

STATEMENT OF ENVIRONMENTAL EFFECTS



For:

Proposed Alterations and Additions to an Existing Dwelling House

At:

Lot 32 DP 16602, 1 Phyllis Street, North Curl Curl.

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This Statement of Environmental Effects was prepared by:

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Reference 24061TM

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1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (current DA) seeking approval of Northern Beaches Council (Council) for “*Proposed Alterations and Additions to an Existing Dwelling House*” on a property known as 1 Phyllis Street, North Curl Curl (subject site).

On 8 November 2023, Council approved DA 2023/0455 for proposed “*Alterations and Additions to a Dwelling House*” on the subject site. This previous approval is described as the “current approved development” in this SEE.

There are numerous references to this current approved development for the following reasons: -

- The current approved development under DA 2023/0455 is still active.
- The current approved development was assessed under the current Planning Controls of Council.
- My assessment is that many of the approved elements under the current approved development are similar to the current DA.
- I note that there were previous objections lodged in response to the current approved development. I have reiterated those objections in this SEE and provided my responses.
- For the reasons outlined in this SEE, I consider that the current DA is eminently reasonable and positively responds to the previous objections. I particularly note that the current approved development involves pitched roofs. The current DA proposes a slightly raised skillion roof and the proposed skillion roof would result in reduced adverse impacts on adjoining properties. Please refer to later comments in this SEE.

I have considered the current DA against a range of Planning Controls including, but not limited to, the following:

- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Resilience and Hazards) 2021;

- Warringah Local Environmental Plan 2011, and
- Warringah Development Control Plan 2011.

For the reasons outlined in this SEE, I consider that the current DA is eminently reasonable and is worthy of approval of Council.

By way of introduction, I am a Consultant Planner with 15 years' experience in 3 Local Government Councils, including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW and a Bachelor of Laws Degree (Hons) from the University of Technology, including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness in the Land and Environment Court (Court) and appeared in numerous Appeals as a Court Appointed Expert.

2.0 SUBJECT SITE AND ADJOINING LOCALITY



Subject Site Highlighted

As previously advised, the subject site is known as 1 Phyllis Street, North Curl Curl.

The report of Council's Assessment Officer in response to the current approved development described the subject site and locality in the following terms:-

- *"The subject site consists of one (1) allotment located on the southern side of Phyllis Street and the eastern side of Ian Avenue.*
- *The site is a corner allotment with a frontage of 9.2m along Phyllis Street and 34.7m along Ian Avenue. The site has a surveyed area of 481.3m².*

- *The site is located within the R2 Low Density Residential zone and accommodates a two storey dwelling house with an in-ground swimming pool and detached garage.*
- *The site slopes to the eastern boundary with an approximate fall of 1.5m.*
- *The site does not contain any significant environmental features.*
- *Adjoining and surrounding development is characterised by one and two storey dwellings.”*

A brief history of Council approvals on the subject site includes the following approvals:

- *On 3 December 2013, Council approved DA 20013/1038 for “alterations and additions to a dwelling house, construction of a swimming pool, garage and fencing”.*
- *On 13 February 2015, Council approved Mod 2014/0250 for “alterations and additions to a dwelling house, construction of a swimming pool, garage and fencing”.*
- *As previously advised, Council approved DA 2023/0455 on 8 November 2023 for “alterations and additions to a dwelling house”.*

3.0 THE PROPOSED DEVELOPMENT

As previously noted, the current DA seeks approval of Council for “*Proposed Alterations and Additions to an Existing Dwelling House*” on the subject site.

To gain a full understanding of all of the elements of the proposed Alterations and Additions, I refer to the Architectural Drawings prepared by Lawrence Consulting Group, Architects.

The primary elements of the proposed Alterations and Additions are as follows:-

- **Lower Ground Floor**
 - Proposed partial demolition of internal and external walls.
 - Proposed demolition of existing garden walls.
 - Proposed landscaping.
 - Proposed paved pathway.
 - Proposed internal alterations.
- **Ground Floor Plan**
 - Proposed partial demolition of internal and external walls.
 - Proposed demolition of existing garden walls and stairs, boundary wall and inground concrete pool.
 - Proposed landscaping.
 - Proposed paved area.
 - Proposed inground pool.
 - Proposed balcony.
 - Proposed verandah.
 - Proposed internal alterations.
- **First Floor Plan**
 - Proposed demolition.
 - Proposed roof top landscaping.
 - Proposed western balcony.
 - Proposed eastern balcony.

- Proposed eastern extension.
- Proposed internal alterations.

- **Roof**
 - Proposed flat roof over existing garage.
 - Proposed metal roof.
 - Proposed dedicated photovoltaic panels to new metal roof.

- **Landscape Works in the Public Verge**
 - There are proposed landscape works on the public verge on Ian Avenue.

I stress again that to understand the full extent of the proposed Alterations and Additions, reference must be made to the Architectural Plans prepared by Lawrence Consulting Group, Architects.

Furthermore, when assessed against the Court's Planning Principle in *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187, I consider it is appropriate to regard the proposed development as proposed Alterations and Additions when compared to the current approved development.

I also wish to note the Positive Outcomes arising from the current DA, which are referred to in Section 6.0 of this SEE.

4.0 PLANNING ASSESSMENT

4.1 State Environmental Planning Policy (Sustainable Buildings) 2022

Aim of Policy

The aims of this Policy are as follows -

- (a) to encourage the design and delivery of sustainable buildings,*
- (b) to ensure consistent assessment of the sustainability of buildings,*
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,*
- (d) to monitor the embodied emissions of materials used in construction of buildings,*
- (e) to minimise the consumption of energy,*
- (f) to reduce greenhouse gas emissions,*
- (g) to minimise the consumption of mains-supplied potable water,*
- (h) to ensure good thermal performance of buildings.*

Comment:

SEPP (Sustainable Buildings) 2022 applies to the proposed development.

The above SEPP relates to commitments within a proposed development in relation to thermal comfort, water conservation and energy efficiency sustainability measures.

BASIX Certificate No. A1789675_02, dated 31 March 2025, has been issued by the BASIX Certificate Centre for the proposed development.

In addition, the proposed development includes a number of positive elements of Ecologically Sustainable Development (ESD), including the following: -

- Photovoltaic Solar Panels.

- Significant increase in the quality of landscaping on the subject site compared to the existing landscaping, including on the proposed elevated balconies and verandah.
- Proposed landscaping works the public verge on Ian Avenue.

As a result of the issuing of the abovementioned BASIX Certificate and the positive elements of ESD, I consider that no further assessment is required under State Environmental Planning Policy (Building Sustainability Index: BASIX).

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter – 2 Coastal Management

Aim of Policy

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

Comment:

I note that the subject site is located within the Coastal Environmental Area.

In relation to Chapter 2 of SEPP (Resilience and Hazards) 2021, I further note the following comments of Council's Assessment Officer on 8 November 2023 relating to the current approved development, being DA 2023/0455, for "alterations and additions to a dwelling house": -

"2.10 Development on land within the coastal environment area

- *The site is located within the Coastal Environment Area.*

The changes proposed to the existing dwelling are such that no impact will occur which adversely affect the matters raised in points (a) to (g). Conditions are also

imposed to appropriately address construction activity such as structural adequacy and excavation work and erosion/sediment control to ensure that the development will not adversely affect the matters raised in points (a) to (g).

- *Council is satisfied that the development is designed, sited and will be managed (subject to condition) to avoid an adverse impact referred to in sub-clause (1).*

2.11 Development on land within the coastal use area

- *The development has been designed to ensure that no adverse impact will be caused to the matters raised in points (a)(i) to (v).*

Therefore, Council is satisfied that the development has been designed, sited and will be managed (subject to condition) to avoid any adverse impact referred to in point (a).

This assessment has considered the development against the applicable standards and controls to take into account the bulk, scale and size of the development within the surrounding coastal and built environment.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

- *The proposed development is largely internal, and therefore it is not foreseen that the works would cause an increased risk or coastal hazards on the site itself or other land. No further assessment on this matter is required.*

Development in coastal zone generally—coastal management programs to be considered

- *Not applicable.*

As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.”

I consider that the above comments of Council's Assessment Officer in response to the current approved development can be equally applied to the current DA over the subject site, particularly noting the following: -

- The quality and area of proposed landscaping on the subject site under the current proposed development represents a significant improvement compared to the existing landscaping.
- Furthermore, the current proposed development involves additional landscaping on the public verge on Ian Avenue.
- The replacement of the approved pitched roofs with a slightly raised skillion roof will reduce the height, bulk and scale of the approved development when viewed from adjoining properties and the public domain.

The proposed development also complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021, subject to Conditions of Consent implemented by Council.

Chapter – 4 Remediation of Land

Object of this Chapter

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*

- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) by requiring that a remediation work meet certain standards and notification requirements.*

Comment:

The subject site has been used for residential purposes for many years. There is no evidence available to suggest that the subject site is impacted by contaminated land.

As previously advised, Council has also granted approval for previous applications on the subject site.

On this point, I note the following comments of Council's Assessment Officer relating to the current approved development, being DA 2023/0455: -

"Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use."

The above comments relating to the current approved development can be equally applied to the current DA.

Accordingly, I consider that no further assessment is required under State Environmental Planning Policy (Resilience and Hazards) 2021.

4.3 Warringah Local Environmental Plan 2011 (LEP 2011)

Clause 1.2 Aims of the Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of Northern Beaches local government area to which this Plan applies (in this Plan referred to as Warringah) in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) to create a land use framework for controlling development in Warringah that allows detailed provisions to be made in any development control plan made by the Council,*
 - (b) to recognise the role of Dee Why and Brookvale as the major centres and employment areas for the sub-region,*
 - (c) to maintain and enhance the existing amenity and quality of life of the local community by providing for a balance of development that caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
 - (d) in relation to residential development, to—*
 - (i) protect and enhance the residential use and amenity of existing residential environments, and*
 - (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and*
 - (iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,*
 - (e) in relation to non-residential development, to—*
 - (i) ensure that non-residential development does not have an adverse effect on the amenity of residential properties and public places, and*

- (ii) *maintain a diversity of employment, services, cultural and recreational facilities,*
- (f) *in relation to environmental quality, to—*
 - (i) *achieve development outcomes of quality urban design, and*
 - (ii) *encourage development that demonstrates efficient and sustainable use of energy and resources, and*
 - (iii) *achieve land use relationships that promote the efficient use of infrastructure, and*
 - (iv) *ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and*
 - (v) *protect, conserve and manage biodiversity and the natural environment, and*
 - (vi) *manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,*
- (g) *in relation to environmental heritage, to recognise, protect and conserve items and areas of natural, indigenous and built heritage that contribute to the environmental and cultural heritage of Warringah,*
- (h) *in relation to community well-being, to—*
 - (i) *ensure good management of public assets and promote opportunities for social, cultural and community activities, and*
 - (ii) *ensure that the social and economic effects of development are appropriate.*

Comment:

In relation to the “*Aims of the Plan*” of LEP 2011, I consider that the proposed development satisfies the relevant Aims for the following reasons;

- (aa) Not applicable.

- (a) Noted.
- (b) Not applicable.
- (c) For the reasons referred to in this SEE, I am of the opinion that the proposed development maintains and enhances the existing amenity and quality of life for the local community given my assessment of the current DA against Council's Planning Controls. On this point, I again note the range of Positive Outcomes generated by the proposed development, particularly in relation to proposed landscaping and a reduced height, bulk and scale.
- (d) Again, for the reasons referred to in this SEE, I consider that the proposed development protects and enhances the residential use and amenity when one assesses the proposed development against Council's Planning Controls and the current approved development.

Furthermore, I consider that the proposed development is a very reasonable one when one assesses the proposed development against the bulk, scale and height of adjoining existing dwellings and also assesses the proposed development against the relevant Planning Controls.

I also consider that the proposed development satisfies objective (d)(iii) by increasing the variety of dwellings.
- (e) Not applicable.
- (f) For the reasons referred to in this SEE, I am strongly of the opinion that the proposed development is a very reasonable one in terms of "*environmental quality*".
- (g) In terms of "*environmental heritage*", I note that I am not a Heritage Expert and defer to the points raised under Clause 5.10 Heritage Conservation of this SEE.
- (h) I consider that there will be no adverse impact on "*public assets*" and that the proposed development will generate positive social and economic effects. On this point, I again note the proposed landscaping on the public verge on Ian Avenue which I consider to be one of the Positive Outcomes.

Overall, I am of the strong professional opinion that the current DA will be consistent with the relevant Aims of LEP 2011.

I also consider that the current DA will result in a range of Positive Outcomes with no unreasonable impacts on any adjoining property or the public domain. Please refer to additional comments in Section 6.0 of this SEE.

Clause 2.1 Land Zones

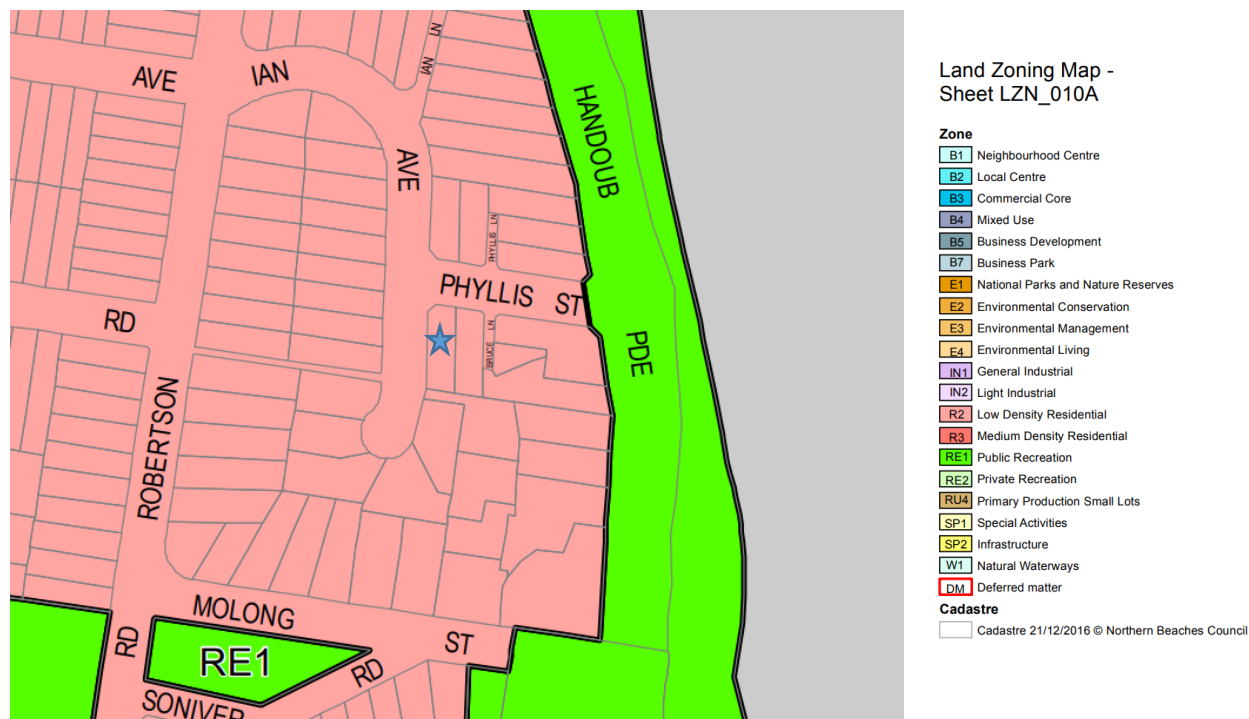


Figure 1: Land Zoning Map, Sheet LZN_10A (LEP 2011)

Zone R2 Low Density Residential

Objectives of zone

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

Comment:

The subject site is zoned R2 Low Density Residential under LEP 2011, and “dwelling houses” are permissible in the zone with the consent of Council.

Clause 2.3 specifies that the Consent Authority shall have regard to the Objectives for development in a zone when determining an application in respect of land within the zone.

I note that Council's Assessment Officer in response to the current approved development considered that the current approved development satisfied the Objectives of the Low-Density Zone.

I consider that the current DA also satisfies the Objectives of Low-Density zone for the following similar reasons raised by Council's Assessment Office in response to the current approved development: -

- In relation to the first Objective, I consider that the proposed development will contribute to the housing needs of the community.
- In relation to the second Objective of providing "*facilities or services to meet the day to day needs of residents*", this Objective is not applicable.
- In relation to the third Objective, the current proposed development will significantly improve the quality of landscaping on the subject site compared to the existing landscaping. Furthermore, there will be positive landscaping proposed on the public verge on Ian Avenue, which was not previously proposed under the current approved development.

Clause 2.7 Demolition requires consent

Comment:

The current DA proposes Demolition of some existing internal and external works. Therefore, approval is sought for the proposed Demolition.

Reference must again be made to the Architectural Plans prepared by Lawrence Consulting Group, Architects, to understand all elements of the proposed Demolition.

Clause 4.1 Minimum subdivision lot size

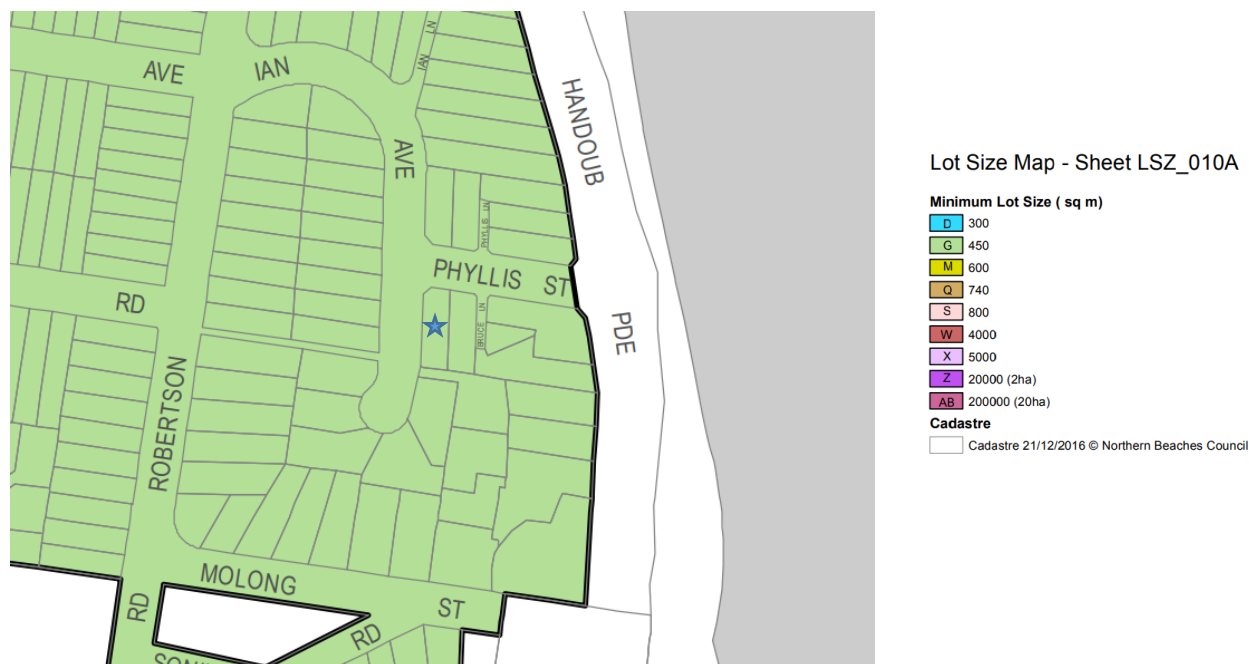


Figure 2: Lot Size Map, Sheet LSZ_010A (LEP 2011)

Objectives

(1) *The objectives of this clause are as follows—*

- (a) *to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) *to achieve low intensity of land use in localities of environmental significance,*
- (e) *to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- (f) *to protect and enhance existing remnant bushland,*
- (g) *to retain and protect existing significant natural landscape features,*
- (h) *to manage biodiversity,*
- (i) *to provide for appropriate stormwater management and sewer infrastructure.*

Comment:

I note that there is no proposed Subdivision as part of the current DA.

Furthermore, the area of the subject site is greater than the Minimum Lot Size Standard.

Accordingly, Clause 4.1 of LEP 2011 does not apply.

Clause 4.3 Height of buildings

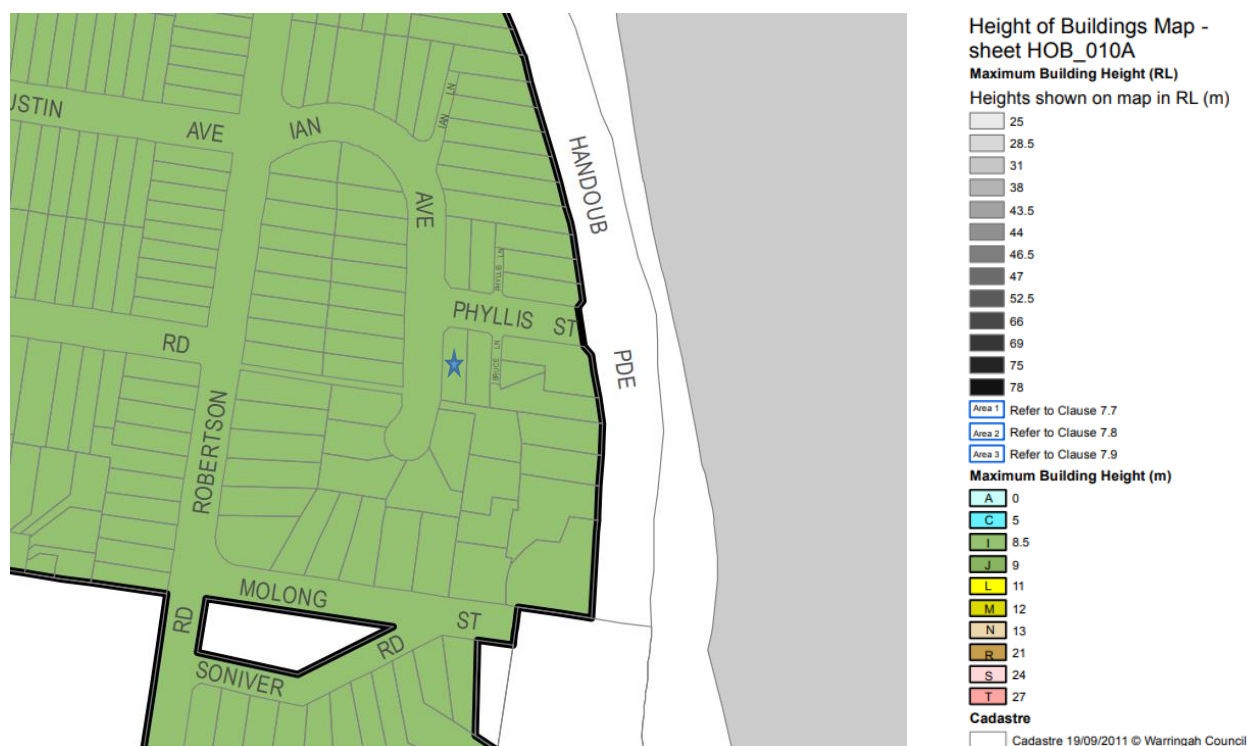


Figure 3: Height of Buildings Map, sheet HOB_010A (LEP 2011)

Objectives

(1) *The objectives of this clause are as follows—*

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

Comment:

A maximum Height of Buildings Standard of 8.5m (I) applies to the subject site.

According to the calculations of the Architects, the proposed development breaches the Height of Buildings Standard by a maximum height 0.48m or 5.66%, which is a numerically minor breach of the Height of Buildings Standard.

For the reasons outlines in the accompanying Clause 4.6 Request, I consider that variation of the Height of Buildings Standard is eminently reasonable.

I particularly note the fact that the proposed breach under the current DA is less than the proposed breach under the current approved development which was ultimately approved by Council. On this point, the current approved development breaches the Height of Buildings Standard by 1m or 11.8%, which is a greater breach than the current DA.

Clause 4.4 Floor space ratio

Objectives

(1) The objectives of this clause are as follows—

- (a) to limit the intensity of development and associated traffic generation so that they are commensurate with the capacity of existing and planned infrastructure, including transport infrastructure,*
- (b) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,*
- (c) to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
- (d) to manage the visual impact of development when viewed from public spaces,*
- (e) to maximise solar access and amenity for public areas.*

Comment:

There is no Floor Space Ratio Standard applicable to the subject site.

Clause 5.10 Heritage conservation

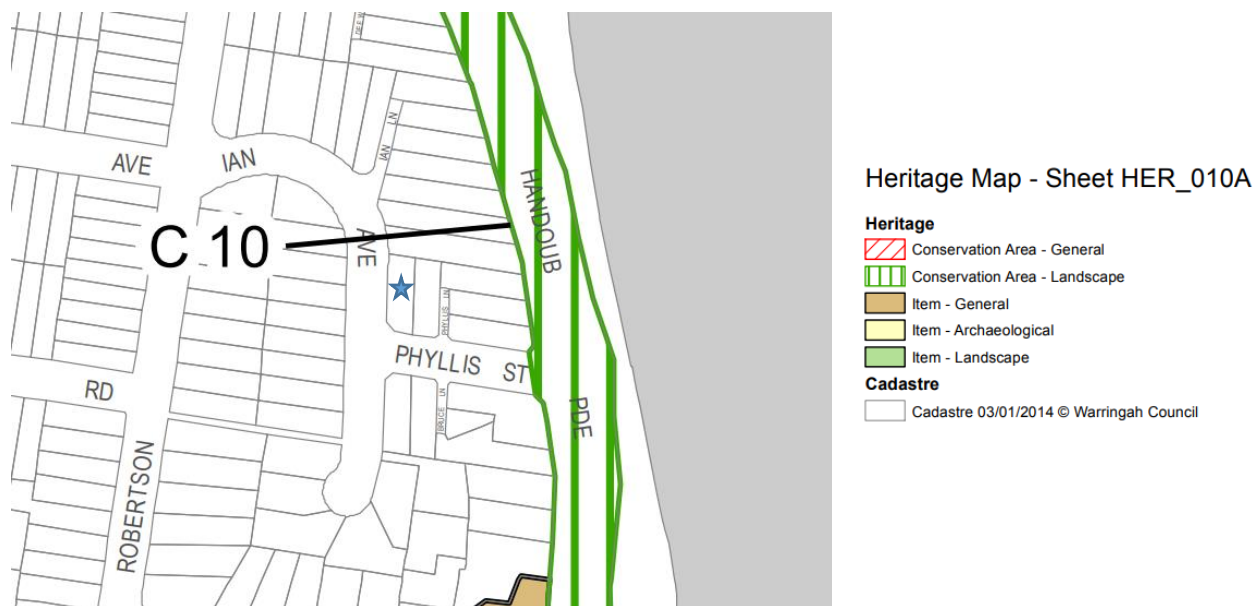


Figure 4: Heritage Map, Sheet HER_010A (LEP 2011)

Objectives

(1) *The objectives of this clause are as follows—*

- (a) *to conserve the environmental heritage of Warringah,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

Clause 5.10 of LEP 2011 is entitled “*Heritage conservation*”.

Firstly, I stress that I am not a Heritage Expert and defer to the advice of the relevant Heritage Officer of Council. I, however, wish to note the following facts:

- The subject site is not a Heritage Item and is not located within a Heritage Conservation Area.

- The subject site does not adjoin a Heritage Item.
- The subject site is near a Landscape Conservation Area.
- In relation to the current approved development, there was no referral to Council's Heritage Officer presumably due to the bullet points above.

Clause 5.21: Flood Planning

Objectives

(1) *The objectives of this clause are as follows—*

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

Comment:

The subject site is not identified as being within the “*Flood Planning*” area.

Again, there was no referral to Council’s Engineer to assess “*Flood Planning*” in response to the current approved development.

Clause 6.1 Acid sulfate soils

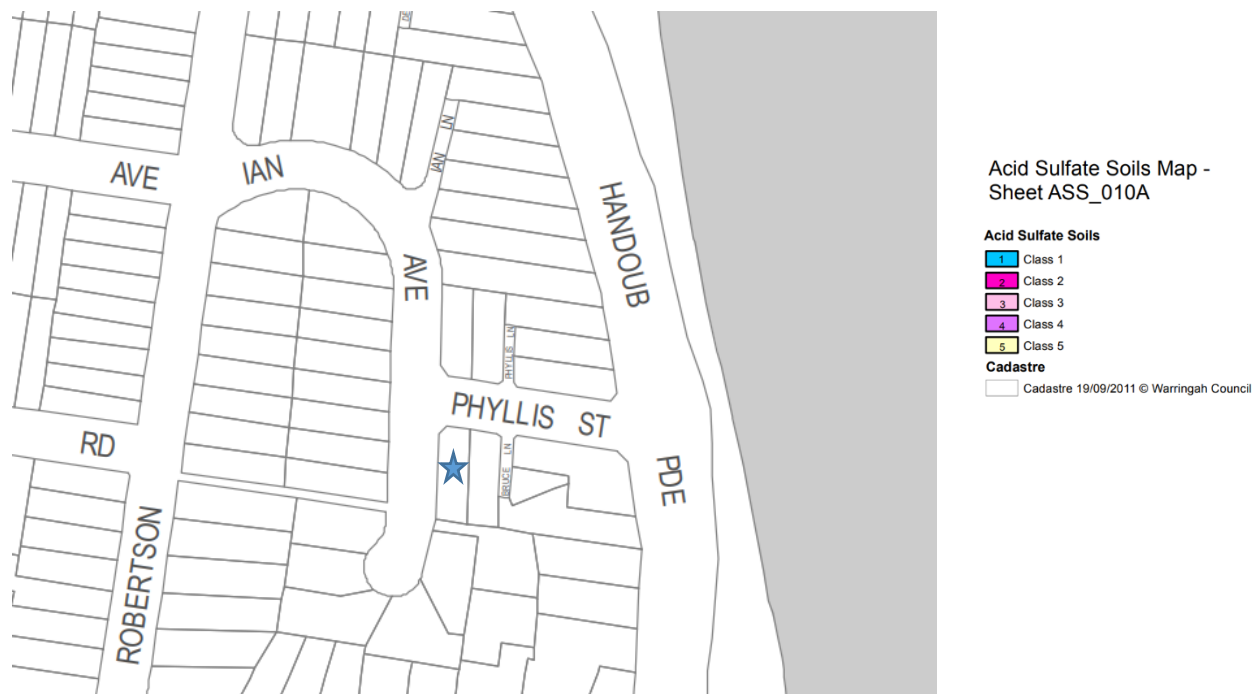


Figure 5: Acid Sulfate Soils Map, Sheet ASS_010A (LEP 2011)

Objectives

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

Comment:

The subject site is not identified on the “*Acid Sulfate Soils Map*”.

Clause 6.2 Earthworks

Objectives

(1) The objectives of this clause are as follows—

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

Comment:

In relation to the issue of the proposed “*Earthworks*”, I note that there are only minor proposed Earthworks and Excavation relating to the proposed development.

The relevant Officer of Council did not raise objection to the proposed Earthworks and Excavation relating to the current approved development which comprised a similar degree of proposed Earthworks and Excavation as with the current DA.

In response to the current approved development, Council Officers advised that the requirements under Clause 6.2 were satisfied.

I consider that the above advice in response to the current approved development can be equally applied to the current DA.

Clause 6.4 Development on sloping land

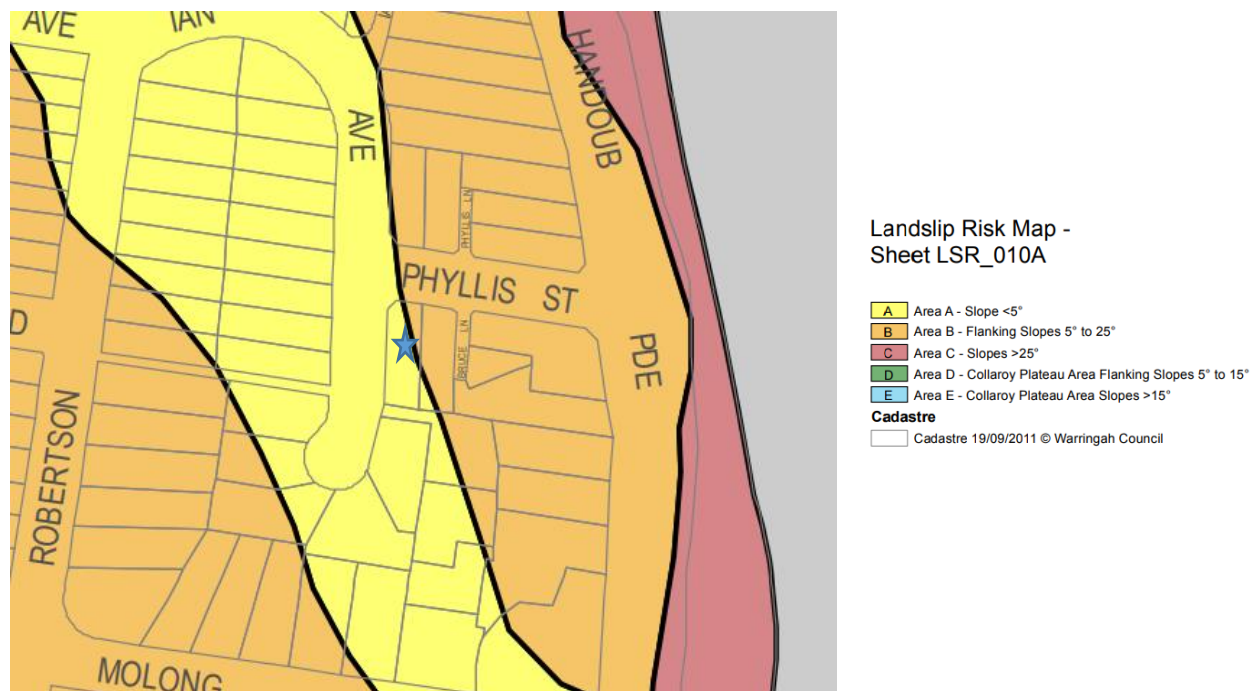


Figure 6: Landslip Risk Map, Sheet LSR_010A (LEP 2011)

Objectives

(1) *The objectives of this clause are as follows—*

- (a) *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

Comment:

In terms of “*Development on sloping land*”, the subject site is identified within both Areas “A” and “B”.

Council's Officers in response to the current approved development advised that the requirements under Clause 6.4 were satisfied.

The above comment can be applied to the current proposed development.

Clause 6.5 Coastline Hazards

The subject site is not identified as an area subject to "*Coastline Hazards*".

Conclusion

I consider that the proposed development satisfies the relevant Aims and Objectives of LEP 2011 for the reasons outlined in this SEE.

4.4 Warringah Development Control Plan 2011 (DCP 2011)

PART A INTRODUCTION

A.5 Objectives

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome.*
- *To inspire design innovation for residential, commercial and industrial development.*
- *To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained.*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah.*

Comment:

For the reasons referred to in this SEE, I consider that the proposed development satisfies the above Objectives of DCP 2011, particularly noting the following: -

- As previously advised, the proposed development will generate a range of Positive Outcomes. Of particular note is the significant increase in the quality and quantity of landscaping on the subject site compared to the existing landscaping, and the conservative height, bulk and scale of the proposed development compared to the current approved development.
- The proposed development will not only result in a significant increase in landscaping on the subject site, and will also provide landscaping on the public verge on Ian Avenue which was not included in the current approved development.

- For the reasons outlined in this SEE, I consider that the proposed design is of an attractive design outcome and does inspire design innovation.
- The proposed development incorporates the same level of access to and within the proposed dwelling as with the current approved development.
- The subject site will not impact any “*Environmentally Sensitive Areas*” for the reasons referred to throughout this SEE.
- The proposed development enjoys the benefit of a BASIX Certificate and incorporates positive ESD elements.

PART B BUILT FORM CONTROLS

B1 Wall Heights

Objectives

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment:

Based on the “*Compliance Table*” prepared by the Architects for the proposed development, the proposed maximum wall height of the proposed eastern wall is 7.95m, which is 0.75m or 10.42% above the 7.2m Wall Height Control under DCP 2011.

I consider that the above proposed breach is eminently reasonable for the following reasons:

- The breach is numerically minor.
- Excluding the proposed skillion roof, the proposed wall height on the proposed western wall is approximately 5.9m, which is significantly below the Wall Height Control under DCP 2011.
- The breach of the Wall Height Control on the eastern wall is a reflection of the sloping topography on the subject site from the western boundary down to the eastern boundary.
- The breach of the Height of Buildings Standard under the current DA is significantly less than the breach under the current approved development.
- For the reasons referred to in this SEE, I consider that there are no unreasonable adverse impacts generated on the streetscape nor on the adjoining property to the east as a result of the proposed development. I also again note the proposed

landscaping on the public verge on Ian Avenue, which is one of the Positive Outcomes.

B3 Side Boundary Envelopes

Objectives

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

Comment:

For the reasons referred to in this SEE, I consider that the proposed development satisfies the Objectives of the Side Boundary Envelope Controls in terms of height, bulk, scale, solar access and topography.

As with the current approved development, there are breaches of the side boundary envelope which are reflective of the sloping topography of the subject site from the western boundary down to the eastern boundary.

I also note that the breaches of the Side Boundary Envelope Control are less than those approved by Council under the current approved development.

B5 Side Boundary Setbacks

Objectives

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

As identified on the DCP Map Side Boundary Setbacks, the subject site has a Side Setback Control of 0.9m.

The proposed side boundary setbacks to the eastern and western boundaries at proposed Lower Ground, Ground Floor and First Floor are in excess of Council's Side Boundary Setback Control.

B7 Front Boundary Setbacks

Objectives

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

Comment:

As identified on the DCP Map Front Boundary Setbacks, the subject site has a Front Setback Control of 6.5m.

The proposed front setback under the current DA does not comply with the Front Setback Control but is similar to the approved front setback under the current approved development.

The following reasons were raised by Council's Assessment Officer in supporting a variation to Council's Front Boundary Setback Control under the current approved development, which can also be applied to the current DA: -

- *"To maintain the visual continuity and pattern of buildings and landscape elements.*
 - *Comment: The subject site, being a corner allotment, maintains visual continuity with No. 2 Phyllis Street, notably due to the existing reduced setback to Ian Avenue. Moreover, the positioning and setback of the north-*

facing deck align with the site's established building lines along Phyllis Street. Notably, the proposal does not necessitate any significant landscaping modifications, as the works will be completed above existing built surfaces.

- *To protect and enhance the visual quality of streetscapes and public spaces.*
 - *Comment: The design of the proposal will modernise the appearance of the dwelling, which will contribute to the already diverse streetscape (by virtue of architecture and construction). The development is considered to be complementary and enhancing to the visual quality of the streetscape.*
- *To achieve reasonable view sharing.*
 - *Comment: As discussed later in this report the proposal will achieve reasonable view sharing*
- *Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WLEP 2011 / WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.”*
- In relation to the first objective of “creating a sense of openness”, the proposed development will significantly improve the existing landscaping within the front setback area and will remove a range of existing steps and dwarf walls to provide a more open front setback area compared to the existing front setback area.

Overall, I am strongly of the opinion that the proposed front setback under the current DA is eminently reasonable.

B9 Rear Boundary Setbacks

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Comment:

As identified on the DCP Map Rear Boundary Setbacks, there is a Rear Setback Control of 6m.

In relation to the proposed rear boundary setback, the proposed development provides a proposed rear setback which is significantly in excess of Council's Rear Setback Control.

Furthermore, the existing garage within the rear setback area is to be retained under the current DA, which is also approved to be retained under the current approved development.

PART C SITING FACTORS

C1 Subdivision

Objectives

- *To regulate the density of development.*
- *To limit the impact of new development and to protect the natural landscape and topography.*
- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*
- *To maximise and protect solar access for each dwelling*

- *To maximise the use of existing infrastructure.*
- *To protect the amenity of adjoining properties.*
- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

Comment:

As previously advised, there is no proposed Subdivision under the current DA.

C2 Traffic, Access and Safety

Objectives

To minimise:

- a) traffic hazards;*
- b) vehicles queuing on public roads*
- c) the number of vehicle crossings in a street;*
- d) traffic, pedestrian and cyclist conflict;*
- e) interference with public transport facilities; and*
- f) the loss of “on street” kerbside parking.*

Comment:

The existing Traffic and Access arrangements of the existing dwelling will not be altered under the current DA.

C3 Parking Facilities

Objectives

- *To provide adequate off street carparking.*
- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

As previously advised, the existing garage in the rear yard will be retained.

C4 Stormwater

Objectives

- *Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland.*
- *To minimise the risk to public health and safety*
- *To reduce the risk to life and property from any flooding and groundwater damage;*
- *Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*
- *Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle.*
- *Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources.*
- *To protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

Comment:

The approved stormwater system under the current approved development will be retained.

C6 Building over or adjacent to Constructed Council Drainage Easements

Objectives

- *To ensure that Council's drainage infrastructure is not damaged, and that costs and liabilities are minimised when constructing, replacing, maintaining or obtaining emergency access to constructed public drainage systems located within private property.*

Comment:

Not applicable.

C7 Excavation and Landfill

Objectives

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Comment:

Please refer to previous comments within this SEE relating to proposed Excavation and Earthworks.

C8 Demolition and Construction

Objectives

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan.*

- *To discourage illegal dumping.*

Comment:

Please refer to previous comments within this SEE in relation to proposed Demolition.

C9 Waste Management

Objectives

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.*
- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

Comment:

In terms of ESD elements, the current DA incorporates a range of positive ESD elements, including the following: -

- i. Photovoltaic Solar Panels.

- ii. Significant increase in the quality and area of landscaping on the subject site compared to the current approved application, including on the proposed elevated balconies.
- iii. Proposed landscaping works in the public verge on Ian Avenue.

In terms of Waste Management, the approved Waste Management facilities for the approved dwelling will be utilised as part of the current DA.

PART D Design

D1 Landscaped Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

As identified on the Map under DCP 2011 relating to the Landscaped Open Space and Bushland Setting, there is a 40% Landscaped Open Space Control.

The proposed development proposes 152m² or 31.6% of Landscaped Open Space.

Although the proposed development does not numerically comply with the Landscaped Area Control, I wish to note the following points: -

- The proposed development will provide a Landscaped Open Space well in excess of the existing landscaping. On this point, I note the following comments of Council's Assessment Officer:-
 - *"The proposal retains the existing building footprint, therefore not reducing the existing non-compliant LOS (15%). Within the context of the site and relatively minor works, the existing variation is supported on merit."*

Thus, for the reasons referred to above, I consider the proposed Landscaped Area represents an improvement in the quality of landscaping over the subject site compared to the existing development. I also note the proposed landscaping on the public verge on Ian Avenue.

D2 Private Open Space

Objectives

- *To ensure that all residential development is provided with functional, well located areas of private open space.*
- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*
- *To ensure that private open space receives sufficient solar access and privacy.*

Comment:

The proposed Private Open Space is more than adequate, particularly noting the proposed elevated balconies and verandah.

D3 Noise

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

The proposed development is for a dwelling house only and will not likely generate adverse Noise Impact.

A Condition of Consent should be imposed requiring acoustic measures to ensure that noise arising from proposed plant and equipment meets Council's Noise Control.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*
- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Comment:

Not applicable.

D6 Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

Comment:

The Shadow Diagrams demonstrate compliance with Council's Sunlight Controls. The only existing dwelling that may be impacted will be the adjoining existing dwelling downslope and to the east, but this adjoining existing dwelling will retain its northern sunlight on part of the northern façade at all times. This level of sunlight retained by the adjoining dwelling will comply with Council's Access to Sunlight Control.

The proposed dwelling will enjoy a high level of access to sunlight by reason of the northern façade and the provision of proposed skylights and solar panels.

D7 Views

Comment:

Council's Officers formed the opinion that there would be no unreasonable impact on the Views of adjoining dwellings on the opposite side of Ian Avenue arising from the current approved development. I agree with this previous assessment.

The current proposed development will reduce the Loss of Views compared to the current approved development due to the removal of the previously proposed pitched roofs and its replacement by a low-profile skillion roof. In other words, the proposed skillion roof will be lower than the approved pitch roofs under the current approved development, thus reducing the Loss of Views from the adjoining dwellings on the opposite side of Ian Avenue.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Comment:

Council's Assessment Officer in assessment of the current approved development did not consider there to be any unreasonable Overlooking Impact onto 3 Phyllis Street, North Curl Curl.

I note that the Architect for the proposed development has incorporated operable privacy screens. I note that the proposed screens will extend from the finished floor level to the ceiling of each balcony. This is an improvement compared to the current approved development

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

Please refer to previous comments within this SEE.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Comment:

The proposed development is to provide an attractive palette and of colours and materials.

D11 Roofs

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Comment:

The proposed roof is an attractive low profile skillion roof of modern design which I consider is an improvement when compared to the pitched roofs under the current approved development.

Due to the lower profile skillion roof, compared to the approved pitched roofs, the proposed roofs will generate less impact on the local skyline and Less View Loss compared to the approved development.

There are no proposed plant or equipment on the proposed roofs.

The proposed garage roof will not generate any additional adverse impacts given its flat roof construction.

D12 Glare and Reflection

Objectives

- *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

A Condition of Consent can be imposed requiring colours and materials of the proposed roofs to be of dull, non-reflective materials and colours

D13 Front Fences and Front Walls

Objectives

- *To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid a 'walled in' streetscape.*

Comment:

The proposed development incorporates a 9m long and 1.8m high stone wall along Ian Avenue stretching from the rear verandah to the existing garage entry.

Furthermore, the proposed development incorporates low vertical timber Fences along both Ian Avenue and Phyllis Street

I consider that the proposed Fences are a further Positive Outcome of the proposed development, particularly noting the following points: -

- The proposed Fences are highly articulated and complement the existing streetscape.
- Proposed landscaping on Ian Avenue will complement the proposed Fences.

D14 Site Facilities

Objectives

- *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To make servicing the site as efficient and easy as possible.*
- *To allow for discreet and easily serviceable placement of site facilities in new development.*

Comment:

The proposed development incorporates all required Site Facilities.

D15 Side and Rear Fences

Objectives

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposed development incorporates typical Side and Rear Fences.

D16 Swimming Pools and Spa Pools

Objectives

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposed Swimming Pool is in the location equivalent to the current approved Swimming Pool.

D17 Tennis Courts

Objectives

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

There is no existing Tennis Court on the subject site and a Tennis Court is not proposed.

D20 Safety and Security

Objectives

- *To ensure that development maintains and enhances the security and safety of the community.*

Comment:

The proposed development will provide appropriate Safety and Security measures.

Furthermore, the proposed balconies/verandah and proposed windows will increase passive surveillance of the Public Domain which is a further Positive Outcome.

D21 Provision and Location of Utility Services

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

Comment:

The Architectural Plans demonstrate the provision and location of the required Utility Services.

D22 Conservation of Energy and Water

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure energy and water use is minimised.*

Comment:

The BASIX Certificate evidences an appropriate design in terms of Energy and Water Conservation. Furthermore, the proposed design incorporates a number of positive ESD elements, which are referred to in this SEE.

D23 Signs

Objectives

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*
- *To protect open space areas and heritage items or conservation areas from the adverse impacts of inappropriate signage.*

Comment:

There are no proposed Signs.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

Comment:

Please refer to previous comments within this SEE relating to Views.

PART E The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

Objectives

- *To protect and enhance the urban forest of the Northern Beaches.*
- *To effectively manage the risks that come with an established urban forest through professional management of trees.*
- *To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
- *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.*

Comment:

The subject site does not contain an Urban Forest nor existing Bushland.

As previously advised, the proposed landscaping will significantly improve the quality and area of landscaping on the subject site compared to the existing development.

E2 Prescribed Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non-vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Comment:

The proposed development will not impact on any Prescribed Vegetation, and the proposed landscaping will significantly improve the quality of landscaping on the subject site compared to the current approved development, which is one of the Positive Outcomes of the proposed development.

E4 Wildlife Corridors

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non-vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*

Comment:

There is no Wildlife Corridor on the subject site, and the proposed landscaping will improve the ecosystem on the subject site.

E6 Retaining unique environmental features

Objectives

- *To conserve those parts of land which distinguish it from its surroundings.*

Comment:

There are no Unique Environmental Features on the subject site.

E7 Development on land adjoining public open space

Objectives

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*

- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

Comment:

The subject site is not adjoining Public Open Space.

I also note that the proposed landscaping on the public verge on Ian Street will improve the Public Domain.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

Comment:

Please refer to previous comments in this SEE.

Conclusion

For the reasons outlined in this SEE, I consider that the proposed development is eminently reasonable when assessed against the relevant Planning Controls under DCP 2012.

5.0 CONSULTANTS' REPORTS, DOCUMENTS AND PLANS

A range of reports, documents and plans have been prepared by a number of Architects and Consultants, which include, but are not limited to, the following:

5.1 Architectural Plans

Architectural Plans have been prepared by Lawrence Consulting Group, Architects.

5.2 Quantity Surveyors Estimated Development Cost Report

A Quantity Surveyors Estimated Development Cost Report has been prepared by CPP Quantity Surveyors.

5.3 Geotechnical Assessment

A Geotechnical Assessment has been prepared by Ascentgeo Geotechnical Consulting.

5.4 Landscape Plans

Landscape Plans have been prepared by Wyer & Co.

5.5 BASIX Certificate

BASIX Certificate No. A1789675_02, dated 31 March 2025, has been issued by the BASIX Certificate Centre.

5.6 Survey Plan

A Survey Plan has been prepared by Hill and Blume, Consulting Surveyors.

5.7 Shadow Diagrams

Shadow Diagrams have been prepared by Lawrence Consulting Group, Architects.

5.8 Minor Encroachment/Constructions within Road Reserve 2024/2025 Form

A Minor Encroachment/Constructions within Road Reserve 2024/2025 Form has been prepared by Paul Lopez of Lawrence Consulting Group, Architects. The proposed encroachment involves proposed landscaping on the public verge on Ian Avenue.

5.9 Owners' Consent Form

An Owners' Consent Form has been filled out by the Owners of the subject site.

5.10 Notification Plans

Notification Plans have been prepared Lawrence Consulting Group, Architects.

6.0 POSITIVE OUTCOMES OF THE DA

For the reasons outlined in this SEE, I consider that the current DA does not create unreasonable impacts on adjoining properties and the public domain.

I also consider that the proposed development will provide a range of Positive Outcomes including, but not limited to, the following: -

- The proposed development enjoys the benefit of a BASIX Certificate.
- The proposed development provides positive ESD elements comprising the following: -
 - i. Photovoltaic Solar Panels.
 - ii. Increase in the quality and area of landscaping on the subject site, including on the proposed balconies and verandah.
 - iii. Proposed landscaping works on the public verge on Ian Avenue.
- As previously advised, the quality of proposed landscaping on the subject site under the current proposed development represents a significant improvement compared to the existing landscaping.
- The replacement of the approved pitched roofs with a proposed slightly raised skillion roof will reduce the height, bulk and scale of the approved development when viewed from adjoining properties and the public domain. In particular, I consider that there will be a reduced View Loss generated by the proposed development compared to the current approved development.
- The proposed front fences will be highly articulated and there will be a significant improvement in the quality of landscaping within the front setback and on the public verge on Ian Avenue.
- The proposed dwelling is highly articulated.
- The proposed balconies/verandah and proposed windows will increase passive surveillance of the public domain.
- The proposed skillion roof has been designed to fall with the slope of the subject site.
- The proposed development will increase passive surveillance of the streets.

I wish to reiterate that the majority of the above Positive Outcomes are generated by the current proposed development compared to the current approved development.

7.0 SECTION 4.15 ASSESSMENT

Assessment of the proposed development requires consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act (the Act) in terms of the permissibility and merits of the proposed developments.

Previous sections of this SEE have addressed the relevant range of matters to be considered under Section 4.15.

The following additional comments are provided for assessment: -

Environmental Planning Instruments

As previously noted, the proposed development is permissible under the current R2 zoning under LEP 2011.

Assessment under the relevant provisions LEP 2011 has been provided in the previous sections of this SEE.

Development Control Plans

There are breaches of Council's DCP 2011, but variations are justified for the reasons outlined in this SEE.

Impact on the Natural Environment.

The proposed development will not impact on the natural environment. In fact, one of the Positive Outcomes arising from the current DA is a significant improvement in the quality of the proposed landscaping on the subject site compared to the existing landscaping and area. Proposed landscaping is also provided on the public verge on Ian Avenue.

Impact on the Built Environment.

- **Scenic qualities** – The proposed development is consistent with the current and future character of the locality as expressed within the provisions of LEP 2011 and DCP 2011.
- **Compatibility with adjacent land uses** – The proposed development will be compatible with adjoining developments.
- **Height, Bulk and Scale** – I consider that the proposed height, bulk and scale are eminently reasonable for the reasons outlined in this SEE and Clause 4.6 Request.
- **Overshadowing** – For the reasons outlined in this SEE, the proposed development will not result in unreasonable Overshadowing Impact on adjoining properties.
- **Overlooking** – For the reasons outlined in this SEE, the proposed development will not result in unreasonable Overlooking Impact on adjoining properties.
- **Views and vistas** – For the reasons discussed in this SEE, the proposed development will not impact on Views and Vistas from adjoining properties or the public domain.
- **Site design** – The Site Design has been configured to ensure no unreasonable impacts.
- **Public domain** – As previously noted, there will be no adverse impact on the Public Domain. In fact, there will be passive surveillance on both adjoining streets which is one of the Positive Outcomes. A further Positive Outcome is the proposed landscaping on the public verge on Ian Avenue.

Impact on the Social and Economic Environment.

The proposal will not result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing layout, topography and locality, is suitable for the proposed development. I particularly note the Positive Outcomes arising from the proposed development.

8.0 CONCLUSION

For the reasons referred to in this SEE, I am of the strong professional opinion that the current DA is eminently reasonable and worthy of approval of Council.

I consider that the proposed development will not generate unreasonable adverse impacts on adjoining properties and the public domain.

I also consider that the proposed development will result in a range of Positive Outcomes as referred to at Section 6.0 of this SEE. The proposed development will result in Positive Outcomes which were not included in the current approved development.

Accordingly, I am strongly in support of the proposed development and consider that the proposed development is worthy of approval by Council.

A handwritten signature in dark ink, reading "Tony Moody". The signature is written in a cursive, flowing style. The first name "Tony" is written with a large, sweeping 'T' and a dot over the 'y'. The second name "Moody" is written with a large 'M' and a long, sweeping tail that extends under the 'y'.

TONY MOODY

BTP (UNSW), LL.B (UTS) (Hons.), MPIA.

Dated: 6 May 2025