

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition and
construction of a dual
occupancy**

**103 Ocean Street,
Narrabeen**

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1 Introduction

1.1 Description of the proposed development

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

The development application seeks consent for demolition of the existing development and construction of a new dual occupancy [attached] and Strata Title subdivision at 103 Ocean Street, Narrabeen. The proposal is depicted in the accompanying architectural plans. A summary of the key aspects of the proposal are noted as follows:

- Demolition of existing structures.

Dwellings 1 and 2

Ground floor level -

- Entry
- Lounge
- Laundry
- Bathroom
- Lift
- Open plan living, dining, kitchen
- Terrace to rear

First floor level -

- 4 bedrooms
- 3 bathrooms
- Study

External

- Excavation as shown
- 1.5m high front fence
- New vehicle kerb crossing and driveway

1.2 Pre-DA application and meeting [PLM2024/0152]

A Pre-DA lodgement submission was made and meeting held on 14 January 2025 with Council planning officers to discuss key issues associated with the proposed redevelopment of the site. The application has been prepared in response to the matters discussed at the meeting.

1.3 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been

considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

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

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

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



Figure A – architectural perspective of the proposal

2 Site Analysis

2.1 Site and location description

The site is located at 103 Ocean Street, Narrabeen and is legally described as Lot 3 in Deposited Plan 555153. The site has an area of 650.3m².

The site is of regular shape with front and rear boundaries 23.335m and side boundaries of 30.48m.

The local topography is relatively flat. The site experiences a modest fall to the rear / east, with a level difference of approximately 500mm to the rear boundary.

The site is occupied by a 2-storey brick dwelling house and tiled roof with various concrete paths and a tiled patio. There is also a metal shed along the eastern side boundary.

There are no prominent topographical features located on the property.

The land is zoned R2 Low Density Residential. The land is not identified in the LEP as being affected by heritage conservation, flooding, bushfire, biodiversity, riparian, coastal risk or landslip,

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

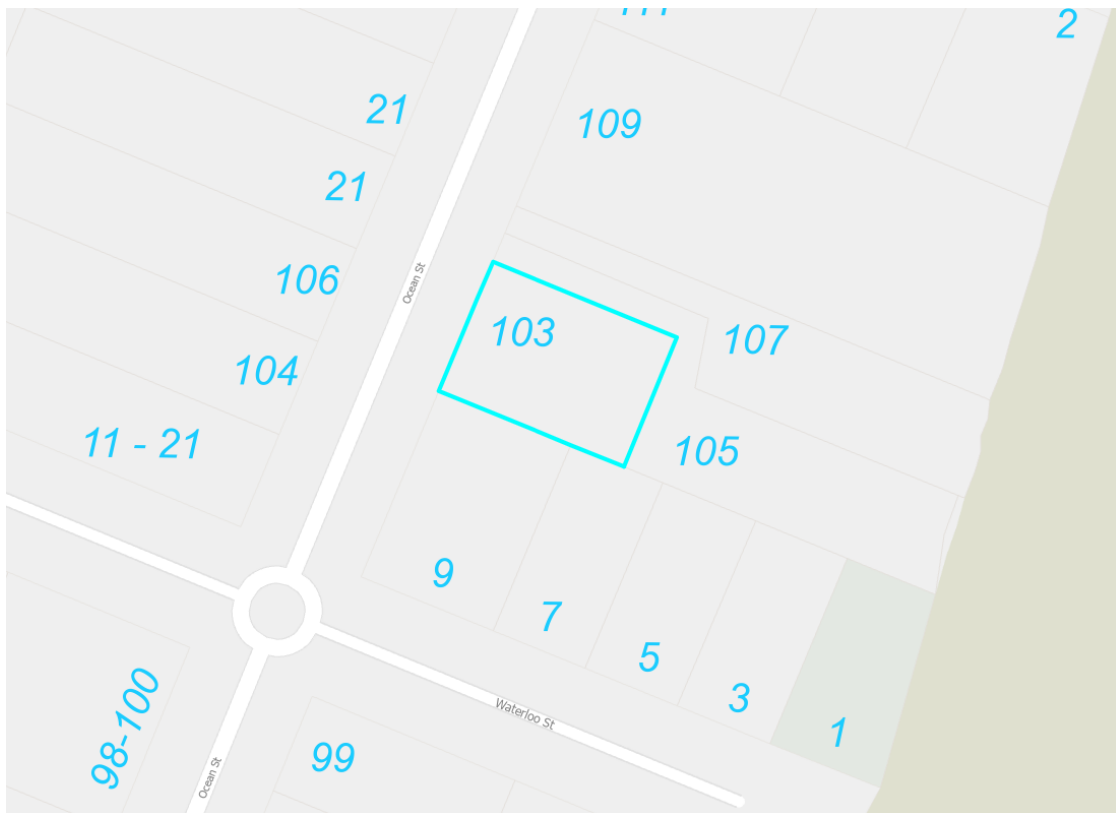


Figure 1 – Location of the site within its local context (courtesy Northern Beaches Council Mapping)



Figure 2 – Alignment, orientation and configuration of the subject site and surrounding properties (courtesy Northern Beaches Council Mapping)

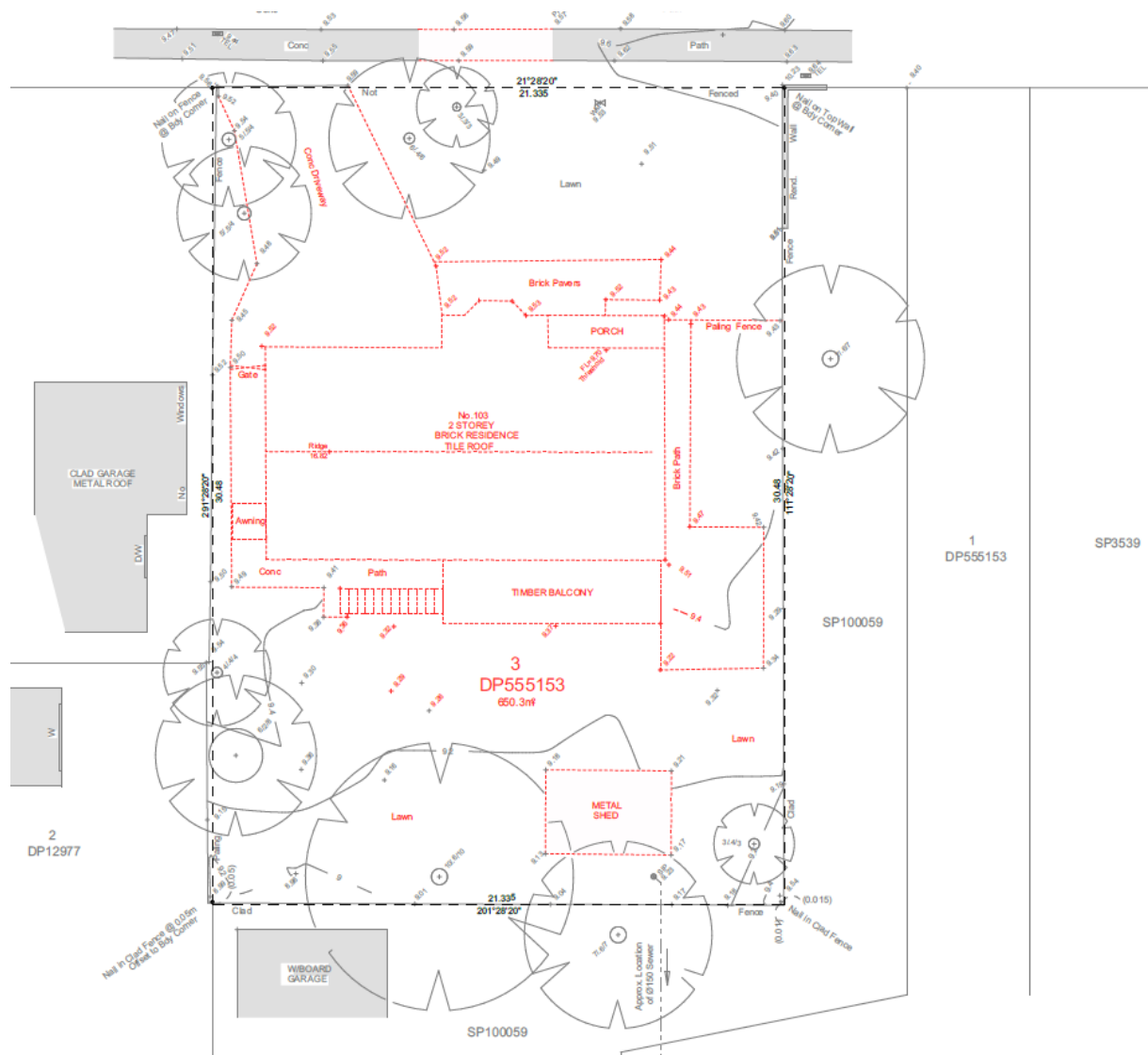


Figure 3 – existing site and development (excerpt from survey plan)



Figure 4 – existing dwelling house and streetscape character



Figure 5 – established streetscape and local development character. School opposite the site.



Figure 6 –local development character. Flat building to the north.



Figure 7 – established streetscape and local development character opposite the site

3 Environmental Assessment

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

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

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

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

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

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah”.

It is assessed that the proposed development is consistent with the zone objectives as it will provide two new dwellings responsive to the housing needs of the community, within a low density residential environment, within a landscaped setting, compatible with the surrounding development. Accordingly, the proposal has had sufficient regard to the zone objectives.

4.2 Other relevant provisions of the LEP

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

| LEP Provision | Response | Complies |
|---|--|----------|
| LEP Clause 2.6 Subdivision—consent requirements <i>(1) Land to which this Plan applies may be subdivided, but only with development consent.</i> | Strata Title subdivision is proposed and is permissible with consent. | Yes |
| Part 4 of LEP – Principal Development Standards | | |
| LEP Clause 4.1 Minimum subdivision lot size 600m ² | Clause 4.1(4) relevantly states: <i>(4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the <u>Strata Schemes Development Act 2015</u>, or</i> | NA |
| LEP Clause 4.3 – Height of Buildings 8.5m | The proposed development complies with the 8.5m building height standard as documented on the architectural plans. | Yes |
| LEP Clause 4.4 – Floor space ratio | NA | NA |
| LEP Clause 4.6 – Exceptions to development standards | NA | NA |
| Part 5 of LEP – Miscellaneous Provisions | | |
| LEP Clause 5.10 Heritage Conservation | The site is not identified as a heritage item, within the visual catchment of a heritage item, or within a conservation area. | NA |
| LEP Clause 5.21 Flood planning | Council’s maps do not identify the site as being flood affected. | Yes |
| Part 6 of LEP – Additional Local Provisions | | |

| LEP Provision | Response | Complies |
|--|---|----------|
| <p>LEP Clause 6.1 Acid sulfate soils</p> <p><i>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i></p> <p><i>Class 4 - Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i></p> | <p>The proposal is within acid sulphate soils Class 4 on the LEP maps. Excavation is proposed below the existing site levels</p> <p>Works are proposed that are less than 2 metres below the natural ground surface and are not likely to lower the watertable.</p> <p>In these circumstances, development consent 'or the carrying out of works' under clause 6.1 is not required and the provisions within clause 6.1 are satisfied by the proposal.</p> | Yes |
| LEP Clause 6.2 Earthworks | <p>Excavation for footings and landscape works are proposed below the existing site levels.</p> <p>The application is accompanied by architectural plans, stormwater management plans and a geotechnical report that demonstrate that the proposal is appropriate for the site.</p> <p>A stormwater management plan accompanies the application and makes appropriate provision for the management of stormwater. Drainage patterns and soil stability are not adversely impacted, and stormwater will be managed in accordance with the stormwater management plan.</p> <p>The architectural plans make appropriate provision for the design of cut, fill, and treatment of the site's external areas. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development. This is further addressed within section 5.2.3 of this report.</p> <p>The DA is accompanied by a waste management plan which addresses the destination of excavated material. Further conditions of development consent may reasonably be imposed to ensure this occurs in an authorised manner. Fill will be sourced from excavated areas within the site.</p> <p>Heritage is not relevant to the proposed development. Not being in a heritage conservation area, it is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or</p> | Yes |

| LEP Provision | Response | Complies |
|--|--|----------|
| | <p>environmentally sensitive areas proximate to the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.</p> | |
| LEP Clause 6.4 Development on sloping land | The land is identified on the LEP Maps as being within Area A on the Landslip Risk Maps. No geotechnical assessment is needed to accompany the DA and the provisions of the clause are satisfied. | Yes |

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 is applicable to the land and the proposed development

Chapter 6 'Low and mid rise housing', Part 2 'Dual occupancies and semi-detached dwellings' is applicable to the land.

Section 166 'Development permitted with development consent' states:

'Development for the purposes of dual occupancies or semi-detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential'.

Response

The proposed development is appropriately characterised as a dual occupancy [attached] which is defined in the LEP dictionary as:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note.

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note.

Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

The site is located within the R2 Low Density Residential under the LEP. The site is not land listed or excluded under Section 164 'Land to which chapter applies'. Therefore, the Housing SEPP 2021 permits, with development consent, dual occupancy on the land.

4.3.1 State Environmental Planning Policy - BASIX

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

4.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The following aspects of State Environmental Planning Policy (Resilience and Hazards) 2021 - are applicable to the land and the proposed development:

- Chapter 2 – Coastal Management
- Chapter 4 - Remediation of Land

These matters are addressed below.

Chapter 2 – Coastal Management

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by Chapter 2 Coastal Management. It is applicable because the site is within the designated:

- Division 3 - coastal environment area
- Division 4 - coastal use area

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

Division 3 - Coastal environment area

The provisions of clause 2.10 *Development on land within the coastal environment area* are addressed as follows:

| 13 Development on land within the coastal environment area | Response |
|---|---|
| (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, | <ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical inputs. The proposal is assessed as satisfactory in relation to this consideration. |
| (b) coastal environmental values and natural coastal processes, | <ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of |

| 13 Development on land within the coastal environment area | Response |
|--|--|
| | proposed works is supported by the appropriate range of technical inputs. The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i> | <ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. ▪ Provision for improved stormwater management is proposed for the site. ▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i>. ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i> | <ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i> | <ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(f) Aboriginal cultural heritage, practices and places,</i> | <ul style="list-style-type: none"> ▪ The proposal is not known to be positioned on a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(g) the use of the surf zone</i> | <ul style="list-style-type: none"> ▪ Not relevant to the assessment of the proposal. |
| (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: | |
| <i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i> | <ul style="list-style-type: none"> ▪ Responses have been made above in relation to the considerations within subclause (1). ▪ The proposal is assessed as satisfactory in relation to these considerations. |
| <i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> | <ul style="list-style-type: none"> ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i> | <ul style="list-style-type: none"> ▪ Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| (3) This clause does not apply to land within the Foreshores and Waterways Area within the | <ul style="list-style-type: none"> ▪ Noted; not applicable. |

| 13 Development on land within the coastal environment area | Response |
|--|----------|
| meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u> . | |

Division 4 - Coastal use area

The provisions of Division 4 *Development on land within the coastal use area* are addressed as follows:

| 14 Development on land within the coastal use area | Response |
|--|--|
| (1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i> <i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i> | |
| <i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i> | <ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i> | <ul style="list-style-type: none"> ▪ The proposal will not result in any overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. |
| <i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i> | <ul style="list-style-type: none"> ▪ The proposal will not result in any additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i> | <ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i> | <ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i> | <ul style="list-style-type: none"> ▪ See above response. |
| <i>(iii) if that impact cannot be minimised—the development will be managed to mitigate</i> | <ul style="list-style-type: none"> ▪ See above response. |

| 14 Development on land within the coastal use area | Response |
|--|---|
| <i>that impact, and</i> | |
| <i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i> | <ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA. ▪ The proposal will not result in any additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration. |
| <i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i> | <ul style="list-style-type: none"> ▪ Noted; not applicable. |

Chapter 4 - Remediation of Land

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

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

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

4.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Warringah DCP for the purposes of the SEPP.

The proposal involves development near some existing vegetation. The potential to adversely impact upon the vegetation has been assessed by the project arborist and an arborist statement accompanies and supports the DA.

The arborist recommends various mitigation measures to achieve appropriate tree protection outcomes. The recommendations of the project arborist may reasonably be included in the conditions of this development consent.

Based on the above, the proposal will have an acceptable impact, and the provisions of this policy are satisfied by the proposal.

5 Development Control Plan

5.1 Overview

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

5.2 Built form controls

A table demonstrating compliance with the relevant provisions of the DCP are detailed as follows. Where a numerical non-compliance is identified, the objectives of the control are addressed pursuant to clause (3A)(b) of Section 4.15 of the Act.

| Clause | Requirement | Proposed | Complies? |
|---|---|--|-----------|
| B1 Wall Height | 7.2m | up to approx. 6.4m | Yes |
| B3 Side Boundary Envelope | 4m at 45 degrees required. North & south sides: 6m | 2m side setbacks. North & south sides comply, as shown on the architectural plans. | Yes |
| B5 Side Setback | 900mm | North & south sides: 2m | Yes |
| B7 Front Setbacks | 6.5m | 6.5m Parking for a second vehicle is proposed within the front setback in the form of a car hardstand on the proposed driveway. The numerical variation is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal below. | Yes |
| Objectives <i>To create a sense of openness.</i> <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> | | A sense of openness along with the visual continuity and pattern of buildings and landscape elements is achieved. No separate, above ground structure is proposed for the parking space. The front | |

| Clause | Requirement | Proposed | Complies? |
|-----------------|--|--|-----------|
| | <p><i>To protect and enhance the visual quality of streetscapes and public spaces.</i></p> <p><i>To achieve reasonable view sharing.</i></p> <p>Requirements</p> <p><i>Development is to maintain a minimum setback to road frontages.</i></p> <p><i>The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.</i></p> | <p>boundary setback area is proposed to be landscaped and generally free of any structures and basements. The parking of a vehicle on the driveway does not result in additional built form within the front setback.</p> <p>The visual quality of the streetscape will be enhanced by the redevelopment of the site in a manner that satisfies the various built form controls.</p> <p>The proposed car hardstand will not adversely impact upon view sharing.</p> | |
| B9 Rear Setback | <p>6m</p> <p>Exceptions</p> <p>Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway</p> <p>On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.</p> <p>Control objectives</p> <ul style="list-style-type: none"> • <i>To ensure opportunities for deep soil landscape areas are maintained.</i> • <i>To create a sense of openness in rear yards.</i> • <i>To preserve the amenity of adjacent land, particularly relating to privacy between buildings.</i> • <i>To maintain the existing visual continuity and pattern of buildings, rear gardens</i> | <p>6m to proposed dwellings.</p> <p>Minor encroachment by rear terrace. The terraces do not exceed 50% of the rear setback area. The proposed development satisfies the objectives of the control for the following reasons:</p> <p>Adequate deep soil landscape areas are provided at the front, rear, and sides of the development with adequate soft landscape areas available for turf planting and other pervious materials</p> <p>A rear yard is proposed with a compliant rear boundary setback to the dwellings containing terrace, and garden areas that will achieve a sense of openness</p> <p>The amenity of adjacent land is not inappropriately impacted by the proposed development.</p> <p>There is a mixed pattern of allotment orientations and development on the surrounding properties. The proposed development maintains the orientation of the existing dwelling house and will be compatible with</p> | Yes |

| Clause | Requirement | Proposed | Complies? |
|--------|--|---|-----------|
| | <i>and landscape elements.</i> • <i>To provide opportunities to maintain privacy between dwellings.</i> | the surrounding development. Adequate privacy is maintained between the proposed development and surrounding residential developments noting the ground level position of the structures, orientation of the dwellings and significant separation that is maintained to adjoining dwellings to the east. | |

5.2.1 Broader DCP compliance assessment – Parts C, D and E

| Clause | Compliance with Requirement | Consistent with aims and objectives |
|--|-----------------------------|-------------------------------------|
| Part C - Siting Factors | | |
| C2 Traffic, Access and Safety | Yes | Yes |
| C3 Parking Facilities Proposed: 2 car spaces per dwelling in tandem arrangement. This is assessed as appropriate in the circumstances noting the proposal involves a low density development outcome, low traffic generation on level land with good visibility within the street frontage. | Yes | Yes |
| C4 Stormwater A stormwater management plan accompanies the DA addressing the provisions of this control. | Yes | Yes |
| C5 Erosion and Sedimentation | Yes | Yes |
| C6 Building over or adjacent to constructed Council drainage easements | NA | NA |
| C7 Excavation and landfill Addressed below table. | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| C9 Waste Management | Yes | Yes |
| Part D - Design | | |

| Clause | Compliance with Requirement | Consistent with aims and objectives |
|---|-----------------------------|-------------------------------------|
| <p>D1 Landscaped open space and bushland setting</p> <p>Site area: 650m² 40% / 260 m² Proposed: 266m² / 41 % (as shown on plan DA12)</p> | Yes | Yes |
| <p>D2 Private open space</p> <p>Required: 3 bedroom dwellings - a total of 60m² with minimum dimensions of 5 metres.</p> <p>Response: each dwelling includes a rear terrace and rear garden. The proposal meets and exceeds the minimum dimensions and area.</p> | Yes | Yes |
| D3 Noise | Yes | Yes |
| D4 Electromagnetic radiation | NA | NA |
| D5 Orientation and energy efficiency | Yes | Yes |
| <p>D6 Access to Sunlight</p> <p>Shadow diagrams showing the proposed shadows accompany and support the proposal. They demonstrate that compliance with the DCP is achieved. The following key aspects are noted.</p> <p>The DCP requires:</p> <p><i>'1. Development should avoid unreasonable overshadowing any public open space.</i></p> <p><i>2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21'.</i></p> <p>The site has an east / west orientation to Ocean Street.</p> <p>The southern adjoining properties [9 and 7 Waterloo Street] have a north / south orientation to Waterloo Street.</p> <p>In accordance with Clause D6 of the DCP, the sunlight available to the private open space of the adjoining dwellings at 9 and 7 Waterloo Street will not be impacted by more than 3 hours, with greater than 30sqm of space within the rear yards being in sunlight between approximately 10.30am and 3.00pm on 21 June.</p> | Yes | Yes |

| Clause | Compliance with Requirement | Consistent with aims and objectives |
|---|-----------------------------|-------------------------------------|
| <p>Furthermore, the rear private open spaces within the proposed development will achieve approximately three hours of sunlight between 10.30am and 1.30pm on 21 June.</p> <p>The provisions of the control are satisfied by the proposal.</p> | | |
| <p>D7 Views –</p> <p>Given the local topography, the siting of the existing buildings and the neighbourhood context, no impacts on views are anticipated from the proposed development from surrounding residential properties or public vantage points.</p> <p>Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties during the assessment of the DA.</p> | Yes | Yes |
| <p>D8 Privacy –</p> <p>Privacy has been considered in the proposed design and satisfies the DCP's objectives. The following aspects of the proposal are noted:</p> <ul style="list-style-type: none"> ▪ Appropriate / compliant side building setbacks are provided, including to the upper-level. ▪ Side boundary facing window openings are limited and appropriate in terms of their function (the rooms that they serve), their location, and extent. ▪ No upper floor balconies to the sides or rear are proposed; nor are they adjacent to sensitive living areas within the neighbouring properties. ▪ The proposed principal private open space including rear terraces are at ground level. ▪ Significant separation is maintained between the proposed dwellings and the development to the east and north due to the location of driveways adjacent to the property. <p>It is concluded that the proposal will not inappropriately impact upon the visual privacy of the neighbouring properties.</p> | Yes | Yes |
| <p>D9 Building Bulk</p> <p>The proposal is appropriately designed and articulated noting that:</p> | Yes | Yes |

| Clause | Compliance with Requirement | Consistent with aims and objectives |
|--|-----------------------------|-------------------------------------|
| <ul style="list-style-type: none"> ▪ The side setbacks and wall height are compliant. ▪ Large areas of continuous wall planes are avoided by varying building setbacks within each elevation and use of different materials to provide visual relief. ▪ The proposed building height and scale relates to the mixed form of development in the local area, will be compatible with the height and bulk of adjoining development, and result in an enhanced streetscape presentation. ▪ The amount of proposed fill does not exceed one metre in depth. ▪ The design is orientated to address the street. ▪ The design includes articulated walls to reduce building mass. When viewed from the street, the design is appropriately articulated incorporating is of different setbacks and materials. ▪ Landscape plantings are provided / maintained to reduce the visual bulk and enhance the proposed dwelling house. | | |
| <p>D10 Building Colours and Materials</p> <p>The proposal will employ appropriate materials and finishes to be compatible with the local, mixed development character.</p> | Yes | Yes |
| D11 Roofs | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D13 Front fences and front walls | Yes | Yes |
| D14 Site facilities | Yes | Yes |
| D15 Side and rear fences | NA | NA |
| D16 Swimming Pools and Spa Pools | NA | NA |
| D17 Tennis courts | NA | NA |
| D18 Accessibility | Yes | Yes |
| D19 Site consolidation in the R3 and IN1 zone | NA | NA |
| D20 Safety and security | Yes | Yes |
| D21 Provision and location of utility services | Yes | Yes |

| Clause | Compliance with Requirement | Consistent with aims and objectives |
|---|-----------------------------|-------------------------------------|
| D22 Conservation of Energy and Water | Yes | Yes |
| Part E - The Natural Environment | | |
| E1 Preservation of Trees or Bushland Vegetation | Yes | Yes |
| E2 Prescribed Vegetation | Yes | Yes |
| E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat | NA | NA |
| E4 Wildlife Corridors | Yes | Yes |
| E5 Native Vegetation | Yes | Yes |
| E6 Retaining unique environmental features | Yes | Yes |
| E7 Development on land adjoining public open space | NA | NA |
| E8 Waterways and Riparian Lands | NA | NA |
| E9 Coastline Hazard | Yes | Yes |
| E10 Landslip Risk | NA | NA |
| E11 Flood Prone Land | NA | NA |

5.2.2 Conclusion - variations to numerical aspects of the DCP

Based on the above, it is concluded that the proposed numerical variations are contextually appropriate noting the merits of the design and satisfy the objectives of the planning controls.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority must be flexible in applying the numerical controls where the objectives of those controls are satisfied.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP, and the proposal is worthy of support.

6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

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

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

7 Conclusion

The proposed development at 103 Ocean Street, Narrabeen has been assessed under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act and should be approved because:

- The proposed development is permissible with consent.
- The application has considered and satisfies the various applicable LEP and DCP built form controls as they are reasonably applied to the site.
- The proposed development will not give rise to any unacceptable residential amenity or streetscape consequences.
- Subject to the recommendations of various expert reports, the proposed development can mitigate the environmental conditions identified and satisfy the relevant statutory controls.
- The site is suitable for the proposed development, having regard to its size and capacity to accommodate the proposed design.
- The proposal will result in various positive social and economic impacts in the locality.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

BBF Town Planners

Michael Haynes - Director