

3 May 2018

The General Manager
Northern Beaches Council

Dear Sir / Madam,

18 Jocelyn Street, North Curl Curl
Request for modification Section 4.55(1A) to DA2017/0159 for alterations and additions to existing dwelling

1 Introduction

BBF Town Planners are instructed by Michelle and Michael Donnelly, the owners of 18 Jocelyn Street, North Curl Curl in relation to the subject matter.

Development Application no. DA2017/0159 for Alterations and Additions to an existing dwelling was approved by Council on 17 May 2017. A modest modification of the Development Consent is sought to alter the configuration of the rear ground level entertaining terrace.

2 Proposed Modifications

The proposed modifications are depicted in the accompanying architectural plans by Grant Seghers Architect dated March 2018. Key aspects of the proposed modifications are summarised as follows:

- Relocate the spa/ hot tub to the north of the approved rear terrace.
- Modify the approved rear shade structure (pergola). A Vergola with flat roof profile is now proposed.
- Extend the footprint of the approved rear terrace to the west and north and construct cabinetry and sink associated with the barbeque along the western terrace edge.
- Construct a 600mm high aluminium slat screen above the existing 1240mm high masonry wall, for length of approximately 6.760m along western boundary, adjacent to the rear terrace.
- Relocate the approved planter from the western side of the approved terrace to the northern end.

The changes are summarised in images at Annexure 1.

3 Statement of Environmental Effects

3.1 Section 4.55(1A) and environmental assessment considerations

The following is a Statement of Environmental Effects made under the provisions of Section 4.55(1A) being modifications involving minimal environmental impact. Having regard to Section 4.55(1A) a consent authority may, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)

In this regard, it is noted that:

- The nature of the proposed modification is minor and substantially the same development as the development for which consent was originally granted and is therefore within the scope of Section 4.55(1A) of the Act.
- The following Statement of Environmental Effects considers the nature of the proposed modification and the potential impact of the change on environmental planning grounds.

4 Environmental Assessment

4.1 Site description

The site is located at 18 Jocelyn Street, North Curl Curl. It is legally described as Lot 26 in DP 16078. The site has an area of approximately 615.8m². The site dimensions are as follows:

- Northern, rear boundary of 12.745m
- Eastern, side boundary of 50.50m
- Southern, front boundary of 12.745m
- Western side boundary of 50.50m

4.2 Site and property features

The key features of the site and its development include:

- The land is developed with a 1 and 2 storey brick and timber house with tile roof, that steps-responsive to the sloping topography, within a landscaped setting.
- Car parking for 2 vehicles is available on-site within a lower ground floor garage.
- The property is sloping with a level difference of approximately 8m between the rear and the front boundaries – (approximately RL46 to RL 38 at the street level).
- The property is set within a developed hillside location looking south over Jocelyn Street and Curl Curl.
- The site and the adjoining properties have a north / south orientation to Jocelyn Street.

4.3 Zoning and key environmental affectations

The property is zoned R2 – Low Density under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example heritage, bush fire, biodiversity, flood, waterways and acid sulfate soils. The property is affected by geotechnical risk and this will be addressed below.



Figure 1 – aerial photograph (Six Maps)



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4.4 Warringah LEP 2011

Planning considerations from the Warringah LEP 2011 relevant to the proposed modifications are noted and addressed as follows:

4.4.1 Clause 4.3 - Building Height

Building Height 8.5m – complies.

4.4.2 Clause 6.4 Geotechnical hazards

Pursuant to clause 6.4 of the LEP, the site is identified as being affected by potential land instability. In response, the application is accompanied by a geotechnical report prepared by White Geotechnical. The Geotechnical report is adequate in addressing the modification as the proposed works relate closely to the footprint and scope of the approved DA.

Having regard to clause 6.4(3) of the LEP, given the characteristics of the land along with the nature and scale of the proposal, Council can be satisfied that the development has been designed appropriately and the proposal will not:

- Result in any unacceptable or inappropriate risk associated with landslides in relation to both property and life
- Cause significant detrimental impacts due to stormwater discharge from the site
- Impact on or affect the existing subsurface flow conditions.

The assessment provisions of this control are satisfied by the proposal.

4.5 State Environmental Planning Policy - BASIX

The proposed modifications are not BASIX affected development. A BASIX assessment report accompanies the application.

4.6 Warringah DCP

Key built form planning controls from the Warringah DCP relevant to the proposed modifications are noted and addressed as follows:

- The side setback control contains the numerical requirement of 900mm. The proposal relates to minor landscape structures. The proposed terrace and BBQ provides approximately 2.1 to 2.7m to the western side boundary. This variation is acknowledged as minor and acceptable in addressing the objectives of the control noting:
 - The setback relates to minor landscape elements
 - The minor elements (seating, BBQ, cabinetry) will be screened behind the proposed side boundary/courtyard style, screening wall.
 - The proposed setback will not reduce or compromise the deep soil landscape areas approved on the site.
 - The proposed setback will not significantly or unreasonably adversely impact on solar access, views and privacy enjoyed by neighbouring properties.

- landscaped open space – the pre-DA approval landscaped area on the site was 211m² and 34% (approx.). DA2017/0159 approved a proposed increase in landscaped area to: 236m² and 38%. The proposed landscaped open space is proposed to be slightly reduced by the modification (approx. 9m² to 227m² and 37%) due to the slight increase in the terrace area and relocation of the spa.

The proposed variation is assessed as satisfactory in meeting the objectives of the control noting:

- The proposed spa is small in area and well setback from site boundaries within a landscaped setting at the rear of the site. Appropriate spaces will be maintained for deep soil at the rear of the property.
- There remains sufficient surrounding landscaped area to accommodate vegetation to provide a landscaped setting to these structures.
- The scenic quality of the streetscape is not compromised by the proposed variation and it will not be visually prominent (screened by the dwelling and established vegetation) and it will sit comfortably within a landscaped setting.
- A reasonable bulk and scale of built form is proposed.
- Appropriate building separation is maintained. In terms of privacy the proposed rear alfresco living space is at ground level and will be visually screened by the roof covering and the adjacent side boundary fencing.
- The proposed building elements will not unreasonably compromise views and vistas from adjoining and nearby land
- No significant or un reasonable amenity impacts (shading, privacy or view loss) will result from the structure's proposed location.

In conclusion -

Based on the above, it is concluded that the proposed variation is modest and contextually reasonable, satisfying the objectives of the planning controls. Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that this aspect of the proposal is worthy of support, in this particular circumstance.

4.6.1 View Sharing

Pursuant to clause D7 of the DCP all new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.

The proposed modifications will not impede on any established views from surrounding residential properties or public vantage points.

4.6.2 Solar Access

In accordance with Clause D6 of the DCP the main private open space of the dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.

The proposed minor changes to the approved single storey roof form of the rear terrace pergola/shade structure modifications are low scale and modest in height, being approximately 900mm and setback from the property's western side boundary.

The proposed modifications will not result in any significant additional overshadowing impacts to the western neighbouring property during the requisite hours on the 21st of June.

4.6.3 Visual Privacy

The proposed modifications have considered the visual privacy of the neighbouring properties and satisfies the DCP's objectives.

The proposed rear alfresco living space is at ground level and will be visually screened by the roof covering and the adjacent side boundary fencing.

In our opinion, there will be no significant or unreasonable visual privacy impacts resulting from the proposed modifications and the provisions of this control are satisfied by the proposal.

4.7 Section 4.15 and 4.55 (1A) of the Act

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 that:

- The site is appropriate for accommodating the proposed development. The amenity considerations in relation to solar access, views and privacy are satisfactory. There will be no significant or unreasonable adverse environmental impacts arising from the proposal. Minimal environmental impact will result.
- The proposal has appropriately considered the relevant natural environmental conditions of the site and is accompanied and supported by the appropriate assessment reports addressing these matters.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the relevant planning provisions relating to the site.
- The proposal is compatible with the current and likely future land use character of development within the local context.
- The proposal will not result in any significant unacceptable impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposed modification to Development Consent no. DA2017/0159 is an appropriate change to the development consent. The development as modified is substantially the same development as the development for which consent was originally granted.
- The nature of the proposed modification is minor and within the scope of Section 4.55(1A) being modifications involving minimal environmental impact.

4.8 Conclusion

The proposed modifications to Development Consent no. DA2017/0159 at 18 Jocelyn Street, North Curl Curl represent appropriate changes to the development consent.

The proposed development as modified is substantially the same development as the development for which consent was originally granted.

The nature and scale of the proposed modifications are minor and within the scope of Section 4.55(1A) being Modifications involving minimal environmental impact.

It is our considered opinion that the proposed development, as modified, is satisfactory and the modification may be approved by Council.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners

Annexure 1 – excerpts of approved and proposed modification plans

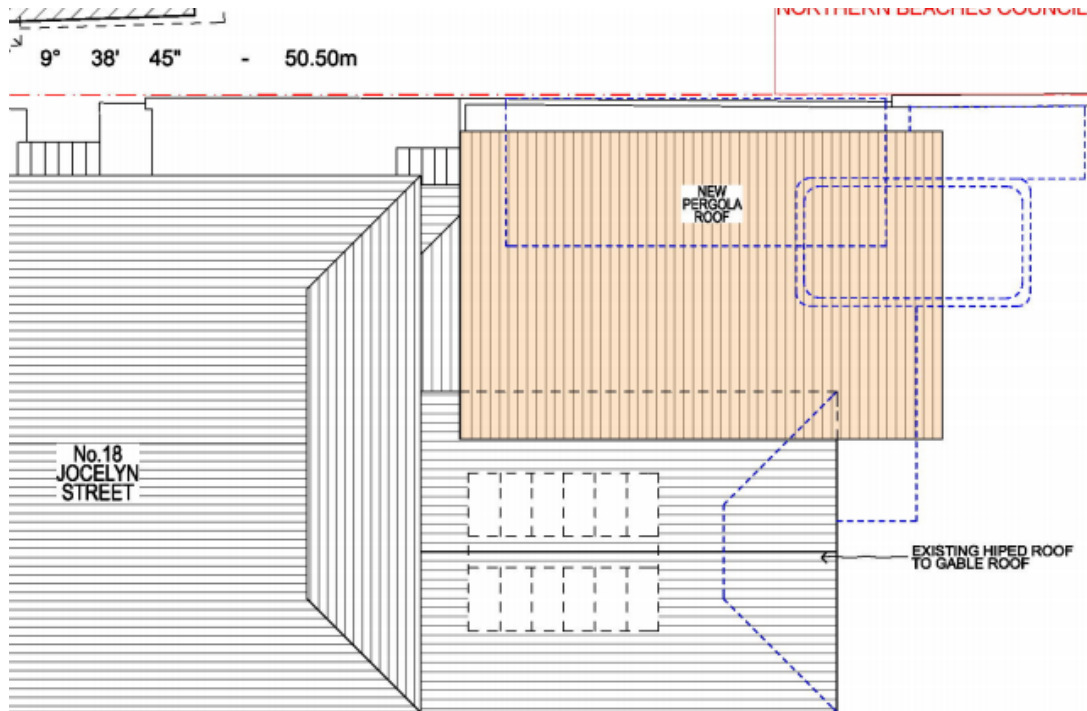


Figure 4 – Approved terrace area roof plan

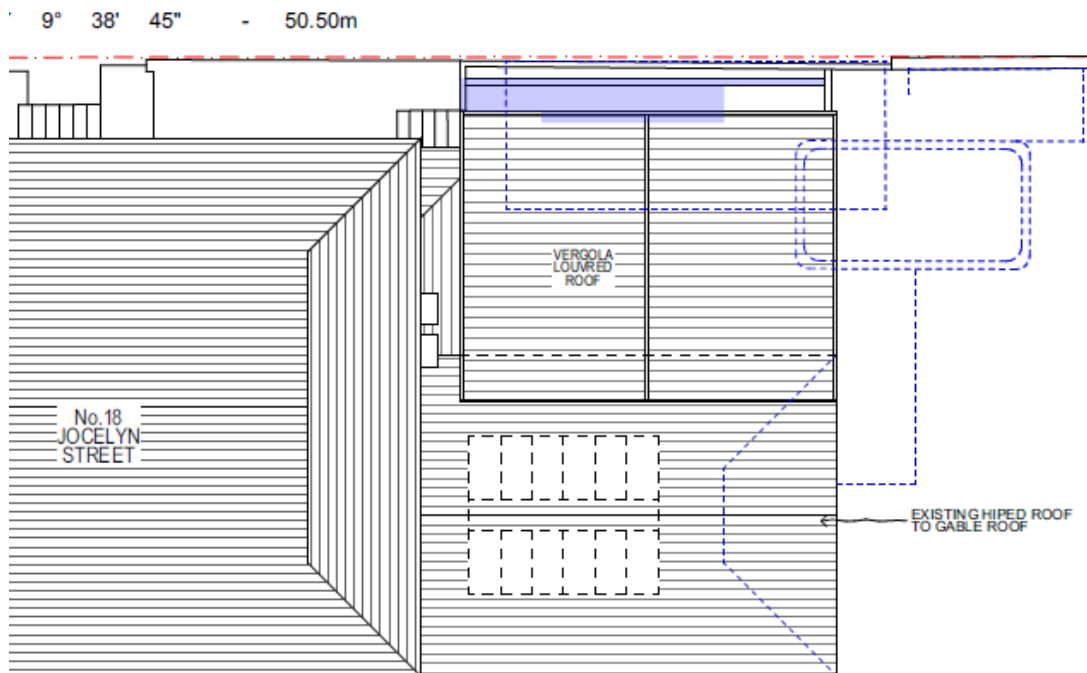


Figure 5 –Proposed terrace area roof plan

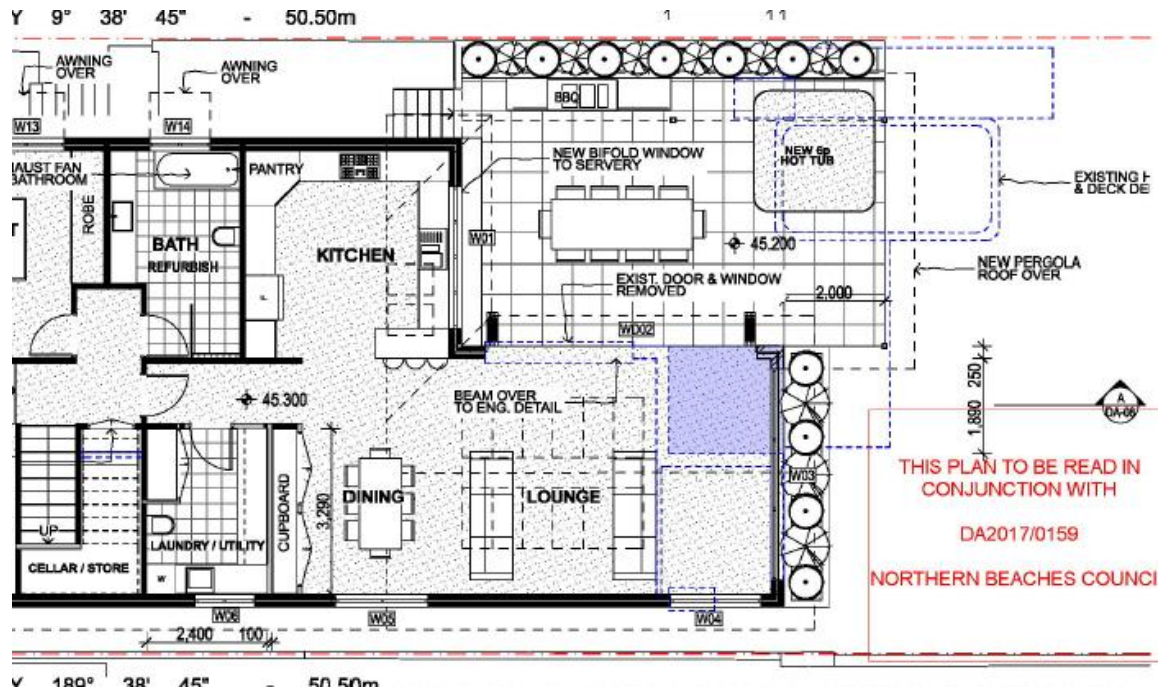


Figure 6 – Approved terrace area floor plan

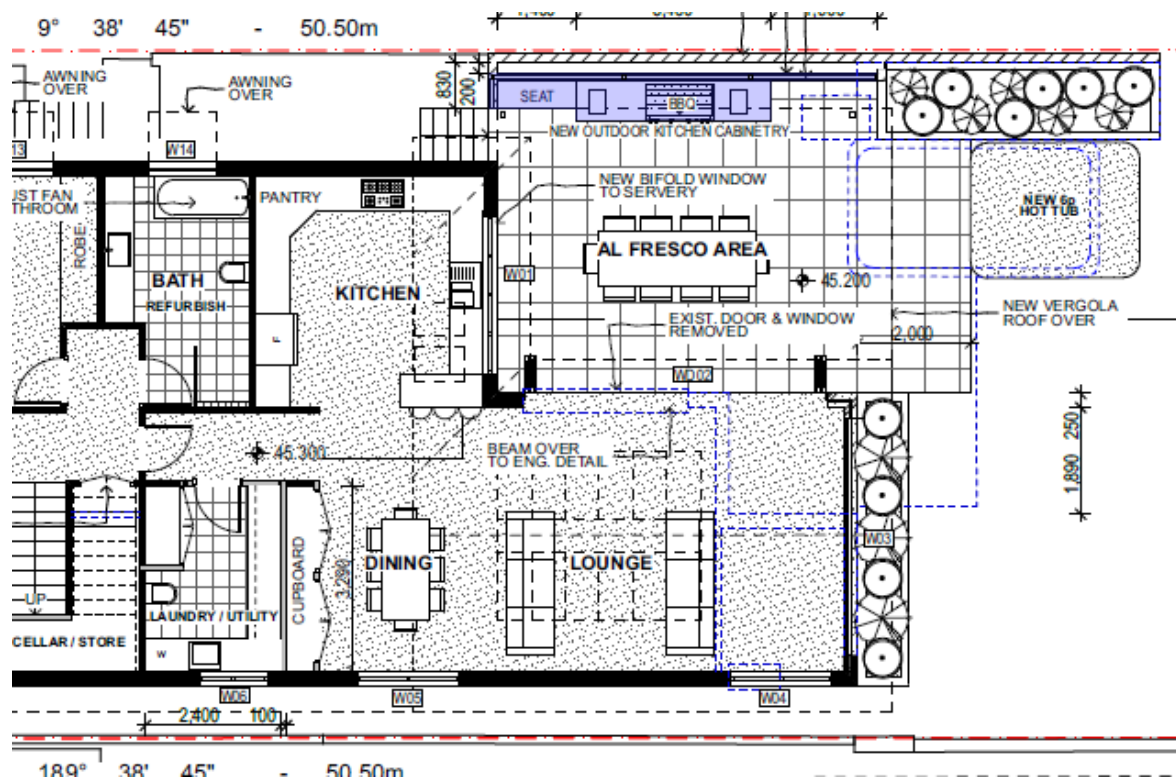




Figure 4 – Approved rear terrace roof north elevation

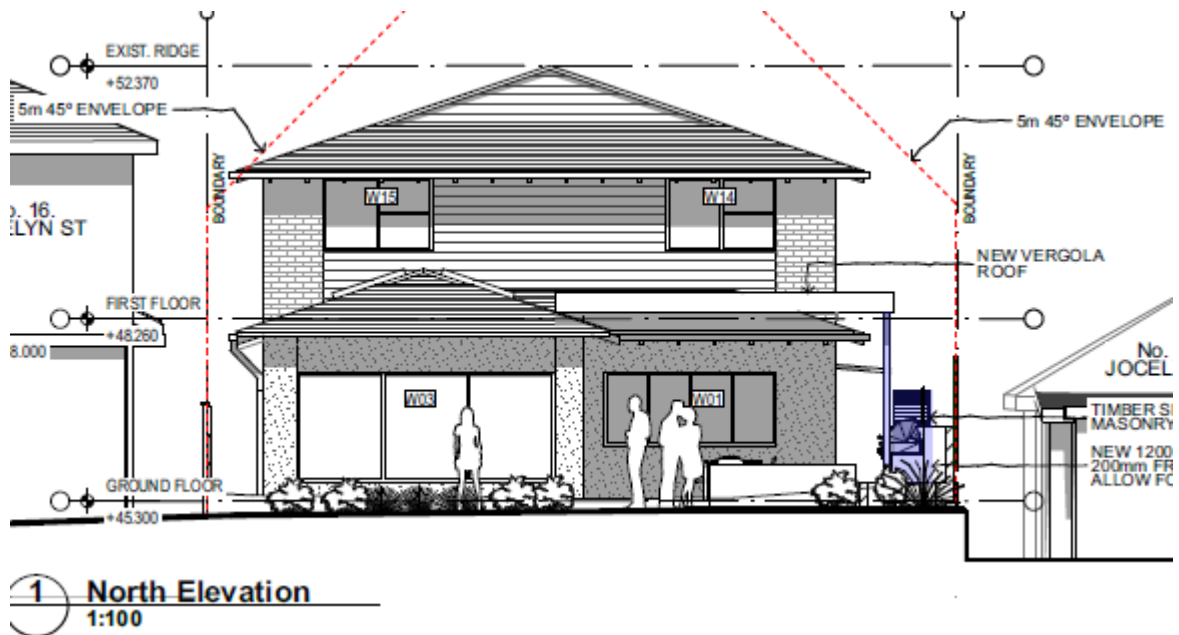


Figure 4 – Proposed rear terrace roof north elevation