



statement of environmental effects



ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

12 HILL STREET
WARRIEWOOD NSW 2102

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Josh Holliday to accompany the lodgement of a development application for alterations and additions to an existing dwelling house at 12 Hill Street, Warriewood (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by CMS Surveyors
- Architectural Plans by Cameron White
- Landscape Plan by KS
- BASIX Certificate by Joshua Holliday
- Waste Management Plan

site details

The site is legally identified as Lot 19 in Deposited Plan 14485, and is commonly referred to as 12 Hill Street, Warriewood. The site is rectangular shaped, with a 12.19m wide frontage to Hill Street to the south, a depth of 38.1m and a total area of 464.5m²

A two-storey dwelling house is situated generally centrally on the site. An existing double garage is at the front, south-western corner of the lower level of the dwelling house, with a driveway extending to Hill Street. The site experiences a fall of approximately 4.0m from the upper north-eastern rear corner down towards the lower south-western front corner. However, the rear of the site has been levelled at approximately RL 26.2m AHD pursuant to DA2020/0616.

The site is not identified as being prone to any hazards, does not contain any items of heritage significance and is not located in the vicinity of any. The site does not contain any significant vegetation or rock outcrops.

The site is surrounded by dwelling houses of varying age and character.

Hill Street is a two-lane local road with formalised kerb and guttering on both sides of the roadway. The southern/opposite side of the street contains a shared pathway, which connects Pittwater Road to the east and Warriewood Road to the west. Low voltage powerlines also run the length of the street, above the shared pathway.

Aerial images of the site and its surrounds is provided in Figures 1 and 2. An image of the existing dwelling as seen from the street is also provided at Figure 3.



Figure 1 – Aerial image with site bordered in yellow
Source: Nearmap



Figure 2 – Aerial image (zoom) with site bordered in yellow
Source: Nearmap



Figure 3 – The existing dwelling as seen from Hill Street
Source: NBP

proposed development

The application seeks consent for alterations and additions to the existing dwelling house at the site. Specifically, the works include:

- Demolition of the existing front fence and driveway,
- Construction of an inground swimming pool at the north-western rear corner of the site,
- Resurfacing of the existing driveway, and
- Construction of a new front fence, with vehicular and pedestrian access gates.

legislation, plans and policies

The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
 - Acid Sulfate Soils Map: Class 5
 - Lot Size Map: 5500m²
 - Land Zoning Map: C4 Environmental Living
 - Height of Buildings Map: 8.5m
- Pittwater 21 Development Control Plan (**P21 DCP**)
 - Warriewood Locality
 - Landscaped Area 1

environmental planning and assessment act

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<i>the provisions of—</i> <i>i. any environmental planning instrument, and</i> <i>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> <i>iii. any development control plan, and</i> <i>iv. 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</i> <i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <i>that apply to the land to which the development application relates,</i>	The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement. A LEP Planning Proposal for the new comprehensive Northern Beaches Local Environmental Plan has been submitted for Gateway Determination. The draft instrument has not been the subject of public consultation and is not required to be considered in this development application.
(b)	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.
(e)	<i>the public interest.</i>	The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of PLEP 2014 and P21 DCP.

state environmental planning policy (resilience and hazards)

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk.

Overall, the proposed development is consistent with the relevant provisions of Chapter 4 of SEPP (Resilience and Hazards).

state environmental planning policy (biodiversity and conservation)

Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposal does not propose the removal of any canopy trees or result in any adverse impacts upon existing canopy trees or vegetation. As such, the proposed development is consistent with the relevant requirements and objectives of this chapter of SEPP (Biodiversity and Conservation).

state environmental planning policy (sustainable buildings)

The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

The site is identified on the Land Application Map of PLEP 2014 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of PLEP 2014 are considered, as follows:

Clause	Standard	Proposal	Compliance
Clause 2.3 Zone objectives and the Land Use Table			Yes
Clause 2.7 Demolition requires development consent			Yes
Zone C4 Environmental Living			Yes
4.3 Height of buildings	8.5m	1.8m	Yes
7.1 Acid sulfate soils	Class 5		Yes
7.2 Earthworks			Yes See discussion
7.10 Essential services			Yes

Clause 7.2 Earthworks

Council can be satisfied that the matters outlined in clause 7.2 of PLEP 2014 have been appropriately considered, as follows:

- *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Comment: The proposed development is limited to minor ancillary works. Whilst excavation is required to accommodate the swimming pool, the excavation is maintained within an area that was recently terraced/levelled pursuant to DA2020/0616, such that disturbance of pre-existing natural ground levels is limited. Suitable conditions of consent can be imposed to ensure appropriate construction methodologies to any disruption or detrimental effects on drainage and soil stability.

- *the effect of the development on the likely future use or redevelopment of the land,*

Comment: The proposed earthworks accommodate the residential use of the land.

- *the quality of the fill or the soil to be excavated, or both,*

Comment: As discussed with regard to SEPP Resilience and Hazards, the site has been used for residential purposes for an extended period of time and does not contain any known

sources of contamination. Excavated material will be removed from the site in accordance with the accompanying Waste Management Plan.

- *the effect of the development on the existing and likely amenity of adjoining properties,*

Comment: The proposed earthworks can be safely undertaken to ensure against any adverse impacts upon the amenity of adjoining properties.

- *the source of any fill material and the destination of any excavated material,*

Comment: Excavated material will be removed from the site in accordance with the accompanying Waste Management Plan.

- *the likelihood of disturbing relics,*

Comment: The site does not contain any known relics or items of heritage significance, with the proposed development confined to existing disturbed areas of the site.

- *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Comment: The site is not located within a drinking water catchment. Swimming pool overflow will be directed to the sewer, avoiding contamination of the stormwater system or downslope waterway (Narrabeen Creek).

- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

Comment: Conditions of consent can be imposed to ensure that the proposed excavation is undertaken safely to avoid any adverse impacts.

- *the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The site is not in a heritage conservation area, does not contain any known items of heritage significance, and is not in the vicinity of any.

development control plan

P21 DCP is applicable to the site and the proposed development. The site is identified within the Warriewood Locality. The relevant provisions of P21 DCP are considered, as follows:

Clause	Control	Proposal	Compliance
A1.7 Considerations before consent is granted	Have regard for the matters for consideration under section 4.15 of the EP&A Act.	The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered .	Yes
A4.14 Warriewood Locality			Yes See discussion
B1.3 Heritage Conservation – General			Yes
B1.4 Aboriginal Heritage			Yes
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees.	No tree removal proposed.	Yes
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The proposed swimming pool is to be connected to the sewer. A strip drain is to be provided across the width of the driveway to capture and divert runoff to the existing stormwater system.	Yes
B6.1 Access Driveways and Works on the Public Road Reserve		The existing access driveway is to be maintained.	N/A
B6.2 Internal Driveways	Compliance with AS2890.1		Yes
B6.3 Off-Street Vehicle Parking Requirements	2 spaces (minimum)	No change.	Yes
B8.1 Construction and Demolition – Excavation and Fill			Yes

Clause	Control	Proposal	Compliance
B8.3 Construction and Demolition – Waste Minimisation			Yes
B8.4 Construction and Demolition – Site Fencing and Security			Yes
C1.1 Landscaping	All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.	Existing landscaping is to be retained.	Yes
C1.2 Safety and Security			Yes
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposed works will not impact upon any existing view corridors.	Yes
C1.4 Solar Access	3 hours of direct sunlight to the main private open space and windows of principal living areas between 9am and 3pm in mid-winter.	With the exception of new fencing, the proposed works are at-grade and will not result in additional overshadowing of neighbouring properties.	Yes
C1.5 Visual Privacy	Private open space and living rooms of adjoining dwellings are to be protected from direct overlooking.	The proposal will not result in any new or intensified impacts upon adjoining properties with regard to visual privacy.	Yes
C1.6 Acoustic Privacy		A condition of consent can be imposed to require the plant equipment associated with the swimming pool to be managed to comply with relevant acoustic criteria.	Yes
C1.7 Private Open Space			Yes
C1.12 Waste and Recycling Facilities	All development must comply with the appropriate sections of the Waste Management Guidelines and must be accompanied by a Waste Management Plan	The application is accompanied by a Waste Management Plan.	Yes
C1.13 Pollution Control			Yes

Clause	Control	Proposal	Compliance
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and Regulation.	The proposed swimming pool is designed in accordance with the Swimming Pools Act and Regulation.	Yes
D14.1 Character as Viewed from a Public Place	Walls without articulation shall not have a length greater than 8 metres to any street frontage.	The proposed front fence has been designed to complement the architectural style of the recently renovated dwelling house and will positively contribute to the character of the streetscape.	Yes
D14.2 Scenic protection - General			Yes
D14.3 Building Colours and Materials		The proposed front fence is to be finished in timber and stone.	Yes
D14.7 Front Building Line	6.5m	No change. Driveways and fencing are excluded from the front setback requirements.	N/A
D14.8 Side and Rear Building Line	1.0m to side and rear for swimming pools.	West side: 1.0m East side: 6.75m Rear: 1.25m	Yes
D14.11 Building Envelope	Buildings maintained within a plane projected at 45 degrees from existing ground level along the side boundary.		Yes
D14.13 Landscaped Area – Environmentally Sensitive Land	60%	Existing: 173.5m ² or 38% Proposed: 92.1m ² or 20%	No See discussion
D14.15 Fences - General	Front fence: 1m (max) height	1.0m - 1.8m The height of the proposed front fence ranges from 1m at the eastern boundary to 1.8m at the western boundary. Despite non-compliance with the 1.0m maximum height prescribed by this control, the proposed front fence is an	No

Clause	Control	Proposal	Compliance
		appropriate response to the context of the site, stepping in response to the fall of the land and of a style and form that complements the existing dwelling.	
D14.17 Construction, retaining walls, terracing and undercroft areas			Yes

Clause A4.14 Warriewood Locality

The site is located within the Warriewood locality, as identified on the Warriewood Locality Map of P21 DCP. The resultant development remains consistent with the desired future character identified for the Warriewood Locality, as follows:

- The dwelling house contributes to the existing low-density residential area.
- The height of the dwelling house remains unchanged and maintained below the height of the existing tree canopy.
- The design of the proposed fence complements the style of the existing dwelling and positively contributes to the streetscape.
- The resultant development is appropriately articulated and incorporates shade elements in order to reduce the visual impact of the development.
- The proposed materiality of the dwelling house will harmonise with the natural environment.

Clause 14.13 Landscaped Area – Environmentally Sensitive Land

Existing landscaped area: 173.5m² or 38%

Proposed landscaped area: 92.1m² or 20%

The proposed swimming pool will result in a reduction to the landscaped area calculation of the site, which is already below the 60% minimum requirement prescribed by clause D14.13 of P21 DCP. However, despite the intensified non-compliance, the proposal remains consistent with the outcomes of the development control and is supportable on merit, as follows:

- *Achieve the desired future character of the Locality.*

Comment: The proposed swimming pool will not be visible from the public domain and does not detract from consistency with the desired future character of the Warriewood Locality.

- *The bulk and scale of the built form is minimised.*

Comment: The coping of the proposed swimming pool is to be at existing ground level and does not contribute to bulk and scale.

- *A reasonable level of amenity and solar access is provided and maintained.*

Comment: The proposed swimming pool will not result in any unreasonable impact upon amenity and will not result in any additional overshadowing of neighbouring sites.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment: The proposed development does not result in the removal of any vegetation or canopy trees, with the swimming pool proposed within an area that currently comprises turf. The resultant non-compliance will not be perceived from the public domain, with no visible reduction of landscaping. Rather, the proposal seeks to improve and enhance the quality of landscaping on the site, with canopy trees and understorey plantings proposed within the front setback.

- *Conservation of natural vegetation and biodiversity.*

Comment: The proposal does not disturb natural vegetation and biodiversity.

- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Comment: The proposed swimming pool is to be connected to the sewer and does not result in additional runoff. Suitable conditions of consent can be imposed to manage sedimentation and erosion during construction.

- *To preserve and enhance the rural and bushland character of the area.*

Comment: The site does not have a rural or bushland character. The low-density residential character of the site remains unchanged as a consequence of the proposal.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise runoff and assist with stormwater management.*

Comment: The proposed swimming pool is to be connected to the sewer and does not result in additional runoff.

Clause D14.15 Fences – General

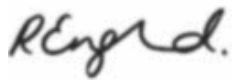
The height of the proposed front fence ranges from 1m at the eastern boundary to 1.8m at the western boundary. Despite non-compliance with the 1.0m maximum height prescribed by this control, the proposed front fence is an appropriate response to the context of the site, stepping in response to the fall of the land and of a style and form that complements the existing dwelling.

conclusion

The proposal will positively contribute to and enhance the character of the streetscape, whilst also providing improved safety and amenity for occupants of the dwelling. The proposal will not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and remains consistent with the desired future character of the Warriewood Locality.

The proposal involves areas of non-compliance with the landscaped area and front fence controls of P21 DCP. We ask that Council apply flexibility with regard to these areas of non-compliance, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the proposal is appropriately described as alterations and additions to an existing dwelling and as the outcomes of these controls are nonetheless achieved. Furthermore, it is noted that the landscaped area control is regularly varied by Council with respect to development applications for in-ground swimming pools, noting that they do not contribute to bulk and scale and as they are typically included as landscaped area under other DCPs (including Warringah DCP) and pursuant to state legislation.

Overall, the application presents a reasonable development outcome that is typical of surrounding properties, and Council's support is warranted in this regard.



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