

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 69 DP 16212
125 Rickard Road
North Narrabeen

PROPOSED DEVELOPMENT: Alterations and additions to an existing dwelling



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INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for alterations and additions to an existing dwelling. This report is based on plans prepared by Right Angle Design & Drafting, Job no. RADD24017, dated August 2024.

The subject site is located on Rickard Road, and is rectangle in shape. The allotment has a frontage of 12.19m, an average depth of 45.661m and total site area of 556.4m². The subject site currently consists of a two-storey dwelling, studio and shed which are to be retained as part of the proposed development.

One (1) tree is proposed to be removed to allow the proposed development to occur, and additional landscape planting is proposed post construction to enhance the landscape character of the area.

The subject site has been provided with all essential services including power, water and telecommunications. Drainage is to be continue to be directed to the existing approved drainage system in accordance with the drainage plan that accompanies this application.

The surrounding neighbourhood consists of detached one and two storeys dwelling that vary in architectural style. The subject site is not identified to be a heritage item or located in or within proximity to any conservation areas.

The following sections of this statement address the likely impact of the proposal.



DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development includes the following:

- Creation of a new driveway crossing
- Construction of a new stone wall and kerb along the northern boundary
- Extension to the front and rear of the lower ground floor to extend the existing garage and provide a new garage
- Extension to the ground floor to provide two additional bedrooms and a patio.
- Extension to the first floor to provide open plan kitchen, dining and family room and balcony.
- Relocate eastern boundary steps
- New retaining walls at the southern boundary
- Demolish concrete at the front and replace existing steps and path
- Replace existing eastern boundary retaining wall



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The subject site is located within the coastal zone and requires consideration under this policy. The site is specifically identified as forming part of the Coastal Environment Area. The clauses of relevance are addressed as follows:

Clause 2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*



- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6.*

The proposed development provides sufficient buffer to the coastal foreshore to ensure there will be no detrimental impact on the environmental characteristics of the waterfront lands, vegetation, headland or the cultural significance of the area surrounding area. There will be no loss of public open space or access thereto.

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*



- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Section 2.98 Development adjacent to rail corridors

(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Section 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*



- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development includes the removal of one (1) tree, centrally sited at the western boundary. The removal of the identified tree is required to allow the proposed development to occur.

The removal of the identified tree is not known to be of increased biodiversity value and is not anticipated to result in reduced amenity to the proposed development as a result of their removal. Replacement planting is to be provided as part of the proposed development to ensure amenity of the allotment is maintained as a result of the development.



Pittwater Local Environmental Plan 2014

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is identified to be zoned C4 Environmental Living pursuant to Clause 2.2 of Pittwater Local Environmental Plan 2014.

The proposed development is ancillary development to the existing dwelling on the allotment. A 'dwelling' is defined in the Plan as "a building containing only one dwelling".

The identified zone permits the construction of a 'dwelling house' therefore ancillary development is permitted subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the C4 Zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The proposed development can satisfy the objectives of the zone as it complements the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.



The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The proposed alterations and additions are considered to meet the objectives of the C4 Zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m ridge height	9.1m	No – Refer to Clause 4.6

Clause 4.4 Floor Space Ratio

There are no maximum floor space ratio provisions for the subject site.

Clause 4.6 Exceptions to development standards

The proposed development contravenes Clause 4.3 with regards to height of buildings. Please refer to the Appendix of this report for a request to vary the above development standard.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within close proximity to heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land.



Clause 5.21 Flood planning area

The subject site is not known to be located within a flood planning area.

Part 7 Additional local provisions

Clause 7.1 Acid sulfate soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed dwelling requires minor excavation within the footprint area only to provide footings / foundations for the proposed development. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 7.2 Earthworks

Minor ground disturbance is required to site the proposed alterations and additions. The extent of earthworks is not considered excessive for the site due to the relatively level nature of the allotment. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 7.6 Biodiversity

The subject site is identified as being within an area of terrestrial biodiversity. The proposed development does not involve removal of excessive vegetation or land clearing and will maintain landscape character of the area. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land.

Clause 7.7 Geotechnical Hazards

(2) This clause applies to land identified as "Geotechnical Hazard H1" and "Geotechnical Hazard H2" on the [Geotechnical Hazard Map](#).

The subject site is identified as being within the 'Geotechnical Hazard H1' on Council's maps.



(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—

(a) site layout, including access,

(b) the development's design and construction methods,

(c) the amount of cut and fill that will be required for the development,

(d) waste water management, stormwater and drainage across the land,

(e) the geotechnical constraints of the site,

(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Consideration of the abovementioned geotechnical risks has been undertaken during the design of the proposed development.

The proposed alterations and additions development has been designed utilising a concrete slab with equal amounts of cut and fill being proposed where earthworks are required. The proposal also includes integrated retaining walls within the dwelling design to minimise the geotechnical impacts of the development.

Suitable waste water and stormwater management has been incorporated within the design with supporting documentation accompanying the subject development application.

Clause 7.10 Essential Services

All necessary services are available on the site including access to water, sewer, telecommunications and electricity.

* * *

Conclusion with respect to LEP requirements

The proposal satisfies the objectives and requirements of the Pittwater Local Environmental Plan 2014.



(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Pittwater Development Control Plan 21

DCP is divided into several sections of generic and individual locality-based controls. The subject site is located within the North Narrabeen Locality. Assessment of the subject proposal against DCP No.21 is provided as follows;

Section A – Shaping Development in Pittwater

A4.11 Locality character statement – North Narrabeen Locality

The extension of the tram to Narrabeen in 1913 established the North Narrabeen Locality as a popular area for holidays and camping. Until this time, the locality remained relatively undeveloped, used mainly as a through-route to Mona Vale and land further north. A bridge constructed across Narrabeen Lagoon in 1880, and the opening of the Wakehurst Parkway in 1946, connected the locality and rest of Pittwater with land to the south. From the 1950s, residential development intensified in the locality.

Since this time, the locality has developed into a predominantly low-density residential area, with dwellings built along the valley floor, slopes, and adjacent to Narrabeen Lagoon. The locality is characterised by one and two-storey dwelling houses on 450-650 square metre allotments (some smaller allotments may exist). The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes.

The locality is serviced by a neighbourhood retail centre at Pittwater Road, which also serves as a retail centre for passing motorists, and nearby residents descending from Elanora Heights. A smaller neighbourhood centre is located at the corner of Powderworks Road and Garden Street. This services the local industrial area that is dominated by car uses including servicing, repair and sales, that is located between Garden and Warraba Road. The locality also contains Narrabeen RSL club, a community centre and recreational facilities including tennis courts, several reserves and Narrabeen



Lake.

The locality is characterised by a valley and steeper slopes to the north, south, and west, and lowlands extending to Narrabeen Lake to the east and Mullet Creek. Due to the topography, some significant views can be obtained to the east and south. Conversely, the slopes and ridge tops of the locality are visually prominent.

Much of the natural vegetation has been removed and replaced with non-indigenous species. Much of the tree canopy around the escarpment has been retained.

The natural features of the locality result in a high risk of bushfire, landslip and flood.

The major roads within the locality are Pittwater Road, Rickard Road, and the Wakehurst Parkway. Powderworks Road is a common through-route from the beaches to land further north/west, and similarly, the Wakehurst Parkway is a major link with land further west and south. Several pedestrian links and pathways exist within the locality, including a popular pedestrian/cycleway adjacent to Narrabeen Lake.

The proposed development is to be located on a 556.4m² existing allotment being in keeping with the typical size for the area. One tree is required to be removed in order to site the proposed works and is proposed to be replaced and additional planting to occur to ensure the landscape character of the area is maintained.

The proposed alterations and additions are considered to be consistent with the intended character of the area and the character of North Narrabeen and would not result in any adverse impacts to the major road.

The proposal does not present any detriment to views or streetscape setting and environmental issues are considered satisfactory addressed. The proposed siting of the alterations and additions has taken into consideration site constraints including the typography of the site.

Desired Character

The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another



dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

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

The design, scale and treatment of future development within the North Narrabeen commercial centre on Pittwater Road will reflect the status of the centre as the 'gateway' to Pittwater through building design, signage and landscaping, and will reflect principles of good urban design.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.



The proposed alterations and additions will maintain the existing low-density residential character proposed in the rear and therefore will not contribute to bulk and scale or impact any public view. The existing dwellings frontage and associated infrastructure will be maintained.

The overall design of the development has given consideration to the site's environmental constraints and topography, the amenity of neighbouring properties, views obtained from the site and the streetscape.

The proposed works are considered to be in keeping with the desired character of the North Narrabeen area.

Section B – General Controls

B1 Heritage Controls

The subject site is not identified as an item of heritage significance. The site is not within a heritage conservation area or located within close proximity to heritage items.

B3 Hazard Controls

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed dwelling requires minor excavation within the footprint area only to provide footings / foundations for the proposed development. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

B4 Controls Relating to the Natural Environment

The subject site is not identified as being within an area of environmental significance.

B5 Wastewater management

Drainage from the subject site is to be directed to the existing drainage collection system for the property.



B6 Access and Parking

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>B1.6 Access driveways and works n</u> <u>Public Road Reserve</u> Driveway width at boundary to be maximum of 3.0m	Capable of complying	Yes
Driveway width at kerb to be maximum of 3.5m	Capable of complying	Yes
<u>B6.2 Internal driveways</u> Minimum width of driveway corridor 3m	Provided	Yes
<u>B6.3 Off-street parking requirements</u> Required parking spaces per dwellings (not secondary dwelling) 1bedroom – 1 space 2bedrooms + - 2 spaces	>2 parking spaces provided in proposed garage	Yes
Min. enclosed garage dimensions - 3.0m x 6.0m	Provided.	Yes

B8 Site works management

Earthworks are required to site the proposed alterations and additions. An erosion and sediment control plan has been attached with this application for Council's consideration. All sedimentation control devices will be in place prior to any site works for the construction of addition.



Section C - Development type controls

C1 Design Criteria for Residential Development

<i>Requirements</i>	<i>Provision</i>	<i>Compliance</i>
<u>C1.1 Landscaping</u> 60% of front setback to be landscaped.	56% provided 59% existing 38% front yard is landscaped	No – see below
<u>C1.2 Safety & security</u> Be able to view visitor at front door without opening it. Casual surveillance of front yard.	The proposed development provides sight lines from the dwelling to the street and has a habitable room overlooking the street frontage.	Yes
<u>C1.3 View sharing</u>	The proposed development is not anticipated to have any unreasonable impact on views of surrounding properties. Any views obtained along the street and through the site can still be obtained due to appropriate setbacks.	Yes
<u>C1.4 Solar access</u> 3hrs to POS of proposed and adjoining 9am-3pm. 3hrs to sunlight- min 50% glazing to proposed living area windows.	3hrs solar access provided to the proposed dwelling and adjoining dwellings due to appropriate setbacks and height of the proposed works.	Yes
<u>C1.5 Visual privacy</u>	No loss of visual privacy anticipated from the proposed development. Significant rear setback maintained and privacy screening proposed to side developments to ensure the privacy of adjacent dwellings is maintained.	Yes
<u>C1.6 Acoustic privacy</u>	No significant noise source within direct proximity of the subject site.	Yes
<u>C1.7 Private open space</u> 80m ² POS Min dimension 3m	>80m ² POS area provided Min dimension >3m.	Yes Yes



Max 75% POS in front yard Principal area 4m x 4m Accessed via living area.	POS located in rear yard. Provided in rear yard. Decking and POS is accessed via dining room.	Yes Yes Yes
POS to have good solar orientation	POS area capable of receiving adequate solar access.	Yes
POS to include provision of clothes drying facilities.	Capable of providing	Yes
<u>C1.12 Waste and recycling facilities</u>	Adequate area continues to be available for bin storage within the site.	Yes
	Waste Management Plan provided for Council's consideration.	Yes
<u>C1.20 Undergrounding of utility services</u>	Necessary services/utilities can be provided for the proposal.	Yes
<u>C1.23 Eaves</u> Dwelling to incorporate eaves on all elevations. Min. 450mm	Eaves provided to all elevations	Yes

Variation Request

Landscape Area – Council's DCP requires a minimum 60% of the front setback to be landscaped area and a minimum of 60% of the overall site area to be landscaped. The development proposes a front setback landscape area of 38% and 56% of the overall site to be landscaped therefore requires a variation to this control.

It is understood that the objectives of the landscape requirement are to ensure that the landscape character and natural vegetation of the area is retained and conserved where possible. Extensive consideration has been given to maintaining as much landscaped area as possible with hard surface areas minimised as much as practical for the design. The existing development has a landscaped area of 58%, below the Council's requirements and the proposed development requires a minor reduction of 2% to the existing landscape area.



The existing and proposed development has been provided with high quality landscape area throughout the site. Additional planting after construction has been proposed to further enhance the landscape character, minimise run-off and reduce the built form on site. The proposed alterations and additions include the removal of existing concrete paving and paths and the addition of new planters within the front setback to add minimal hard standing and add landscaping where suitable.

The proposed alterations and additions are considered to be minor in nature whilst catering for the needs of the occupants. The proposed development will be in keeping with current and likely future dwellings of the area, to ensure the current and future character of North Narrabeen is retained.

Section D - Locality Specific Development Controls

D11 North Narrabeen Locality

This section of the DCP applies to all land within the North Narrabeen Locality and provides controls for sector planning (subdivision and layout) and built form.

An assessment of the proposed development against the relevant controls of this section of the DCP is provided below.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>D11.1 Character as viewed from a public place</u> Walls without articulation shall not have a length greater than 8 metres to any street frontage.	The front façade does not contain any unarticulated component in excess of 8m.	Yes
Any building facade to a public place must incorporate at least two of the following design features: entry feature or portico; awnings or other features over windows; verandahs, balconies or window box treatment to any first-floor element;	Entry feature and architectural elements provided	Yes



<p>recessing or projecting architectural elements; open, deep verandahs; or verandahs, pergolas or similar features above garage doors.</p> <p>Parking structures to be behind the front building line max. width 50% of lot frontage or 7.5m whichever is lesser.</p>	<p>Proposed garage located in line with the building line 5.84m/ 45.3%</p>	<p>No -see below Yes</p>
<p><u>D11.2 / Scenic Protection</u> Minimise visual impact on natural environment when viewed from the waterway, road or public reserve.</p>	<p>Site not located within a scenic protection area.</p>	<p>N/A</p>
<p><u>D11.3 / Building Colours and Materials</u> Non-reflective dark tones preferred.</p>	<p>Colours and finishes will be non-reflective and blend with the varied nature of the streetscape.</p>	<p>Yes</p>
<p><u>D11.6 / Front Building line</u> Min. 6.5m or established building line, whichever is greater.</p>	<p>No proposed change to existing front setback in keeping with the street - 5.98m</p>	<p>Yes</p>
<p><u>D11.7 / Side and rear building line</u> Land zoned R2 or E4: 2.5m to one side; 1.0m to other side. 6.5m to rear (except land in foreshore)</p>	<p>No proposed change to existing side setbacks >6.5m</p>	<p>Merit consideration Yes</p>
<p><u>D11.9 / Building envelope</u> 3.5m above ngl on side boundaries, inward at 45° to max. height (eaves permitted outside).</p>	<p>Provided to all elevations excluding the north east and west elevation</p>	<p>No – see below</p>
<p><u>D11.10 / Landscaped Area – General</u> Landscape area min = 50% R2 Zone – 6% can be hard surface associated with POS.</p>	<p>N/A to C4 zones</p>	<p>N/A</p>



Allowance for 1m wide path etc.		
<u>D11.11 / Landscaped Area – Environmentally Sensitive Land</u> Total landscape area - min. 60%	56% provided	No – see variation request above
<u>D11.12 Fences General</u> Front fences within the front building setback Max. 1m To be constructed of open, see-through, dark coloured materials Rear and side fences Max. 1.8m	1m front fencing proposed Capable of complying 1.2m fencing proposed above retaining wall along western side boundary 1.8m privacy screen proposed along eastern side boundary	Yes Yes Yes
<u>D11.14 / Retaining Walls</u> Lightweight construction and pier and beam footings should be used in environmentally sensitive areas Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	N/A- subject site is not identified as being within an environmentally sensitive area. Proposed front retaining walls include nature strip to reduce the visibility from the street.	N/A Yes

Variation Request

Garage forward of building line – Council’s DCP requires parking structures to be located behind the building line, therefore the proposed garage sited in line with the building line requires a variation to this control.

The setback requirement is understood to be a means to ensure the garage and parking areas are not dominant features of the dwelling and streetscape and to provide safe and convenient access for vehicles, pedestrians and cyclists whilst minimising conflict between them. The proposed compliant garage width includes articulation along the front façade fronting the streetscape to ensure the



garage is not a dominate feature of the dwelling or streetscape. The proposed siting of the garage is considered to reflect the streetscape, following a similar sitting and design of dwellings along the street including no. 121,123, 127, 129 and 133.

Due to the high-quality design of the garage, its setback and proposed landscaping is considered to meet the objectives of the garage setback controls despite sitting forward of the building line. It is therefore requested that the variation is supported in this instance.

Building envelope – Council’s DCP requires dwellings to be sited within a building envelope 45° and 3.5m from the existing ground. The proposed alterations and additions are sited outside the building envelope and therefore require a variation to this control.

The proposed non-compliance is the direct result of the topography of the site, combined with the level and width of the existing dwelling, creating difficulty in sitting the development without some level of non-compliance. The proposed upper floor walls have been positioned directly above the existing ground floor walls to ensure structural integrity and appear in keeping with the existing dwelling. Providing a compliant building envelope would require the first-floor addition to have a stepping in of the façade which would prevent the development from complementing the existing dwelling and being structurally adequate.

It is understood that the objectives of this control are to ensure views and vistas are maintained and the privacy, amenity and solar access of adjoining properties are protected along with ensuring the bulk and scale of the built form is minimised. The non-compliance creates no additional adverse visual impact to the streetscape and would not result in the dwellings sitting, bulk or scale to appear out of context with the existing built form of the area. The dwelling is not considered to create shadows beyond that anticipated for a two-storey dwelling. Privacy of adjoining properties will not be compromised as a result of the requested variation as side elevation windows have been minimised as much as practical without introducing excessive visual bulk.

The proposed design can generally satisfy the objectives of the clause and the non-compliance is considered acceptable in these circumstances. It is requested that the variation is supported in this instance.

* * *



Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within DCP No. 21.

(iia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.

Siting and Design

The proposed alterations and additions will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the dwelling provides generous boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements along with a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Minor earthworks will be required for the construction of the proposed alterations and additions, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.



Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed alterations and additions, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and generally satisfies the objectives of the Pittwater Development Control Plan 21 as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the proposed alterations and additions will complement and blend with the existing and likely future character of North Narrabeen. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed alterations and additions appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

Town Planner (PIA (Assoc.))

Urban Planning & Building Consultants

7 November 2024



APPENDIX



Appendix 1 - Clause 4.6 Height of Buildings

It is requested that Council consider the following request for a variation under the provisions of Clause 4.6 of Pittwater Local Environmental Plan 2014 (PLEP2014) during assessment of this application:

[Pittwater Local Environmental Plan 2014](#)

[4.6 Exceptions to development standards](#)

- (1) The objectives of this clause are as follows—
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6 of the LEP - Exceptions to development standards provides the opportunity for Council to vary the controls based on the merits of the application. The case of *Randwick v Micaul* indicates that Council, as the content authority, maintains a high level of discretion with regard to the level of justification required in order to support a variation request. As detailed below, it is considered that the current application satisfies the Clause 4.6 criteria in the LEP, and therefore should be supported.

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The overall height development standard is not expressly excluded from the operation of Clause 4.6.

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that -*
- (a) *Compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

As discussed below, it is unreasonable and unnecessary to require compliance with the overall height control as all key Clause 4.6 requirements are satisfied despite the non-compliance.



The subject site is identified to be zoned C4 Environmental Living pursuant to Clause 2.2 of Pittwater Local Environmental Plan 2014.

The objectives of the C4 Zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The proposed alterations and additions can satisfy the objectives of the zone as it complements the existing residential setting and does not have any adverse impacts upon any areas with special ecological scientific or aesthetic values. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site. The proposed works provide high quality architectural features that complement and enhance the streetscape and character of the surrounding area.

The siting of the two-storey dwelling is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed development is considered to meet the objectives of the C4 Zone.

The objectives of Clause 4.3 are:

- (a) To ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) To ensure that buildings are compatible with the height and scale of surrounding and nearby development,*



- (c) To minimise any overshadowing of neighbouring properties,*
- (d) To allow for the reasonable sharing of views,*
- (e) To encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The objective of this control is understood to be a measure to ensure the dwelling does not have an unreasonable impact on adjoining properties or the streetscape by way of overshadowing, overlooking or visual bulk.

The 0.6m non-compliance is the direct result of existing excavation that has occurred onsite which altered the topography of the allotment. It is considered that some level of variation is anticipated on allotments such as the subject site where the allotment has existing earthworks reducing the ground level and a fall within the topography.

The required variation relates to a small proportion of the dwelling and only to the south east and north west elevations and will not detrimentally impact the amenity of the adjoining properties. The proposed alterations and additions have been designed with consideration given to the existing topography of the site and the existing overall streetscape character. The shadows cast by the proposed development will not have an overall negative impact upon the adjoining properties, whilst there is still some overshadowing, the POS of the adjoining property will have a reasonable level of solar access throughout the day.

The front façade and material choices are anticipated to be in keeping with the existing dwelling and recent development throughout the area and will help to enhance the character of the street which contains single and two storey dwellings. The visual bulk of the proposed two storey dwelling as viewed from the adjoining dwellings is not considered to be excessive as a result of the variation given the increased first floor setbacks and articulation provided throughout the design in addition to the proposed landscaping to the front and sides of the proposal to further reduce the bulk of the development. As there is no perceived impact on the streetscape character of the area or the amenity of adjoining properties beyond that of a compliant proposal, the dwelling is considered to be able to meet the objectives of the height control despite the numerical non-compliance.

In the circumstances of this particular case, it is considered that strict compliance with the overall height requirements of Pittwater Local Environmental Plan 2014 is considered unreasonable and



unnecessary as the proposed alterations and additions has been designed to reduce the height as much as possible, whilst still providing a design which is in keeping with the resident's needs. Despite the non-compliance the proposed development can still attain the objectives of the Environmental Planning and Assessment Act 1979, R2 Low Density Residential and the subject development standard.

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

The requested variation relates to Clause 4.3(2) as shown below:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject site is identified to have a maximum building height of 8.5m.

In this instance the proposed development provides a maximum building height of 9.1m is proposed requiring a 0.6m variation to the development standard. The requested variation is restricted to the north west and north east elevation. The area of the non-compliance relates to a small portion of the dwelling, and will not detrimentally impact on the amenity of the adjoining properties.

The increase to the overall building height is considered to have minimal impact on the overall development in terms of bulk and scale appearance, due to the maximum building height positioned behind the existing dwelling and screened by suitable landscape planting forward of the building line. The proposed dwelling is not considered to be excessive in size, having been designed to include extensive articulation and a landscape design. Further the proposed development provides a suitably sized dwelling in keeping with developments of the surrounding area.

The variation will result in an increase in height by 0.6m from the permitted overall height which is considered to have minimal impact on the overall development. The proposed development is not considered to be excessive in size and provides a suitably sized two storey dwelling in keeping with developments in the surrounding area.

Whilst being numerically non-compliant with the height of buildings control the proposed development is not anticipated to detrimentally impact the streetscape or surrounding developments



by way of solar access or privacy. In fact, the proposed development will result in an improved amenity and streetscape appearance as a result of the proposed landscaping and by ensuring that the bulk and scale of the development is consistent with the existing development.

The objects of the Environmental Planning and Assessment Act 1979 are understood to be as follows:

1.3 Objects of Act

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Most relevant objects to this development are objects 1.3(c), 1.3(g) and 1.3(h) as outlined above.

The proposed development relates to alterations and additions to an existing dwelling within a residential setting. Allowing the proposed alterations and additions, despite the numerical non-compliance with the height of buildings provisions, ensures that redevelopment of the site for a whilst providing suitable internal amenity and urban renewal of aging housing stock in a residential area.



Further, allowing the increase in building height ensures that the proposed dwelling is architecturally accurate in the streetscape setting which is considered to promote orderly and economic use and development of the land.

The design of the proposed development has given consideration to the streetscape locality, surrounding development along with the orientation of the allotment during the design process. The development appropriately addresses the street frontage and provides visual bulk in keeping with recent development throughout the North Narrabeen area. Consideration of these key aspects promotes good design through a high-quality architectural development. Further the proposed two storey dwelling has been designed to provide high level of amenity to the development and future occupants of the dwellings.

Whilst "environmental planning grounds" are not separately defined within the EP&A Act 1979 the proposed development is considered to provide orderly and economic use and development of the land through retention of an existing dwelling. Further the proposal meets good design principals and provides a dwelling design that has an increased amenity than the existing built form without detrimentally impacting the surrounding development by way of visual bulk, privacy, amenity and solar access.

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

Council is to keep records of their assessment of the subject application.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if –

- (a) The subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The proposed development does not relate to subdivision of land.



- (8) This clause does not allow development consent to be granted for development that would contravene any of the following –*
- (a) A development standard for complying development*
 - (b) A development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index; BASIX) 2004 applies or for the land on which such a building is situated*
 - (c) Clause 5.4*
 - (caa) Clause 5.5*

The proposed development does not relate to a complying development, does not conflict the requirements set out in a BASIX certificate or consist of miscellaneous use and is not located within a rural zone.

Summary

As discussed above, compliance with the height of building development standard is considered to be unreasonable and unnecessary in the circumstance of this case. There are sufficient environmental grounds to justify the development contravening the development standard as the proposed development provides good architectural design and amenity which fosters orderly and economic use of the land.

The proposed development is able to achieve the objectives of the zone and height of buildings clause through the design of the development. As such the proposed development is considered to be in the public interest and there is no public benefit in maintaining the development standard in this instance.

Accordingly, Council's agreement is sought to the proposed variation in height of buildings for the site.