<p>The proposed development is located within a flood affected area. In response, the proposal is accompanied by a flood risk management assessment report. In response to clause 7.3(3), the assessment report confirms that the consent authority may be satisfied that the proposed development:</p> <ul style="list-style-type: none"> ▪ is compatible with the flood hazard of the land, and ▪ the alterations and additions proposed are not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and ▪ the proposal is capable of incorporating appropriate measures to manage risk to life from flood, and ▪ the alterations and additions proposed are not likely to 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 ▪ the alterations and additions proposed are not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. <p>The provisions of the clause are assessed as being satisfied by the proposal.</p>	Yes
LEP Clause 7.5 Coastal risk planning	NA	NA

LEP Provision	Response	Complies
LEP Clause 7.6 Biodiversity	NA	NA
LEP Clause 7.7 Geotechnical hazards	NA	NA

5.3 State Environmental Planning Policies

5.3.1 State Environmental Planning Policy - BASIX

The proposed demolition and construction of a new dwelling is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

5.3.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) is applicable to the site. The following key aspects are noted:

Clause 20 permits Secondary Dwellings within the R2 Low Density Residential zone.

Clause 22(3)(b) limits Secondary Dwellings to 60m².

Clause 22(4) of the SEPP states that:

'A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

if:

(a) site area (ii) the site area is at least 450 square metres

(b) parking - if no additional parking is to be provided on the site'.

In response:

The proposed Secondary Dwelling does not exceed 60m².

The site is in excess of 450 square metres.

No car parking is proposed specific to the proposed Secondary Dwelling, therefore this cannot be a reason to refuse the DA.

The proposed development complies with these provisions and there is no impediment to the granting of consent.

5.3.3 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 extremely 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.

5.3.4 SEPP (Vegetation in Non-Rural Areas) 2017

Vegetation is prescribed under Part E1 of WDCP 2011 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.

5.3.5 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 which came into effect on 3 April 2018. It is applicable because the site is within the designated:

- Coastal environment area – Division 3 - Clause 13
- Coastal use area – Division 4 - Clause 14

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
<i>(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:</i>	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> ▪ 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.
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> ▪ 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.
<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"> ▪ The subject site is established for residential purposes. Development is established on the site. ▪ Provision of appropriate stormwater management has been made for the site.

13 Development on land within the coastal environment area	Response
	<ul style="list-style-type: none"> ▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.
<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"> ▪ The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> ▪ 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.
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> ▪ Not relevant to the assessment of the proposal.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> ▪ Responses have been made above in relation to the considerations within subclause (1). ▪ The proposal is assessed as satisfactory in relation to these considerations.
<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"> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> ▪ 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. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(3) 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.	<ul style="list-style-type: none"> ▪ Noted; not applicable.

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) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p>	
<p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>	<ul style="list-style-type: none"> ▪ 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. ▪ Given the nature of development contained within the site and the local context, particularly the nature, scale, and siting of development within properties surrounding the proposal is assessed as satisfactory in relation to this consideration.
<p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p>	<ul style="list-style-type: none"> ▪ 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. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<p>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</p>	<ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
<p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p>	<ul style="list-style-type: none"> ▪ 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.
<p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p>	<ul style="list-style-type: none"> ▪ See above response.
<p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>	<ul style="list-style-type: none"> ▪ See above response.
<p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<ul style="list-style-type: none"> ▪ 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. ▪ The proposal with not result in any significant additional visual impact on the coastal foreshore.

14 Development on land within the coastal use area	Response
	<p>Nor will it result in significant loss of views from a public place to the coastal foreshore.</p> <ul style="list-style-type: none"> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<p><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></p>	<ul style="list-style-type: none"> ▪ Noted; not applicable.

6 Development Control Plan

In response to Section 4.15(1)(iii) of the Act, the Development Control Plan 21 (DCP) is applicable to the property. Relevant provisions of the Pittwater DCP are addressed below.

6.1 Overview

The proposal is:

- located within a landscaped setting and will be appropriately treated to blend with the character of the property and the locality;
- compatible with the architectural form and style of the contemporary dwellings within the local context and will complement this character when viewed from the street and public spaces;
- designed from an appropriate mix of high-quality materials and finishes, in a contemporary style.

6.2 Alterations and Additions And flood prone land

Because the proposal involves alterations and additions and the property is front flood prone land close C 1.9 definitions is applicable. The relevant definition of alterations and additions is copied and responded to below:

Cl c1.9 definitions –

Alterations and Additions

(for the purposes of the Flood Prone Land clause only) means:

(a) In the case of residential development, a one-off addition to, or alteration of an existing dwelling and/or the construction of a new garage or development ancillary to residential development where the new work results in an additional ground floor area of less than 30m² or an increase of less than 10% of the ground floor area (whichever is lesser); or

(b) In the case of non-residential development, a one-off addition to, or alteration of, an existing building of not more than 100m² or 10% of the ground floor area (whichever is the lesser).

The proposal complies with this definition because the existing gross floor area of the single level dwelling house is 102.3 square metres; it is proposed to demolish 13.2 square metres of this floor area, with the proposed ground floor area comprising 98 square metres. Therefore, the proposal involves a reduction in the existing ground floor area and does not involve utilisation of the 'one-off addition' provisions outlined in clause (b) of the definition. The proposal entirely satisfies this flood planning related development definition.

6.3 North Narrabeen Locality

The property is within the North Narrabeen Locality. This report demonstrates that the proposal has been designed to meet the desired future character of the Narrabeen Locality through its design, siting and height and its ability to sit compatibility within a landscaped setting.

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

6.3.1 Principal development controls

Control	Requirement	Proposed	Complies
Part D: Locality Specific Development Controls			
Front building line	6.5m or average of adjoining	Existing maintained	<ul style="list-style-type: none"> Yes
Side and rear building line	Side: <ul style="list-style-type: none"> 1.0m one side 2.5m to other side Variation - <i>Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.</i> Rear: 6.5 m	Side setbacks Dwelling house East: 3.130 to 3.390 West: 780mm to 915mm Secondary Dwelling East: 1.0m West: 7.5m Dwelling house – 14.2m Secondary Dwelling – 1.0m	<ul style="list-style-type: none"> Yes No * Yes Yes Yes No *
Building Envelope	3.5m at 45 degrees measured at the side boundary	East: complies West: exceedance proposed	<ul style="list-style-type: none"> Yes No *
Landscaped Area - General	50% minimum	Existing: <ul style="list-style-type: none"> 207.4m²/44.9% Proposed 219.6 / 47% comprising: <ul style="list-style-type: none"> 194.1 m² 25.5 m² (swimming pool water surface) 	Minor variation to numerical control; Existing extent of Landscaped Area is increased by the proposal (+12.2m ²). Outcomes of the control are satisfied.
Part C: Development Type Controls			
Private Open Space (PoS) (C1.7 DCP)	80 m ² at ground floor 16 m ² (out of the 80m ²) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and	Existing and proposed complies.	<ul style="list-style-type: none"> Yes

Control	Requirement	Proposed	Complies
	grade no steeper than 1 in 20 (5%)		
Solar Access (C1.4 DCP)	<p>Min 3 hours to each proposed dwelling within the site.</p> <p>Min 3 hours to neighbouring dwellings PoS areas.</p> <p>In accordance with Clause C1.4 the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.</p>	<p>The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading.</p> <p>The subject site and the adjoining properties have an north east/ south west orientation to Lido Ave.</p> <p>The proposal satisfies Cl.4 noting the following circumstances:</p> <ul style="list-style-type: none"> the shade extent is minimised in this instance by the site's north-east orientation. The result being that the proposal does not have any significant overshadowing impact upon the north western adjoining property (12 Lido Ave). Shortly after 9:00 AM on 22 June, no shade is cast onto the property. a driveway and carport is located on the adjoining property to the north west (12 Lido Ave) next to the common boundary with the subject site. The proposed upper-level will therefore not create any adverse impacts on sensitive locations within this property. Generous side setbacks exist to the dwelling house at 12 Lido Ave. The built form character and setbacks are shown in Figures 6, 7, 8, and 10 within this report. the shadow diagrams confirm that the proposed development will not impact upon the valued north facing private open space areas at the rear of either neighbouring property at numbers 12 or 8 Lido Ave. Shading effects from the proposed secondary dwelling to the property at 8 Lido Ave will occur between the hours of 12pm and 3pm to a modest (and reasonable) extent of the property's rear yard in compliance with the shading control. <p>The proposed shading outcome provides a modest and acceptable increase in shading, consistent with</p>	<ul style="list-style-type: none"> Yes

Control	Requirement	Proposed	Complies
		<p>orientation of the allotment and development pattern along the street.</p> <p>It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.</p>	
Views	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>Given the relatively flat topography, the siting of the existing dwelling additions, and the neighbourhood context of the property, the proposal is not anticipated to significantly or unreasonably impede any established views from surrounding residential properties or public vantage points.</p> <p>Noting these characteristics, the proposal will achieve an appropriate view sharing outcome between the properties. The provisions of this control are satisfied by the proposal.</p>	<ul style="list-style-type: none"> Yes
Privacy	Privacy DCP's objectives.	<p>Privacy has been considered in the proposed design and satisfies the DCP's privacy objectives. The following key aspects are noted:</p> <ul style="list-style-type: none"> There are no inappropriate window openings proposed within the north western or south eastern elevations of the proposed first floor addition. Highlight-style windows are proposed, and no unreasonable privacy impact will result. Several highlight-style windows are proposed to the southeast side wall of the secondary dwelling. The proposed secondary dwelling will orientate it's living room to the west where the property adjoins a detached outbuilding located within the north eastern corner of 12 Lido Ave. Furthermore, the secondary dwelling is significantly set back by 7.5 metres from the north western boundary. In relation to 	<ul style="list-style-type: none"> Yes

Control	Requirement	Proposed	Complies
		<p>properties to the northeast rear of the creekline adjoining the rear of the property provides increased separation; furthermore a privacy screen is proposed over the northeast facing living room window to address shade and privacy to this opening.</p> <ul style="list-style-type: none"> ▪ The existing private open space to the dwelling house is maintained and landscaping is proposed to provide separation, amenity, and visual screening between the respective private open spaces within the rear of the property. ▪ The proposed south facing balcony at first floor level achieves appropriate privacy because it is connected to a secondary living room (rumpus room), faces the street where there is less expectation of 'complete' privacy, and it is next to a carport within the adjacent property at 12 Lido St. Furthermore, a privacy screen is proposed along the edge of the balcony. ▪ It is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties. 	
Part B: General Controls			
B5.10 Stormwater Discharge into Public Drainage System.	Connected by gravity means to street or established piped system.	Connected by gravity means to the existing system.	<ul style="list-style-type: none"> ▪ Yes
Car Parking (B6.5 DCP)	<p>2 spaces per 2 or more bedroom dwellings</p> <p>Car parking relating to the Secondary dwelling is previously addressed in response to the Affordable Rental Housing SEPP.</p>	<p>The proposed dwelling house will contain 2 or more bedrooms.</p> <p>2 separately accessible car parking spaces are accommodated on the property which will be retained by the proposal.</p>	<ul style="list-style-type: none"> ▪ Yes
RESIDENTIAL DEVELOPMENT CONTROLS			

Control	Requirement	Proposed	Complies
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	The proposed alterations and additions will improve the property's built-form quality and streetscape presence, noting the context which has a mix of flat and pitched roof developments along with the mixed character of the surrounding development. The proposal will present appropriately to the site's street frontage.	<ul style="list-style-type: none"> Yes
Scenic Protection – General	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>The proposed alterations and additions will be within a landscaped setting and will present appropriately to the street.</p> <p>The proposal is of a character and scale that will be compatible with other dwellings within the site's context.</p>	<ul style="list-style-type: none"> Yes
Building Colours and Materials	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p> <p>Damage to existing native vegetation and habitat is minimised.</p>	<p>The proposed alterations and additions will present appropriately to the public spaces around the property.</p> <p>The proposed materials and finished will employ earthy tones, compatible with the location and context.</p>	<ul style="list-style-type: none"> Yes

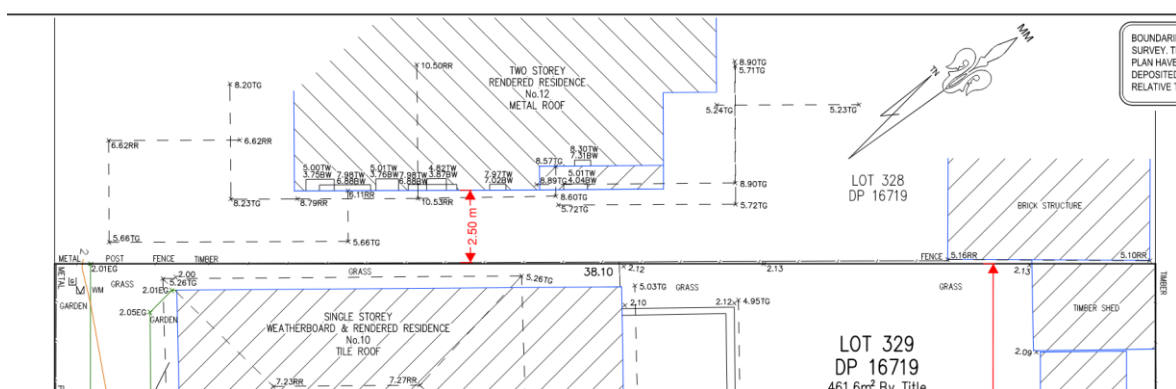


Figure 10 – excerpt of the land survey showing the dwelling at 12 Lido Ave being setback 2.5 metres from the common boundary and a brick structure (understood to have previously been a garage) located at the rear of the property. Figures 6, 7, and 8 also depict the built form character near the common boundary between the properties.

6.3.2 Variation – building envelope

Control D11.9 building envelope, contains the numerical requirement of 3.5m and 45 degrees for buildings to be sited within. As identified within the above table, a variation is exhibited by the proposal. The variation relates to the proposed north western side of the proposed upper level addition, as shown of the accompanying plans.

This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

The site has a north-east orientation. The result being that the proposal does not have any significant extent of overshadowing on the north western adjoining property. Flexibility in the application of the control is therefore appropriate because this key objective has been satisfied.

No inappropriate privacy impacts result from this exception. There are no inappropriate window openings proposed within the north western or south eastern elevations. Several highlight-style windows are proposed, and no unreasonable privacy impact will result.

A driveway and carport is located on the adjoining property to the north west (12 Lido Ave) next to the common boundary with the subject site. The proposed upper-level will therefore not create any adverse impacts on sensitive locations within this property. Generous side setbacks exist to the dwelling house at 12 Lido Ave. The generous side setbacks within 12 Lido Ave are shown in Figures 6, 7, 8, and 10 within this report.

The site's north-east orientation results in the proposal not having any significant overshadowing impact upon the north western adjoining property (12 Lido Ave). Shortly after 9:00 AM on 22 June, is cast onto the property. Furthermore, the shadow diagrams confirm that the proposed development will not impact upon the valued North facing private open space areas at the rear of either neighbouring property at numbers 12 or 8 Lido Ave.

The proposal utilises the existing dwelling and involves alterations and additions that are compliant with DCP clause 1.9 as it relates to the definition of alterations and additions for the purposes of the Flood Prone Land. The proposal has less height, bulk, and scale than a new dwelling that would need to be raised to comply with the flood planning level. The bulk, scale, visual impact, and overshadowing extent of the proposal is therefore less, and as such, more compatible with the established character of the local area.

Conclusion

Based on the above, it is concluded that:

- the proposal is reasonable;
- the proposal meets the objectives of the control;
- there are sufficient merits and circumstances to justify the variation 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 the proposed front setback is worthy of support, in the particular circumstances.

6.3.3 Variation - rear building line

Control D11.7 Side and rear building line, contains the numerical requirement of 6.5m for rear building setbacks. As identified within the above table, a variation is exhibited by the proposal. The variation relates to the proposed secondary dwelling which is proposed to be setback 1.0m from the site's rear boundary.

This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

Secondary dwellings are anticipated within rear yards, and therefore, within proximity to rear boundaries.

There are many examples of 'outbuilding' structures positioned close to rear boundaries within the local context including within the subject site and the adjoining properties. The proposed secondary dwelling will be compatible with this established built form character. Indeed, it will result in the removal of three separate existing outbuildings on the subject site (replaced with a single detached structure and an increase in landscape area). Furthermore, there are many examples of secondary dwellings located within the rear setback throughout the area that is subject to the Pittwater LEP & DCP. A rear setback of the nature proposed this is not a unique or inappropriate proposition.

The amenity of the neighbouring properties is addressed given that:

- The proposed secondary dwelling is a single storey structure comprising a relatively modest 33m², being 55% of the maximum allowable 60m² floor area under the LEP. An appropriate bulk and scale of built form is proposed;
- A creek adjoins the rear of the property and provides increased separation to the nearest dwelling house to the north; facilitating appropriate special separation between the properties.
- Shading impact is reasonable (see table above). Shading effects to the property at 8 Lido Ave will occur between the hours of 12pm and 3pm to a modest (and reasonable) extent of the property's rear yard in compliance with the shading control.
- The land is practically flat and appropriate dividing fencing is in place to facilitate visual privacy between established private open space areas;
- The secondary dwelling orientates it's living areas and private open space to the west of the structure not the rear dwelling;
- No adverse impact on views will result;
- The proposal increases the extent of landscaping on the property which is compatible with the objectives of the control;

- Flexibility in the siting of the proposed secondary dwelling is therefore appropriate in the circumstances.

Conclusion

Based on the above, it is concluded that:

- the proposal is reasonable;
- the proposal meets the objectives of control;
- there are sufficient merits and circumstances to justify this variation 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 the proposed front setback is worthy of support, in the particular circumstances.

6.3.4 Variation - side building line

Control D11.7 Side and rear building line, contains the numerical requirement of 1.0m and 2.5m for side building setbacks. As identified within the above table, a variation is exhibited by the proposal and relates to the proposed western wall of the first floor addition to the dwelling house.

It is noted that the proposed side setbacks to the dwelling house relate to alterations and additions to an existing building. In these circumstances the DCP provides relief from the numerical control and states:

Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.

This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

The proposed side setbacks are assessed as adequate to accommodate the proposal without any significant impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views.

The proposed side setbacks to the proposed addition first floor are reflective off the setbacks of the existing dwelling house that is established from the property.

The site is a relatively narrow allotment of 12.19m in width. Strict compliance within the envelope control would be too significant a constraint on the capacity of the property to accommodate a reasonably proportioned upper level. Flexibility in the application of the control is therefore appropriate in the circumstances.

There are no inappropriate window openings proposed within the north western or south eastern elevations. Highlight-style windows are proposed, and no unreasonable privacy impact will result.

The shade extent is minimised in this instance by:

- the site's north-east orientation. The result being that the proposal does not have any significant overshadowing impact upon the north western adjoining property (12 Lido Ave).

- a driveway and carport is located on the adjoining property to the north west at 12 Lido Ave that shares a common boundary with the subject site. The proposed upper-level will therefore not create any adverse impacts on sensitive locations within this property.
- Furthermore, the land survey shows the dwelling at 12 Lido Ave being setback 2.5 metres from the common boundary and a brick structure (understood to have previously been a garage) located at the rear of the property. The generous side setbacks within 12 Lido Ave are shown in Figure 10 below.

Conclusion

Based on the above, it is concluded that:

- the proposal is reasonable;
- the proposal meets the objectives of control;
- there are sufficient merits and circumstances to justify this variation 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 the proposed front setback is worthy of support, in the particular circumstances.

7 Section 4.15 the Environmental Planning and Assessment Act 1979 - Summary

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;
 - Social (and environmental) benefits arising from renewal of the existing housing stock with a BASIX compliant dwelling.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the relevant provisions of the 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.

8 Conclusion

The application seeks development consent for alterations and additions to the existing dwelling, including first floor addition, a new swimming pool, and a secondary dwelling at 10 Lido Avenue, North Narrabeen.

Blue Sky Building Designs have responded to the client's brief with an exceptional design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves a contemporary building design that is responsive to the flat topography of the location.

The property 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. The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's land use and built form context.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character. 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

Appendix 1 DA Appendices – under separate cover