



statement of environmental effects



NEW DWELLING HOUSE

LOT 9

6 ORCHARD STREET

WARRIEWOOD NSW 2102

October 2022

Disclaimer

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Skycorp Australia to accompany the lodgement of a development application for the construction of a new dwelling at the yet to be created Lot 9 of 6 Orchard Street, Warriewood.

This statement is informed and accompanied by the following documentation:

- Architectural Plans by PTI Architecture
- Stormwater Management Plans by CAM Consulting
- BASIX Certificate by Outsource Ideas P/L
- Landscape Plans by Conzept Landscape Architects

site details

The existing site comprises two separate allotments, Lot C in DP 3677229 (6 Orchard Street) and Lot 102 in DP 1033854 (6A Orchard Street) and is commonly referred to as 6 and 6A Orchard Street, Warriewood. The site is also known as part of Sector 901A within the Warriewood Valley Release Area, as identified on the Urban Release Area Map of Pittwater Local Environmental Plan 2014.

6 Orchard Street is rectangular in shape, with a road frontage to Fern Creek Road to the west and a total site area of approximately 15,140m². 6A Orchard Street is a slightly irregular allotment with frontages to both Fern Creek Road to the west and Orchard Street to the south, and a total area of 284m². An aerial view of 6 and 6A Orchard Street is provided in Figure 1.

6 and 6A Orchard Street are the subject of Development Consent N0013/15, as amended, which approved the subdivision of the land to provide 18 lots for future dwelling houses, one residential superlot, one lot comprising a private road and one lot containing a public road to be dedicated to Council. The works the subject of this consent have been completed, with an application for the release of the subdivision plan currently before Council.

However, the works the subject of this application are limited to the yet to be created Lot 9, approved pursuant to N0013/15. Lot 9 is rectangular in shape, with a 11.92m wide frontage to Kite Street (the new public road to the south), a partial frontage to Fern Creek Road (west), a maximum depth of 32.526m and a total area of 406.6m². Access to Lot 9 is gained via the driveway to Fern Creek Road.

Lot 9 experiences a fall of approximately 3.5m from the upper western boundary (Fern Creek Road) down towards the east. The south-western most corner of Lot 9 is burdened by an electricity substation/kiosk and associated easements. The location of Lot 9 with respect to the subdivision layout approved pursuant to N0013/15, as amended, is shown in Figure 2.



Figure 1 – Aerial view of 6 and 6A Orchard Street and its surrounds
Source: Six Maps

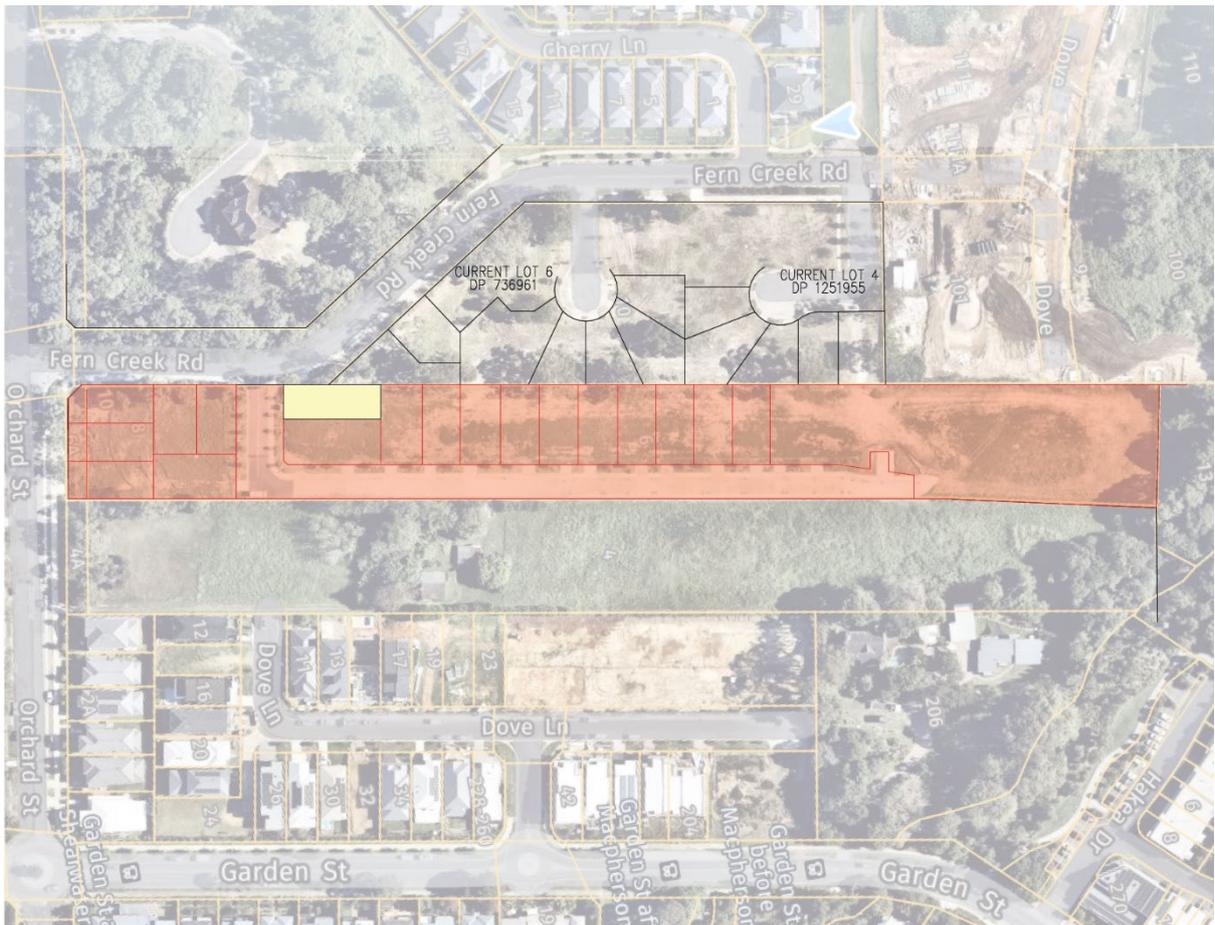


Figure 2 – Approved Subdivision Layout with Lot 9 highlighted in yellow
Source: PTI Architecture

The site is and will remain zoned R3 Medium Density under the provisions of PLEP 2014 and is surrounded by land of the same zoning, as shown in Figure 3. With the exception of the site to the immediate east (4 and 4A Orchard Street), the surrounding land has transitioned from large lot rural land holdings to medium density residential development.

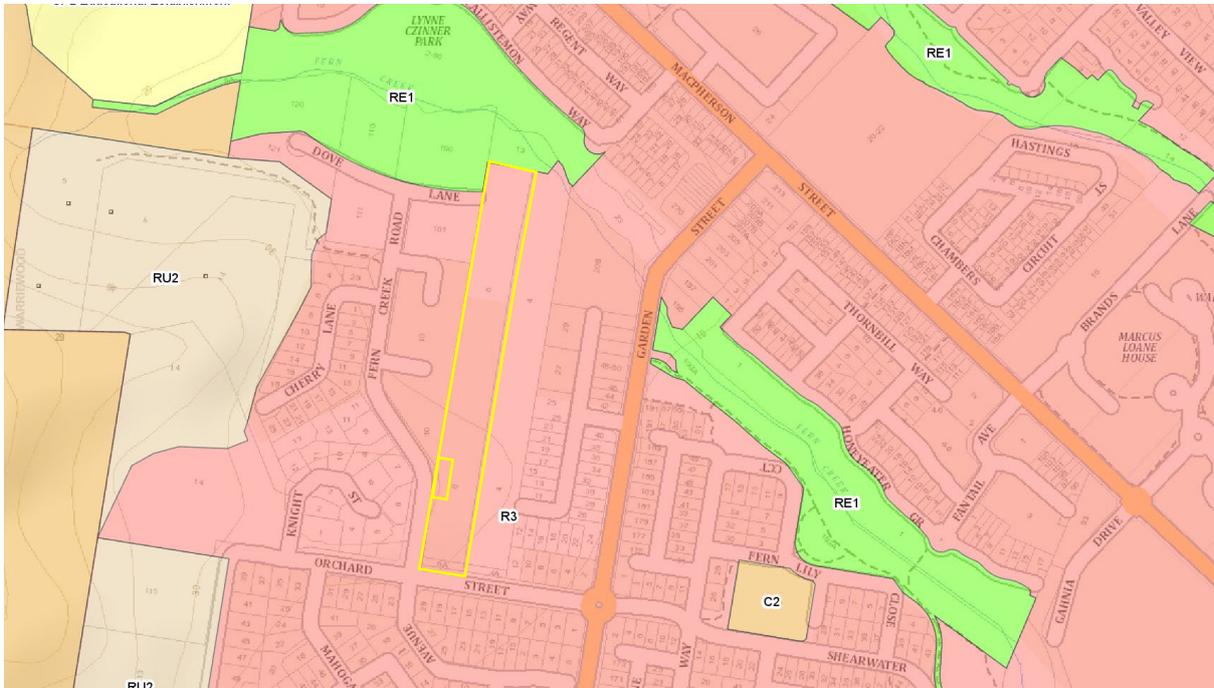


Figure 3 – Zoning Map
Source: ePlanning Spatial Viewer



Figure 4 – The site as seen from Fern Creek Road
Source: NBP



Figure 5 – The site as seen from Dove Lane
Source: NBP



Figure 6 – The site as seen from Fern Creek Road
Source: NBP



Figure 7 – Distant ocean views available from the site
Source: NBP

proposed development

The application seeks consent for the construction of a new dwelling house at the yet to be created Lot 9, approved pursuant to N0013/15, as amended. Specifically, the new dwelling comprises:

Basement

- Subfloor storage
- Open plan kitchen/living/dining area
- Laundry
- Pantry
- Powder room
- One bedroom with ensuite
- Rumpus room

External

- Driveway
- Terrace
- Landscaping
- Stormwater infrastructure

First Floor

- Double garage
- Entrance area
- Four bedrooms, one with an ensuite
- Bathroom
- Study nook
- Storage

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 (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
 - Acid Sulfate Soils Map: Class 5
 - Land Zoning Map: R3 Medium Density Residential
 - Height of Buildings Map: 10.5m
 - Urban Release Area Map: Sector 901A
- Pittwater 21 Development Control Plan (**P21 DCP**):
 - Warriewood Valley Locality

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)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"> <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> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement.</p>
(b)	<p><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></p>	<p>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.</p>
(c)	<p><i>the suitability of the site for the development,</i></p>	<p>The subject site is suitable for the proposed development.</p>
(d)	<p><i>any submissions made in accordance with this Act or the regulations,</i></p>	<p>The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.</p>
(e)	<p><i>the public interest.</i></p>	<p>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.</p>

*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 application is made with respect to a yet to be created lot approved pursuant to N0013/15, as amended. N0013/15 was supported by a Preliminary Site Investigation that provided a series of recommendations to ensure that the site is suitable for residential development. In circumstances where the construction of the proposed dwelling is to be deferred until all works approved pursuant to N0013/15 are completed, Council can be reasonably satisfied that there is no contamination risk in relation to the proposal.

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 proposed development does not seek consent for the removal of any existing trees or vegetation and is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

*state environmental planning policy
(building sustainability index: basix)*

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
Zone R3 Medium Density Residential			Yes See discussion
4.3 Height of buildings	10.5m	7.7m	Yes
5.21 Flood planning			N/A See discussion
6.1 Warriewood Valley Release Area			Yes See discussion
7.1 Acid sulfate soils	Class 5		Yes
7.2 Earthworks			Yes
7.10 Essential services			Yes See discussion

Zone R3 Medium Density Residential

The site is zoned R3 Medium Density Residential under the provisions of PLEP 2014. Pursuant to the land use table in Part 2 of this instrument, dwelling houses are permissible with consent.

Clause 5.21 Flood planning

The northern portion of 6 Orchard Street is identified as being prone to flooding, as shown on the Flood Risk Precinct Maps of P21 DCP (Figure 8). As the application is made with respect to the yet to be created Lot 9, which is located well beyond and above the flood extent, Council can be satisfied that the land will not be flood affected and the provisions of clause 5.21 of PLEP 2014 are not applicable to the proposed development.



Figure 8 – Flood Risk Precinct Map with site highlighted in yellow
Source: Northern Beaches Council and NBP

Clause 6.1 Warriewood Valley Release Area

Clause 6.1(3) of PLEP 2014 prescribes a dwelling yield for development on land within the Warriewood Valley Release Area. As established by the NSW LEC in *Karimbla Construction Services (NSW) Pty Ltd v Pittwater Council* [2015] NSWLEC 83 and *Lotus Project Management Pty Ltd v Pittwater Council* [2015] NSWLEC 166, the dwelling yield prescribed is not a development standard that may be varied, but rather a threshold test that must be achieved.

The proposed dwelling house (1 dwelling) is consistent with that anticipated by N0013/15 and remains compliant with the dwelling yield prescribed by clause 6.1(3) of PLEP 2014.

Clause 7.10 Essential Services

The consent authority can be satisfied that the supply of water and electricity, the disposal and management of sewerage, stormwater drainage and suitable vehicular access will be readily available prior to the occupation of the proposed new dwelling, consistent with the provisions of clause 7.10 of PLEP 2014.

It is noted that the majority of such services are to be provided to the site pursuant to N0013/15, as amended.

development control plan

P21 DCP is applicable to the site and the proposed development. The site is identified within the Warriewood Valley 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 (above).	Yes
A4.16 Warriewood Valley Locality			Yes
B1.4 Aboriginal Heritage			Yes
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B3.11 Flood Prone Land			N/A See discussion
B6.3 Off-Street Vehicle Parking Requirements	2 spaces (minimum) Compliant with AS2890.1	2 spaces	Yes
B8.1 Construction and Demolition – Excavation and Fill			Yes
B8.3 Construction and Demolition – Waste Minimisation			Yes
B8.4 Construction and Demolition – Site Fencing 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 development will not result in any unreasonable impacts upon views.	Yes
C1.12 Waste and Recycling Facilities	Development must comply with the appropriate sections of the Waste Management Guidelines	The application is accompanied by a Waste Management Plan	Yes

Clause	Control	Proposal	Compliance
	and all relevant Development Applications must be accompanied by a Waste Management Plan	demonstrating consistency with Council's Waste Management Guidelines.	
C6.3 Ecologically Sustainable Development, Safety and Social Inclusion	<p>An ecologically sustainable environment is developed and maintained.</p> <p>Ensure that development is designed on a 'whole of development/site' approach by applying the principles and processes that contribute to Ecological Sustainable Development</p> <p>Ensure that the development has incorporated the CPTED principles of surveillance, access control, territorial management and space management control into its design.</p>	<p>The proposed development feeds into the stormwater system approved pursuant to N0013/15, being a 'whole of site solution' for water management.</p> <p>The application is supported by a BASIX Certificate confirming that the proposed development appropriately performs with respect to industry standards.</p> <p>The design of the dwelling house encompasses the CPTED design principles, with a design that provides for passive surveillance of the public domain and the ability to see visitors before opening the door.</p>	Yes
C6.5 Utilities, Services and Infrastructure Provision	Ensure that utility services are capable to meet the demands of increased development in Warriewood Valley.	All essential services are to be provided pursuant to N0013/15.	Yes
D16.1 Character as Viewed from a Public Place	<p>The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>Landscaping is to be integrated with the building design to</p>	<p>The proposed dwelling is a high-quality design solution that comprises a high degree of articulation and varied materiality to ensure that the bulk and scale of the dwelling is appropriately minimised.</p> <p>The dwelling will have a positive contribution to the streetscape, with many of the design elements desired by this control.</p>	Yes

Clause	Control	Proposal	Compliance
	<p>screen and soften the visual impact of the built form.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.</p> <p>Double garage with an opening \leq 6m or 40% of lot width (5m).</p>	<p>Landscaping is integrated into the design to ensure that the visual impact of the dwelling is screened and softened.</p> <p>The garage is appropriately integrated and is not the dominant feature of the front façade.</p> <p>The width of the garage door is 5.8m.</p>	
D16.4 Water Management for Individual Allotments	<p>Consistency with the water management scheme approved pursuant to N0013/15, as amended:</p> <ul style="list-style-type: none"> Assumes 3000L rainwater tank 	3000L rainwater tank	Yes
D16.5 Landscaped Area for newly created individual allotments	<p>Min. landscaped area: 35%</p> <p>Min. dimensions: 4m</p> <p>1 small tree in front setback</p> <p>1 small tree in rear setback</p> <p>Small tree = 6m at maturity</p>	<p>Landscaped area: 41.8%</p> <p>Min. dimensions: \leq 4m</p> <p>1 small tree in front setback</p> <p>Existing trees retained in rear setback</p>	No See discussion
D16.6 Front Building Lines	<p><u>Kite Street</u></p> <p>4m to garage</p> <p>3m to dwelling</p> <p><u>Fern Creek Road</u></p> <p>2m to dwelling</p> <p>2m to garage</p>	<p><u>Kite Street</u></p> <p>5.8m to garage</p> <p>5.8m to dwelling</p> <p><u>Fern Creek Road</u></p> <p>2.57m to dwelling</p> <p>3.84m to garage</p>	Yes See discussion
D16.7 Side and Rear Building Lines	0.9m at ground and 1.5m at upper level.	<p>East: 1.5m to external wall.</p> <p>North: 4m to terrace, 6.8m to external wall.</p>	Yes See discussion
D16.9 Solar Access	2 hours of sunlight between 9am and 3pm in midwinter to private open space and windows to principal living area.	The proposed dwelling will receive in excess of 2 hours of direct sunlight to the areas of private open space and to windows associated	Yes

Clause	Control	Proposal	Compliance
	Adjoining dwellings to maintain 3 hours of sunlight between 9am and 3pm in midwinter to private open space and windows to principal living area.	with the living room throughout the day.	
D16.10 Private and Communal Open Space Areas	Min. area of private open space: 20m ² Min. dimensions: 4m	Private open space: >20m ² , with dimensions greater than 4m	Yes
D16.13 Building Colours and Materials	External colours and materials shall be natural tones.	The application is supported by a Material Board that demonstrates the use of mid-dark natural tones, with minimal light coloured accents.	Yes

Clause B3.11 Flood Prone Land

As discussed with regard to clause 5.21 of PLEP 2014, the resultant lot will not be flood affected and as such, the provisions of this control are not applicable to this application.

Clause D16.4 Water Management for Individual Allotments

The provisions of clause D16.4 of P21 DCP do not technically apply in relation to land within Sector 901A of the Urban Release Area Map of PLEP 2014. Nonetheless, Council can be satisfied that the proposed dwelling has been designed to be generally consistent with the requirements of the Water Management Report approved pursuant to N0013/15, with stormwater directed to the stormwater pit located in the north-eastern corner of the site, to be directed to the community owned on-site detention tank located below the private road.

Clause D16.5 Landscaped Area for newly created individual allotments

The proposed development provides a total landscaped area of 170m² or 41.8% of the total site area, in excess of the 35% minimum prescribed by clause D16.5 of P21 DCP. However, the proposed landscaped areas do not all have a minimum dimension of 4m, inconsistent with the dimensional requirements of this control.

The proposed non-compliance with the minimum dimension requirements of the landscaped area control is considered to be supportable on merit, as the proposed development is otherwise consistent with the landscaped requirements of clause D16.5 of P21 DCP and the objectives of control, as follows:

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

Comment: The proposed development relates to a vacant, yet to be created allotment resulting from the subdivision approved pursuant to N0013/15. The proposed development will not result in any adverse impacts upon the remaining natural features of the wider site. The proposed development will provide an enhancement of landscaping on Lot 9, consistent with the requirements of this clause.

- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment: The proposed development will positively contribute to the character of the Warriewood Valley Locality by providing a landscaped outcome that is commensurate with existing and surrounding development. Furthermore, the siting and scale of development on proposed Lot 9 is entirely consistent with that proposed on nearby and adjoining lots.

- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*

Comment: Despite inconsistency with the minimum requirements, the proposed development provides the desired landscaped treatment for the site, specifically one small tree in the front yard and one in the rear yard. Further, the site provides a considered design solution that provides high levels of amenity for future occupants of the proposed development, with appropriate shade and weather protection to the northern façade of the development, ensuring a sustainable housing product.

- *The area of site disturbance is minimised.*

Comment: Site disturbance is minimised, with only minor areas of excavation to provide a level building platform. Non-compliance with the minimum landscaped area dimension requirements does not attribute to excessive site disturbance.

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

Comment: Of most importance, the proposed development has been designed to feed into the water management system approved pursuant to N0013/15. Non-compliance with the dimension requirements of this clause does not alter the assumptions and calculations associated with the approved water management solution.

- *Landscaped areas should be predominately areas of deep soil.*

Comment: The areas included in the landscape area calculation are comprised entirely of areas of deep soil.

- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment: The landscaped character of the resultant development will be entirely consistent with the landscaped treatment of Sector 901A and the wider Warriewood Valley Locality.

- *To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.*

Comment: The proposed development has been designed to maximise privacy for occupants of the proposed development and all adjoining properties. The proposed non-compliance with the landscaping requirements does not result in any adverse impacts to the privacy of future adjoining dwellings.

Clause D16.6 Front Building Line

The site has frontages to both Kite Street to the south and Fern Creek Road to the west. Kite Street has been identified as the primary street frontage for the following reasons:

- Only a portion of the western boundary adjoins Fern Creek Road,
- The imposition of the greater setbacks along Fern Creek Road would unreasonably restrict the development footprint of the site, noting the limited width (east-west) of the lot,
- The depth of the public road reserve is greater along Fern Creek Road, and
- The siting of the proposed dwelling is consistent with the indicative building footprint shown on the approved subdivision plan.

The proposal seeks consent for a storage area below the proposed elevated driveway. Whilst partially forward of the minimum front building line, the structure has the appearance of retaining walls and will not be perceived as non-compliant built form.

Clause D16.7 Side and Rear Building Lines

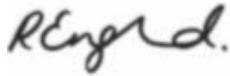
As the site has two street frontages, the rear building line does not technically apply. However, the proposed development has been designed in a manner that essentially treats the northern boundary as the rear boundary, with setbacks consistent with the minimum rear setbacks prescribed by this control.

conclusion

The proposal is a well resolved and considered design solution for the site, which provides a high-quality home with exceptional amenity for future occupants. The design has appropriate regard for the likely development of adjoining sites and appropriately reflects the desired future character of the Warriewood Valley Locality.

The proposal involves minor areas of non-compliance with minimum dimension requirements of clause D16.5 of P21 DCP. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved.

Overall, the proposed development will positively contribute to the Fern Creek Road and Kite Street streetscapes and the wider Warriewood Valley locality, and the application warrants Council's support in this regard.



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