



Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Alterations and Additions to a
Dwelling**

At

No 12 Hill Street Warriewood

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Planning)**

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1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council. The applicant seeks development consent to undertake the following development on land known as No 12 Hill Street Warriewood:

- Construct alterations and additions to an existing part single part two storey dwelling involving the retention of most of the external walls and flooring to achieve enhancements to residential amenity and the overall appearance/function of the dwelling.
- The proposed lower level internal upgrade works create a new double garage, storeroom, rumpus area, new laundry/bathroom and staircase leading to the upper level. The double garage and storeroom will extend forward of the existing facade and coincide with proposed works above: and
- Proposed works on the upper level comprise of a new frontage to the dwelling and rear addition. Across the frontage the applicant proposed to extend the dwelling closer to the street incorporating a front verandah and steps, four new bedrooms (including a master bedroom with an ensuite), a bathroom, new kitchen and living/dining area. Also proposed is a rear deck and internal staircase leading to the lower level.

The proposal has been prepared in accordance with the provisions of Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan.

As a matter of background, the applicant attended a pre-lodgement meeting with Council on the 17th December 2019. The applicant was advised to review the design so as to provide a deeper front landscaped setback, address privacy considerations across the rear elevation and address the consideration of the proposed works being considered as alterations and additions to an existing dwelling as opposed to the proposal being classified as a new dwelling.

The applicant has revised the design to address Council issues identified in the pre-lodgement notes and a discussion relating to the classification of the development is provided under Section 4.0 of the Statement.

This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

- A description of the site and the locality and a description of the proposed development; A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and
- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *bettswhite PTY LTD*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site is situated on the northern side of Hill Street and is known as No 12 Hill Street Warriewood.



Subject Site

The subject site is legally identified as Lot 19 in Deposited Plan 14485.

The subject site is regular in configuration, with a frontage and width of approximately 12.19m and a depth of 38.1m. The subject site has a total area of approximately **464.5m²**.

Existing improvements on the subject site consist of a single storey weatherboard and tiled roof dwelling above a brick under-croft storage area.



Subject Dwelling

The subject site experiences a notable cross fall from the eastern side boundary to the western boundary. This cross fall has enabled the elevation of the dwelling and provision of undercroft storage space.

No significant trees require removal as a result of the subject application.

The subject site is not listed as a heritage item and does not adjoin a heritage listed property. The subject site does not fall within a conservation precinct.

Stormwater drainage can be directed to Council's infrastructure in Hill Street. Ample green space exists around the dwelling to assist with natural absorption. A stormwater concept plan is included as part of the application given that additions are proposed to the front and rear of the dwelling.

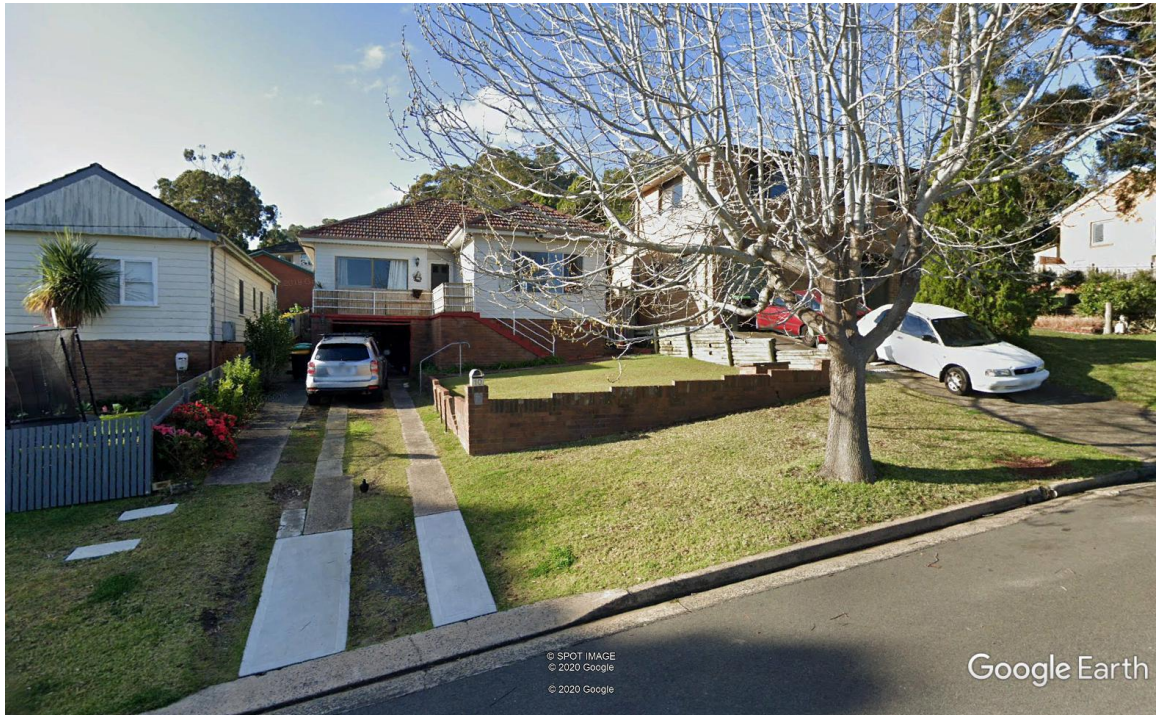
The subject site is not prone to flooding, is distant from bushland, coastline hazards and estuarine hazards.

2.2 Site Context

The subject site is situated within an established low density residential precinct characterised by a mix of single and two storey dwellings. The dwellings in the precinct are generally well presented.

The subject site is well-serviced by public transport, being within close proximity to bus services travelling to and from Narrabeen, North Narrabeen and Mona Vale.

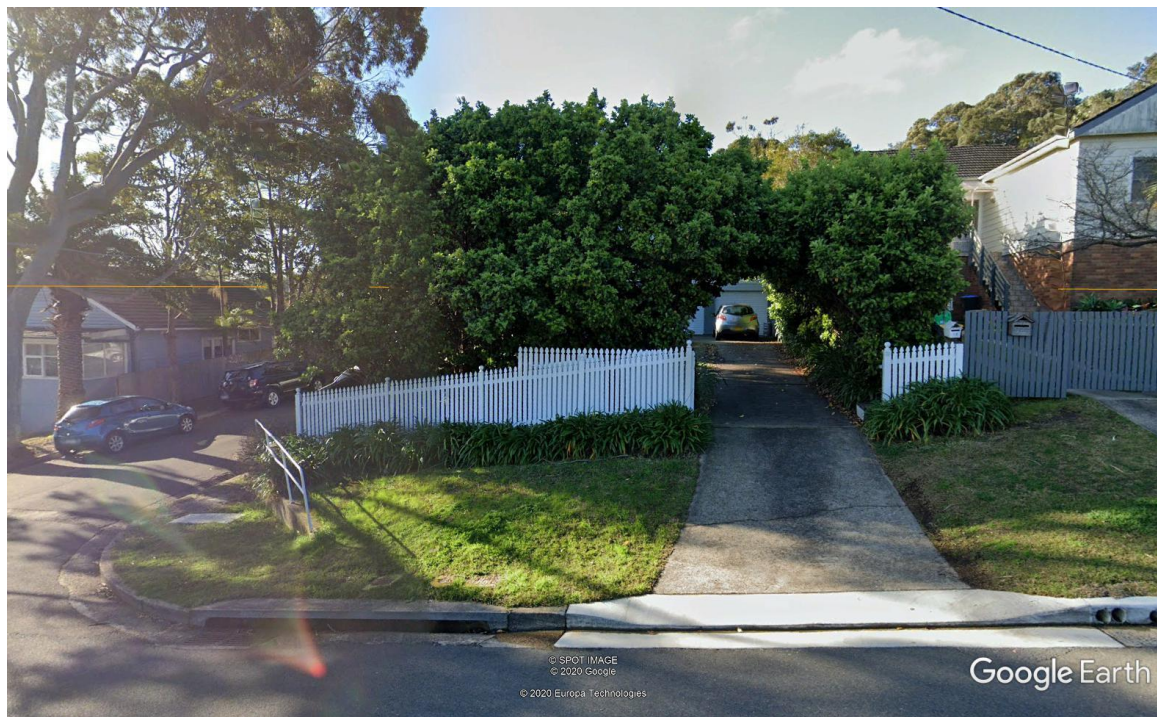
Existing development on the immediately adjoining properties comprises of the following:



Adjoining eastern dwellings

- Adjoining the subject site to the east is a single storey clad dwelling constructed over a garage and known as No 10 Hill Street. This adjoining property has a higher elevation than the subject site given the street rises to the east. The proposed additions to the existing dwelling on the subject site are effectively contained to a single level as viewed from this adjoining property. The applicant has well resolved privacy considerations through the use of highlight type windows and frosted glass. There will be minimal overshadowing

impacts given the low scale nature of works and the rise in the land to the east.



Adjoining western dwelling

- Adjoining the subject site to the west is a three level weatherboard clad and tile dwelling, known as No 14 Hill Street. This adjoining dwelling has a lower ground level than the subject dwelling and is sited towards the rear of the lot. The proposed additions to the subject dwelling include minimal window openings in the upper level and a privacy screen along the western side of the rear deck. Privacy considerations are well resolved. Shadows from the proposed works are cast towards the front portion of this adjoining dwelling and across the front driveway. There are no significant additional overshadowing impacts.

3.0 PROPOSED DEVELOPMENT

The applicant seeks development consent to undertake the following at No 12 Hill Street Warriewood:

- Construct alterations and additions to an existing part single part two storey dwelling involving the retention of most of the external walls and flooring to achieve enhancements to residential amenity and the overall appearance/function of the dwelling.
- The proposed lower level internal upgrade works create a new double garage, storeroom, rumpus area, new laundry/bathroom and staircase leading to the upper level. The double garage and storeroom will extend forward of the existing facade and coincide with proposed works above: and

Proposed works on the upper level comprise of a new frontage to the dwelling and rear addition. Across the frontage the applicant proposed to extend the dwelling closer to the street incorporating a front verandah and steps, four new bedrooms (including a master bedroom with an ensuite), a bathroom, new kitchen and living/dining area. Also proposed is a rear deck and internal staircase leading to the lower level.



Perspective of the proposed facade treatment

3.1 Design Approach

The proposed alterations and additions provide most needed quality internal living space to meet the needs of the residents. The proposed works will significantly improve the presentation of the dwelling to the street replacing a dated facade.

A conventional roof pitch is proposed and the proposal includes an activation of the lower level for habitable purposes. suitably this space remains within the existing dwelling footprint.

The design solution ensures that privacy issues are appropriately resolved between the subject site and adjoining dwellings. Windows have been kept a minimum along the side elevations.

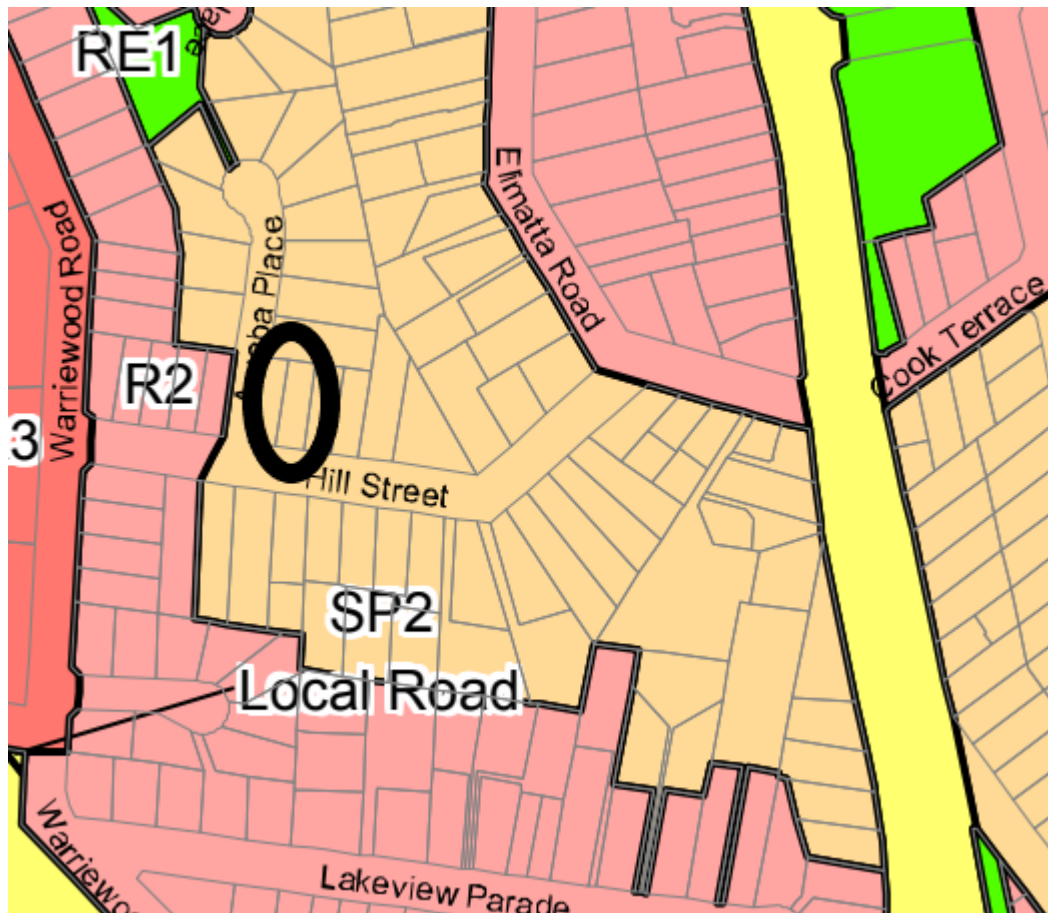
A formal sheltered entry is proposed inclusive of a full length verandah providing effective casual surveillance of the street.

No issues in terms of overshadowing arises as the proposed works effectively contained to a similar height of the existing dwelling.

4.0 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

4.1 Zoning and Zone Objectives

The subject land is zoned E4 Environmental Living pursuant to Pittwater LEP 2014.



Extract of the zoning map

A dwelling is defined to mean *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposed works/use is ancillary to a dwelling and complies with the above definitions. The proposal is permissible in the zone with development consent.

Alterations and Additions v New Building

The Edgar Allan Planning case has since been reviewed and superseded by a case being adopted as a planning principle titled 'demolition' - **Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187**
Hearing dates: 18 and 19 September 2013 **Decision date:** 04 October 2013.

Of note from the case is the following text and comment in respect of each assessment question posed by the Commissioner:

51In Edgar Allan Planning, Watts C published a planning principle designed to assist in the consideration of whether a proposed development should be regarded as additions or alterations to an existing building or whether the proposed development should be regarded as a new building even though elements of the fabric of the original building were to be incorporated in the development.

52The planning principle in Edgar Allan Planning is a prescriptive one and is in the following terms:

*A development application to alter and add to a building will be taken to be that relating to a new building where more than half of the **existing external fabric of the building is demolished**. The area of the existing external fabric is taken to be the surface area of all the existing external walls, the roof measured in plan and the area of the lowest habitable floor.*

53However, this approach ignores the fact that the nature of the analysis required depends on the reason why the enquiry is being made.

54Whether something should be regarded as alterations or additions to a heritage item engages different considerations when compared to an enquiry, for example, as to whether particular controls defining a building envelope may be engaged or not by a development proposal. The purely mathematically derived approach in Edgar Allan

Planning fails to engage with the fundamental preliminary question as to the purpose for which the enquiry is being made.

55As a consequence, it is no longer appropriate to set a prescriptive basis for determining whether approval is being sought for additions and/or alterations or if it is an application for an entirely new development. As with solar amenity, strict mathematical formulae are not an appropriate basis for such an assessment. As a further consequence, the planning principle published in **Edgar Allan Planning should be set aside and the planning principle set out below should be adopted in its place.**

Planning principle

56The first question to be considered is "what is the purpose for determining whether this application should be characterised as being for additions and/or alterations to an existing structure rather than an application for a new structure?" The answer to this fundamental question will frame the approach to be undertaken to the analytic framework set out below.

Comment:

The proposal maintains important aspects of the existing dwelling and the proposed works are a cost effective means of achieving the goals of improved residential amenity, function and streetscape appeal of the dwelling.

57In determining whether an application is appropriate to be regarded as for additions and/or alterations or not, it is appropriate to follow, by broad analogy, the process discussed by Bignold J in *Moto Projects (No 2) Pty Limited v North Sydney Council* [1999] NSWLEC 280; (1999) 106 LGERA 298 - namely undertaking both a **qualitative and a quantitative analysis of** what is proposed compared to what is currently in existence.

58 In this consideration, regard should be had to such of the matters in the following lists of matters as are relevant to the enquiry:

59 Qualitative issues

· How is the appearance of the existing building to be changed when viewed from public places?

Comment:

Given the dated appearance of the dwelling and lack of architectural expression, the proposed facade improvements would be undertaken regardless of the classification of the works.

· To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?

Comment:

There is no feature landscaping in the front yard presently. The proposed work will provide a division of the parking area and driveway from the pedestrian access inclusive of landscaped works. General improvements will eventuate.

· To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?

Comment:

The subject site is not heritage listed or in a conservation area.

· What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?

· What is the extent, if any, of any proposed change to the use of the building? same use - residential

Comment:

The use remains residential and a contemporary floor plan is proposed, requiring the removal of most internal walls. The layout of the existing dwelling is dated and lacks function.

- *To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?*
- *To what extent, if any, are the existing access arrangements for the building proposed to be altered?*
- *To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development?*
- *Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?*

Comment:

The existing dwelling has no redeeming features worth retaining or replicating.

The vehicle access arrangements remain however will involve an upgrade to the surface.

Scope is available on-site to bring the built form forward towards the street better utilising valuable space on a small site.

The outlook from the proposed works will be contained to the front and rear as existing.

60Quantitative issues

- *To what extent is the site coverage proposed to be changed?*

Comment:

The site coverage increases as would the case be with any redevelopment of the site. The existing dwelling is small and offers low levels of amenity.

· To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?

Comment:

The proposed works comply with the principal numerical controls applicable to the site.

· To what extent is the building envelope proposed to be changed?

· To what extent are boundary setbacks proposed to be changed?

· To what extent will the present numerical degree of landscaping on the site be changed?

· To what extent will the existing floor space ratio be altered?

· To what extent will there be changes in the roof form?

Comment:

The overall building height remains similar to that of the existing dwelling however the dwelling will be extended to the front and rear of the site. The subject site offers scope to increase the floor space of the dwelling. There is no FSR applicable in this case.

The proposed roof needed replacing. A conventional new hipped roof with a gable facade is proposed in proportion to the overall dwelling.

Landscaping opportunities will be enhanced relative to the existing circumstance.

· To what extent will there be alterations to car parking/garaging on the site and/or within the building?

Comment:

Only subtle change is proposed to the surface of the driveway and garage and entry door.

· To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?

· What relationship does the proportion of the retained building bear to the proposed new development?

Comment:

Only minor works are proposed across the frontage to relate to the proposed works. A retaining wall will be constructed to separate the driveway from the pedestrian access and address the cross fall.

61 Obviously, the greater the overall extent of departure from the existing position, the greater the likelihood the proposal should be characterised as being for a new building.

62 It is not intended that the above lists should be regarded as exhaustive. Other matters may well arise for consideration in the facts and circumstances of a particular application or the reason why the analysis is being undertaken. However, having considered all of the listed matters (together with any other additional matters that may be relevant in the particular circumstances of the application), an evaluation can then be made as to whether or not a proposal would correctly be characterised as additions and/or alterations to an existing structure or whether the proposal should be characterised as an application for an entirely new structure.

The relevance of the change of approach

63 These proceedings demonstrate the desirability of changing from a mathematically structured prescriptive planning principle to one that is based on an inquisitive process because there is at least one element of the controls in the Development Control Plan (the DCP) that requires different considerations depending on whether the application is for a new building or not. Whilst Mr Pickles proposed a process of interpretation of the DCP's provisions that, if we were to adopt it, could lead us to conclude that this was not a new building for the relevant purposes if the mathematical approach in Edgar Allan Planning were to have been applied, adopting the new approach renders that unnecessary.

Comment:

The proposed works are most needed and relate to the retention of approximately 60% of the existing dwelling. The proposal does not give rise to major numerical non-compliances and effectively a similar outcome would eventuate as alterations and additions or as a new dwelling in consideration of site topographical circumstances and given the narrow width of the site.

The proposal is reasonable as alterations and additions to a dwelling.

The specified zone objectives for the E4 zone are as follows:

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

Comment:

The proposed development is consistent with the zone objectives as follows:

- The proposed development provides an enhanced level of amenity to the residents on-site. No change in intensification of the use of the dwelling is proposed. A low intensity of use is retained on-site. Ample green space will be retained on-site.
- The subject site is not subject to geotechnical hazard or biodiversity considerations. There are no identified ecological, scientific or aesthetic values constraining the development of the site. the proposed development appropriately addresses the cross fall in the land.
- There are no *riparian and foreshore vegetation and wildlife corridors* constraining the reasonable development of the site.

- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this statement of environmental effects. The proposal is appropriate in this regard.
- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the precinct. The proposal will therefore be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

4.3 Relevant Clauses of the LEP

Clause 4.3 of the LEP sets a maximum height for development in accordance with the building height map.

The building height map specifies a maximum permissible height limit within the zone of 8.5m. The proposed alterations and additions achieve a comply maximum building height of 8m.

Clause 4.4 of the LEP relates to **FSR**:

There is no floor space ratio control applicable to the site.

Clause 4.6 relates to Exceptions to development standards.

1. *The objectives of this clause are as follows:*

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed development complies with the maximum building height by maintaining a conventional hipped roof profile and standard floor to ceiling heights for all levels.

The applicant does not seek to vary a development standard with this proposal.

Clause 7.1 of the LEP relates to Acid Sulfate Soils:

The subject site is not subject to acid sulphate soil consideration.

Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

Clause 7.2 of the LEP relates to Earthworks:

The proposed works are contained in the main above the existing ground level. Excavation works are limited to footings, new driveway surfacing and utility connections. No issues arise in relation to earthworks.

Clause 7.7 of the LEP relates to **Geotechnical hazards:**

- (1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:*
 - (a) matches the underlying geotechnical conditions of the land, and*
 - (b) is restricted on unsuitable land, and*
 - (c) does not endanger life or property.*
- (2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*

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

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless:

(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

(b) the consent authority is satisfied that:

(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or

(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or

(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or

Comment:

The subject site is not subject to geotechnical considerations.

Clause 7.6 of the LEP relates to Biodiversity

(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:

(a) protecting native fauna and flora, and

(b) protecting the ecological processes necessary for their continued existence, and

(c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

(a) whether the development is likely to have:

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

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

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment:

The subject site is not identified as being affected by biodiversity considerations.

4.4 LEP Summary

Map	Control
Additional Permitted Uses	N/A
Acid Sulfate Soils	Class 5
Biodiversity	N/A
Coastal Risk Planning	N/A

Foreshore Building Line	N/A
Floor Space Ratio	N/A
Geotechnical Hazard	N/A
Heritage	N/A
Height	8.5m
Land Application	N/A
Land Reservation Acquisition	N/A
Lot Size	550m
Land Zoning	E4 Environmental Living
Urban Release Area	N/A

5.0 PITTWATER 21 DEVELOPMENT CONTROL PLAN

Pittwater 21 Development Control Plan contains the prescriptive and numerical controls specific to different localities in the LGA.

The DCP is to be read in conjunction with Pittwater LEP 2014.

5.1 Context and Site Analysis

A site analysis plan accompanies the architectural plans. A written analysis of the site and context supplements the site analysis plan under section 2 of this statement of environmental effects.

5.2 Part A- Introduction

Land within the Warriewood Locality is identified on the Elanora Heights Locality Map.

A4.14 Warriewood Locality

Land within the Locality

Land within the Warriewood Locality is identified on the Warriewood Locality Map.

Context

The extension of the tram to Narrabeen in 1913 established land north of Narrabeen Lagoon as a popular area for holidays and camping. From the 1950s, residential development intensified in this area, and along the slopes to the north, south and east of the locality.

From the 1920s, the Warriewood locality area expanded as a farming district as new settlers, including many from former Yugoslavia, moved into the area. Market gardening, primarily in the cultivation of tomatoes, reached its peak in 1947 and 1954, before declining in the 1960s. The rural character of the valley remained until the 1980s, when land was subdivided for industrial/commercial and townhouse development in the vicinity of Macpherson Street, Ponderosa Parade and Vuko Place. The locality has developed with a mix of residential, retail/commercial, industrial, recreational, and educational land uses.

Low density residential development is built along the slopes to the north and east of the locality, and within the lowland areas adjoining Pittwater Road. These areas are characterised by one and two storey dwelling houses on 550-750square metre allotments, generally increasing to 950 square metres on steeper slopes and the headland.

The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes.

The locality is serviced by a Warriewood Square, a major retail centre, and neighbourhood retail centres at Narrabeen Park Parade and the intersection of Garden Street and Powderworks Road. The locality also contains the Narrabeen Sports High School, Narrabeen North Primary School, Mater Maria Catholic School, two youth/community centres, the Coastal Environment Centre, Warriewood Sewage Treatment Plant, Pittwater RSL Club, and recreational facilities including the Lakeside Caravan Park, several reserves, beaches and rockbaths. The locality also enjoys many significant natural environmental features, including the Warriewood Escarpment, Warriewood Wetlands, Narrabeen Lagoon, and Katandra Bushland Sanctuary.

Cottages and vegetation on Macpherson Street, indicative of the early farming history of the valley, have been identified as heritage items.

The locality is characterised by a valley surrounded by the escarpment to the west, headland to the east, slopes to the north and Narrabeen Lagoon and Mullet Creek to the south. Due to the topography, significant views can be obtained through all points of the compass. Conversely, the slopes and ridge tops of the locality are visually prominent.

Much of the natural vegetation in the valley has been removed and replaced with nonindigenous species.

Much of the tree canopy around the escarpment, which is protected as an area of environmental significance, has been retained.

The natural features of the locality result in a high risk of bushfire, landslip, flood, and coastline (beach) hazards.

Two major roads pass through the locality being Pittwater Road and Mona Vale Road, these are major links with other Sydney suburbs to the west and south.

The major roads within the locality are Pittwater Road, Mona Vale Road, Garden Street, Jacksons Road, Macpherson Street, Narrabeen Park Parade, and Sydney Road. Several pedestrian links and

pathways/cycleways exist within the locality, including on the headland, within the Warriewood Wetlands, and adjacent to Narrabeen Lagoon.

Desired Character

The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.

Existing residential areas will remain primarily low density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies (detached) will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Warriewood Square will meet the retail needs of the local and regional community as well as some smaller neighbourhood centres.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale.

Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment.

Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Hazards, Natural Environment and Heritage

Hazards

The Warriewood Locality is affected by various hazards. Land affected in the Warriewood Locality is shown on the hazard maps held in the offices of Council.

Natural Environment

The Warriewood Locality includes vegetation areas, threatened species, or areas of natural environmental significance. Land affected in the Warriewood Locality is shown on the natural environment maps held in the offices of Council.

Heritage

The Warriewood Locality may include Heritage items and/or conservation areas. Land affected in the Warriewood Locality is shown on the Heritage Map held in the offices of Council.

Comment:

The proposed development is consistent with the desired character of the Warriewood locality. The proposed works relate to an upgrade of an existing dwelling with an enhanced streetscape presentation. Adequate infrastructure exists in the locality to support the minor works. The subject site benefits from having a close proximity to bus services and nearby shopping facilities.

The applicant does not seek to remove trees to facilitate the proposal and the proposed works are effectively contained to within the typical building zone of the street. The proposed design appropriately resolves the cross fall in the land and represents improvements on site to the benefit of the streetscape.

There are no heritage considerations.

The proposed development is fully compliant with the development controls established for the locality.

5.3 Part B – General Controls**B1 Heritage Controls**

B1.1 – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014.

Outcomes

- *Conservation of items and areas of local heritage significance*

B1.2 – Development in the vicinity of a heritage item, heritage conservation areas, archaeological sites listed in Pittwater Local Environmental Plan 2014.

Outcomes

- *Conservation of heritage items, heritage conservation areas, archaeological sites and areas of heritage significance.*

B1.3 – General

Outcomes

- *Conservation of items and areas of heritage significance.*

B1.4 – Aboriginal heritage significance

Outcomes

- *Provide protection for Aboriginal place of heritage significance or Aboriginal object.*
- *Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected.*

Comment:

The site does not have heritage significance.

B2 Density Controls

B2.2 – Subdivision: Low density residential areas

- Land to which this control applies: Land zoned R2 Low Density Residential, E3 Environmental Management or **E4 Environmental Living**

Outcomes

- *Achieve the desired future character of the locality.*
- *Maintenance of the existing environment.*
- *Equitable preservation of views and vistas to and/or form public/private places.*
- *The built form does not dominate the natural setting.*
- *Population density does not exceed the capacity of local and regional infrastructure and community services.*
- *Population density does not exceed the capacity of local and regional transport facilities.*

Comment:

Subdivision is not sought as part of this application.

B4 Controls Relating to the Natural Environment**B4.22 Preservation of trees or bushland vegetation*****Outcomes***

- *To protect and enhance the amenity that trees and/or bushland vegetation provide*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide*
- *To protect, enhance and account for the contribution trees and/or bushland vegetation provide to the ecological value and biodiversity of Pittwater, including habitat for locally native plant and animal species, threatened species populations and endangered ecological community.*
- *To promote the benefits that corridors of trees and/or bushland vegetation provide for the movement of flora and fauna.*

Comment:

No trees require removal to facilitate the proposal.

B5 Water Management**B5.1 – Water management plan*****Outcomes***

- *Effective management of all water and wastewater resources*
- *Protection of receiving environments downstream of all water management systems.*

Comment:

The proposed development will utilise the existing drainage connection to the street and enhance drainage infrastructure on the site.

B5.2 – Wastewater disposal***Outcomes***

- *Effective management of sewage and wastewater systems and disposal to central reticulation system.*

- *Effective management of on-site sewage and effluent systems to ensure environmental and public health protection*

Comment:

Not applicable.

B5.3 – Greywater reuse

Outcomes

- *Effective management of grey water treatment systems which maintain disposal to Sydney Water central reticulation system (for disposal in cases of emergency breakdown/malfunction).*
- *Effective management of on-site sewage and effluent systems to ensure environmental and public health protection.*
- *Water conservation.*

Comment:

Noted.

B5.4 – Stormwater harvesting

Outcomes

- *Minimise quantity of stormwater runoff*
- *Minimise surcharge from the existing drainage systems*
- *Reduce water consumption and waste in new development*
- *Implement the principles of Water Sensitive Urban Design*

B5.7 - Stormwater management – On-site stormwater detention

Outcomes

- *Rates of stormwater discharge into receiving environment maintained or reduced.*

B5.8 - Stormwater management – Water quality – Low density residential

Outcomes

- *No increase in pollutants discharged with stormwater into the environment.*
- *Development is compatible with Water Sensitive Urban Design Principles.*

B5.10 - Stormwater discharge into public drainage system

Outcomes

- *All new development is to have no adverse environmental impact at the discharge location.*

B5.11 - Stormwater discharge into waterways and coastal areas

Outcomes

- *All new development is to have no adverse environmental impact at the discharge location.*

B5.12 – Stormwater drainage systems and natural watercourses

Outcomes

- *The integrity of stormwater drainage systems, easements and natural watercourse are maintained.*
- *Stormwater flows including overland flow have continuity and are not impeded.*

B5.13 – Development on waterfront land

Outcomes

- *Protection of waterways and improve riparian health.*
- *Stormwater and creek flows are safely management*
- *Appropriate setback between waterways and development*

Comment:

Existing drainage arrangements will be maintained and enhanced.

B6 Access and Parking

B6.1 – Access driveways and works on the public road reserve – Low density residential

Outcomes

- *Safe and convenient access*
- *Adverse visual impact of driveways is reduced.*
- *Pedestrian safety*
- *An effective road drainage system.*
- *Maximise the retention of trees and native vegetation in the road reserve.*

B6.3 - Internal driveways – Low density residential***Outcomes***

- *Safe and convenient access.*
- *Reduce visual impact of driveways.*
- *Pedestrian safety.*
- *An effective road drainage system.*
- *Maximise the retention of trees and native vegetation.*
- *Reduce contaminate runoff from driveways.*

Comment:

The applicant does propose to replace the existing single car garage with a double garage. The pedestrian access to the dwelling is suitably separate from the driveway. The existing driveway crossing will be retained.

B6.5 - Off-street vehicle parking requirements – Low density residential***Outcomes***

- *Safe and convenient parking.*

Comment:

The applicant does propose to replace the existing single car garage with a double garage. The pedestrian access to the dwelling is suitably separate from the driveway. The existing driveway crossing will be retained. Compliant secure, safe and convenient car parking is provided with the proposed works.

B8 Site Works Management**B8.1 - Construction and demolition – excavation and landfill*****Outcomes***

- *Site disturbance is minimised*
- *Excavation, landfill and construction not to have an adverse impact*
- *Excavation and landfill operates not to cause damage on the development or adjoining property*

Comment:

Considering that the proposed development involves additions to the upper level, no landfill is required.

Excavation works are required for the double garage and storeroom, footings and utility services.

The proposed extent of excavation is contained within the footprint of the dwelling and will not give rise to adverse impacts. Excavation works are suitably distant from adjoining dwellings.

B8.2 Construction and demolition – erosion and sediment control*Outcomes*

- *Waterways, coastal areas, watercourses, drainage systems, and the public domain are protected from the transportation of sedimentation from development sites.*
- *Reduction of waste throughout all phases of development*
- *Public safety is ensured*
- *Protection of the public domain*

Comment:

Appropriate measures will be undertaken during construction so as to minimise disruption to surrounding residents and the natural environment. The applicant will abide by appropriate conditions of consent in this regard.

B8.3 – Construction and demolition – Waste minimisation*Outcomes*

- *Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.*

Comment:

Appropriate waste management procedures will be implemented during the construction phase.

B8.4 – Construction and demolition – Site fencing and security

Outcomes

- *Ensuring public safety*
- *Protection of public domain*

Comment:

Noted.

B8.5 – Construction and demolition – Works in the public domain

Outcomes

- *Protection of Infrastructure.*
- *Ensuring Public Safety.*
- *Compliance with the Roads Act 1993.*

B8.6 – Construction and demolition – Traffic management plan

Outcomes

- *Minimal disturbance to the residential community*
- *Protection of roads*

Comment:

Not applicable.

5.4 Part C – Development Type Controls

C1 Design Criteria of Residential Development

C1.1 – Landscaping

Outcomes

- *A built form softened and complemented by landscaping.*
- *Landscaping reflects the scale and form of development*
- *Retention of canopy trees by encouraging the use of pier and beam footings.*
- *Development results in retention of existing native vegetation.*
- *Landscaping results in the long-term retention of Pittwater's locally native tree canopy*
- *Landscaping retains and enhance Pittwater's biodiversity by using locally native plant species*
- *Landscaping enhances habitat and amenity value.*
- *Landscaping results in reduced risk of landslip.*

- *Landscaping results in low watering requirement.*

Comment:

The subject site is currently devoid of quality landscaping on-site and there will be no adverse affectation of native vegetation.

No significant trees are proposed to be removed as part of the application. The extent of green space on-site will be retained and embellished.

C1.2 – Safety and Security

Outcomes

- *Ongoing safety and security of the Pittwater community*
- *Opportunities for vandalism are minimised.*
- *Inform applicant's of Council's requirements for crime and safety management for new development*
- *Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements*
- *Identify crime and safety priority areas in Pittwater LGA*
- *Improve community safety and reduce the fear of crime in the Pittwater LGA*
- *Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety*

Comment:

The proposed development introduces a significant facade upgrade with a revised entry and full length verandah, double garage and storeroom on the lower level. Such will assist with surveillance opportunities of the street.

The entrance to the building is easily identified and well lit.

C1.3 – View sharing

Outcomes

- *A reasonable sharing of views amongst dwellings*

- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced*
- *Canopy trees take priority over views*

Comment:

The subject site is substantially distant from the ocean.

There are no significant views to be gained from neighbouring properties or obstructed by the proposed development. A compliant building height is also achieved.

C1.4 – Solar access

Outcomes

- *Residential development is sited and designed to maximise solar access during mid-winter.*
- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development*
- *Reduce usage and/dependence for artificial lighting*

Comment:

Shadow diagrams are provided.

The adjoining properties will continue to benefit from reasonable sunlight access to their private open space and living spaces. Shadow diagrams accompany the application.

More than 50% of the subject site's private open space and adjoining dwellings private open spaces will benefit from more than 3 hours of sunlight between 9am and 3pm during the winter solstice.

C1.5 – Visual privacy

Outcomes

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design*
- *A sense of territory and safety is provided for residents*

Comment:

The proposed development does not result in any significant loss of privacy to adjoining dwellings. The subject dwelling is well offset from adjoining dwellings in terms of floor levels and window locations.

The proposed alterations and additions to the dwelling are suitably designed to increase surveillance and direct outlook towards the street and rear yard. Privacy is reasonably maintained between sites given the circumstances of adjoining dwellings also as described in section 2 of the SEE.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

C1.6 – Acoustic privacy*Outcomes*

- *Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.*
- *Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas.*

Comment:

The proposed works are consistent with development typical in a urban area. No adverse noise is anticipated from a typically domestic use.

C1.7 – Private open space*Outcomes*

- *Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.*
- *Private open space is integrated with, and directly accessible from, the living areas of dwellings.*
- *Private open space receives sufficient solar access and privacy.*

Comment:

Existing private open space is accessible by living areas and the rear yard will benefit from a rear deck.

The rear private open space benefits from a northern aspect and has a regular configuration.

C1.10 - Building facades*Outcomes*

- *Improved visual aesthetics for building facades.*

Comment:

The proposed additions improve the facade presentation and the dwelling will become a notable feature of the streetscape. The proposed extent of works will hopefully encourage other development in the street to undertake similar upgrades.

C1.15 – Storage facilities*Outcomes*

- *Provision of convenient storage with the development.*

Comment:

A storage room is provided on the garage level of the dwelling.

5.5 11.6 Front Building Line*Outcomes*

Achieve the desired future character of the Locality. (S)
Equitable preservation of views and vistas to and/or from public/private places. (S)

The amenity of residential development adjoining a main road is maintained. (S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Vehicle manoeuvring in a forward direction is facilitated. (S)
To enhance the existing streetscapes and promote a scale and density

that is in keeping with the height of the natural environment. To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

Controls

The minimum front building line shall be in accordance with the following table.

Comment:

The proposed upper level addition maintains the current consistent building line in the street.

D11.7 – Side and rear building line

Outcomes

To achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

To ensure a landscaped buffer between commercial and residential zones is established. (En, S)

Controls

The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:

2.5 to at least one side; 1.0 for other side

6.5 rear (other than where the foreshore building line applies)

Comment:

The proposed alterations and additions maintain existing side setbacks of 1m which is appropriate for a narrow site. Further the proposed works are contained to an extension only of the facade of the building over two levels. The proposed side setbacks are proportionate to the building height proposed.

The rear setback is compliant.

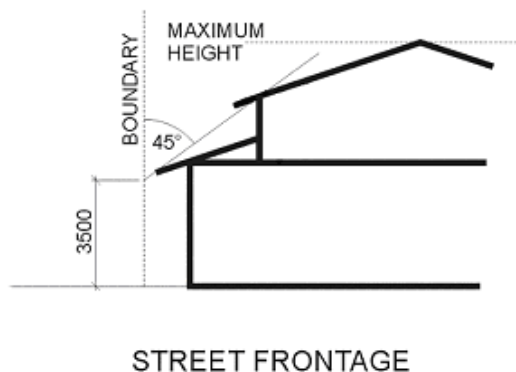
D 11.9 – Building envelope

Outcomes

*To achieve the desired future character of the Locality.
To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.
To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.
The bulk and scale of the built form is minimised.
Equitable preservation of views and vistas to and/or from public/private places.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.
Vegetation is retained and enhanced to visually reduce the built form.*

Controls

Buildings are to be sited within the following envelope:



Comment:

The proposed addition complies with the building envelope generated by the site, particularly the height control.

Landscaping*Outcomes*

Achieve the desired future character of the Locality. The bulk and scale of the built form is minimised. A reasonable level of amenity and solar access is provided and maintained.

Vegetation is retained and enhanced to visually reduce the built form. Conservation of natural vegetation and biodiversity. Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

To preserve and enhance the rural and bushland character of the area. Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management

Controls

The total landscaped area on land zoned R2 Low Density Residential shall be 50% of the site area.

The use of porous materials and finishes is encouraged where appropriate.

Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.

Comment:

A minor loss of vegetation or green space occurs as a result of the proposal.

The minor loss will be offset by an upgrade to the landscape presentation of the site at the front and rear with the approval of the works.

5.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

The proposal is permissible pursuant to the Pittwater LEP 2014.

The proposed development will significantly improve the visual presentation of the built form on-site by providing a high quality elegant design.

The proposal is consistent with the aims and objectives of the accompanying DCP.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

Comment:

No significant adverse visual or acoustic privacy issues arise as no intensity in the number of occupants is proposed. Outlook from the addition is directed inwards into the rear yard and towards the street.

The proposed structure does not give rise to any significant overshadowing impacts or privacy loss.

The proposal has favourable social and economic implications by minimising impacts and providing a quality dwelling inclusion in the streetscape.

(c) The suitability of the site for the development.

Comment:

The subject site is suitably large and capable of accommodating the proposed development. The proposed building structures will retain privacy levels between properties by effectively containing new floor space within the footprint of the existing dwelling.

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

Comment:

Nil.

(e) The public interest

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

No adverse matters relating to the public interest are expected to arise.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and

(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Comment: Not applicable.

6.0 CONCLUSION

The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to improving the quality of living space on-site and the presentation of built form to the street.

The applicant has specifically sought to provide a development with a high quality design, which reflects contemporary planning and design initiatives.

The proposed development provides for an improved level of amenity for the residents. The proposal has been designed so as to enhance the appearance of the dwelling without compromising the amenity enjoyed by adjoining residents.

The proposed development does not give rise to adverse overshadowing or loss of privacy in the context of site circumstances. The proposal is reasonable pursuant to the provisions of the LEP/DCP.

In view of the above, the proposed development is appropriate and Council approval is recommended.