

**STATEMENT OF ENVIRONMENTAL EFFECTS**

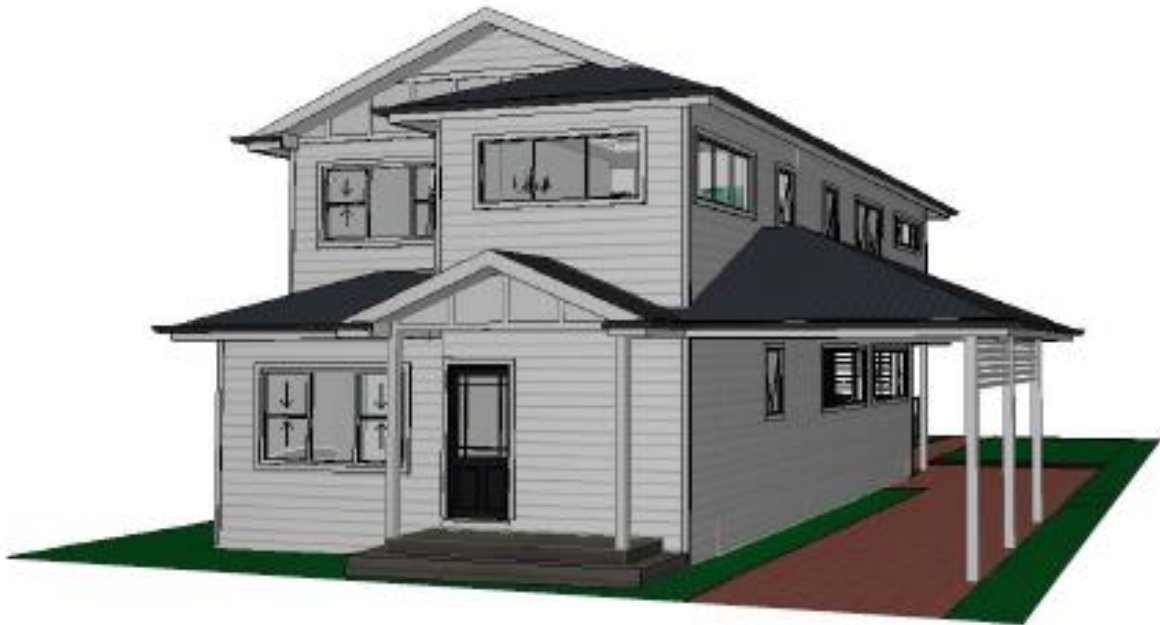
**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING  
AND THE CONSTRUCTION OF A NEW SWIMMING POOL & CARPORT**

**LOCATED AT**

**18 GRENFELL AVENUE, NORTH NARRABEEN**

**FOR**

**BRONWYN YEATMAN**



**Prepared  
July 2021**

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## 1.0 Property Description

This Statement of Environmental Effects accompanies details prepared by Ukalovic Design on behalf of Bronwyn Yeatman, Project No. 2035, Sheets 1-13, dated 4 June 2021, to detail the proposed construction of alterations and additions to an existing dwelling and construction of a new pool on land at **18 Grenfell Avenue, North Narrabeen**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## 2.0 Property Description

The subject allotment is described as 18 Grenfell Avenue, North Narrabeen, being Lot 52 within Deposited Plan 16685. The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is identified as being within the Coastal Environment Area under the provisions of SEPP (Coastal Management) 2018. This matter will be discussed further within this report.

The land is noted as being within the Class 3 Acid Sulfate Soils Area and a Preliminary Assessment: Acid Sulfate report has been prepared by White Geotechnical Group, and as discussed further within this submission.

The site is identified on Council's Terrestrial Biodiversity Map as being with a Biodiversity Area. This matter will be discussed further within this report.

The site is identified as High Risk Flood Prone Land. A Flood Management Report has been prepared by Pittwater Data Services Pty Ltd and is addressed further within this statement.

No other hazards have been identified.

### 3.0 Site Description

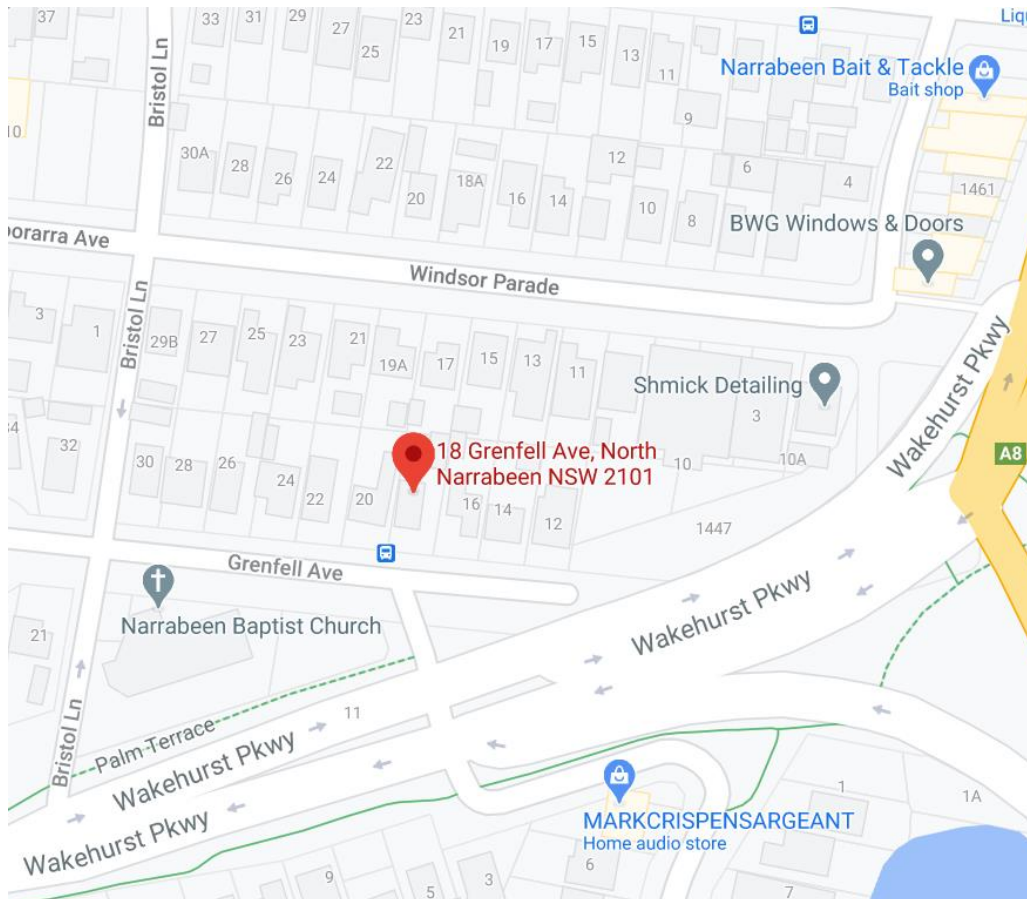
The property is located on the northern side of Grenfell Avenue.

The site is regular in shape with a width of 13.41m and a depth of 35.052m. The total site area is 467.9m<sup>2</sup>.

The site is relatively flat with a gentle fall towards the front, southern boundary. The collected stormwater from the site is directed to the street.

The site is currently developed with a single storey weatherboard dwelling with a tile roof. Vehicular access is currently available to the site from Grenfell Avenue via an existing concrete and paved driveway, with parking provided in a detached fibro garage.

The details of the site are included on the Survey Plan prepared by Rennie Golledge Pty Ltd, Reference No. 387.20, dated 2 December 2020, which accompanies the DA submission.



**Fig 1: Location of subject site**  
(Source: Google Maps)



**Fig 2: View of subject site, looking north-west from Grenfell Avenue**



**Fig 3: View of the existing driveway and current driveway to existing garage, looking north-east**





**Fig 4: View of the existing garage, looking north**



**Fig 5: View of the rear elevation of the subject site, looking south**



**Fig 6: View of the rear elevation of the subject site, looking west**





**Fig 7: View of subject site and looking south-west towards the adjacent dwelling at No 20 Grenfell Avenue**



#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically one to two storey dwellings, with a variety of styles and scales of development.

The site is within close proximity of Wakehurst Parkway, together with commercial development within B2 zones land to the north-east along Pittwater Road, Windsor Parade and Minarto Lane.



Fig 8: Aerial view of subject site and surrounds  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans prepared by Ukalovic Design, the proposal seeks consent for the construction of alterations and additions to an existing dwelling and construction of a new swimming pool.

In particular, the works comprise:

### Lower Floor Level

- Proposed alterations and additions to existing lower floor level to provide for new entry porch, foyer, powder, walk-in robe and ensuite to existing bedroom, study, laundry and walk-in pantry, open plan living, dining and kitchen, rear alfresco and internal access stairs to upper level

### First Floor Level

- Proposed new first floor addition to provide for three bedrooms, bathroom, WC and rumpus room

### External

- Proposed construction of a new attached carport and swimming pool

The external finishes of the dwelling will comprise weatherboard cladding with metal roof sheeting, with aluminium windows & door frames.

The proposal will not require the removal of any significant vegetation.

The proposal results in the following indices:

Site Area:	467.9m <sup>2</sup>
Required Landscaped Area:	50% or 233.95m <sup>2</sup>
Proposed Landscaped Area:	30.8% or 144.27m <sup>2</sup> (excluding 6% variation - see DCP discussion)

## 6.0 Zoning and Development Controls

### 6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

### 6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

### 6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

*The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:*

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*



- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Coastal Management) 2018 are addressed as follows:

### ***Division 3 Coastal environment area***

#### ***13 Development on land within the coastal environment area***

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) coastal environmental values and natural coastal processes,*
  - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*
- (2) 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 an adverse impact referred to in subclause (1), or*

- (b) if that impact cannot be reasonably avoided—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.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

**Comment:**

The proposal provides for the construction of alterations and additions to an existing dwelling including a new carport over the existing driveway and a swimming pool. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing stormwater system, and will comply with Council's requirements.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

**Division 5 General**

**15 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

**Comment**

The proposal provides for the construction of alterations and additions to an existing dwelling including a new swimming pool. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

**16 Development in coastal zone generally—coastal management programs to be considered**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

**Comment:** No coastal management programs have been identified.

**17 Other development controls not affected**

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

**18 Hierarchy of development controls if overlapping**

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

**Comment:** Noted

**6.4 Pittwater Local Environmental Plan 2014**

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.



**Fig 4: Extract of Pittwater Local Environmental Plan 2014**

The development of and use of the land for residential purposes within the R2 Low Density Residential is consistent with the zone objectives, which are noted over as:

- *To provide for the housing needs of the community within a low density residential environment.*



- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed alterations and additions will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed scale of the development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have an unreasonable impact on any long distance views.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of North Narrabeen is 8.5m. The proposed new works provide for a height of up to approximately 7.6m and therefore comply with this control.

#### **Clause 7.1 – Acid sulfate soils**

The site has been identified as being within the Class 3 Acid Sulfate Soils area. A Preliminary Assessment Acid Sulphate soils report has been prepared by White Geotechnical Group under r Report Reference J3521 dated 30 June 2021. The report concludes that no acid sulphate soils were identified in the test boreholes at the site inspection, with the PH level of the soil being above what would be an indicator of the presence of acid sulphate soils.

Given the characteristics of the soil identified in the assessment, is recommended within the Conclusion that the at an Acid Sulphate Soils management plan is not require the proposed works..

#### **Clause 7.3 – Flood planning**

The site has been identified on Council's Flood Risk Map as High Risk, with a minimum Flood Planning Level of RL 3.54m AHD.

The objectives of this clause have been met in that the design reflects the following;

- *to minimise the flood risk to life and property associated with the use of land,*
- *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- *to avoid significant adverse impacts on flood behaviour and the environment.*

The proposal will see a minor extension to the ground floor level of 15m<sup>2</sup> at the existing floor level of RL 2.94m AHD. .

Additionally, the proposal will provide for alterations and additions to the existing dwelling including construction of a new first floor addition, swimming pool and a new carport over the existing driveway. The proposed first floor level with a floor level of RL5.65m AHD will provide a Shelter in Place for the residents in a flood event

A Flood Management Report has been prepared by Pittwater Data Services Pty Ltd, Reference No PDS03062021:18GRENPELLAV:NARR, dated 3 June 2021 which notes:

*“In conclusion, considering the flooding processes at the **site** and the design of the additions as detailed in Figures 4, 5 and 6, it is my opinion that the design and this flood Action Plan will satisfy the NBC DCP Section 3.11 requirements as detailed in Appendix A. The only exception is the minor flood story loss of approximately 2 cubic metres”.*

Subject to compliance with the recommendations contained within the Flood Management Report, the proposal will satisfy the provisions of this clause.

#### **Clause 7.6 – Biodiversity Protection**

The site has been identified on Council’s Biodiversity Map. The proposal will not require the removal of any significant vegetation. A suitable area of soft landscaping will be maintained, and the proposal is considered to maintain consistency with Council’s Biodiversity objectives.

#### **Clause 7.7 – Geotechnical hazards**

The proposal involves an excavation for the swimming pool which is in excess of 1.5m in depth within the site.

Accordingly, a Geotechnical Assessment has been prepared by White Geotechnical Group under Report Reference No. J3521, dated 30 June 2012 which concludes that no geotechnical hazards were observed above, below or beside the property.

The report concludes:

*“The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice”*

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

## 6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section A (Shaping Development in Pittwater), Section B (General Controls), Section C (Development Type Controls) and Section D11 North Narrabeen Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

### 6.5.1 Shaping Development in Pittwater – Desired Character

The desired outcomes for the North Narrabeen Locality, in which this site falls, are as follows:

*The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in all 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 occupancy dwellings will be located on the valley floor on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any multi-unit housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

*Future development will maintain a 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.*

*The design, scale and treatment of future development within the North Narrabeen commercial centre on Pittwater Road will reflect the status of the centre as the 'gateway' to Pittwater through building design, signage and landscaping, and will reflect principles of good urban design.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.*

*Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*



It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling and construction of a new pool, which will not dominate the streetscape and is consistent with the scale and style of development in the vicinity.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

The site will maintain a suitable areas of soft landscaping, and will not require the removal of any significant vegetation.

### **6.5.2 Section B General Controls**

The General Controls applicable to the proposed additions and alterations are summarised as:

#### **B3.1 Landslip Hazard**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

As discussed, the proposal involves an excavation for the swimming pool which is in excess of 1.5m in depth within the site.

Accordingly, a Geotechnical Assessment has been prepared by White Geotechnical Group under Report Reference No. J3521, dated 30 June 2012 which concludes that no geotechnical hazards were observed above, below or beside the property.

The report concludes:

*“The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice”*

#### **B3.2 Flood Prone Land**

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets.*

The site is identified as being High Risk Flood Prone Land on Council’s Flood Prone Land Map. As discussed, a Flood Management Report has been prepared by Pittwater Data Services Pty Ltd, Reference No PDS03062021:18GRENFELLAV:NARR, dated 3 June 2021 which notes:

*“In conclusion, considering the flooding processes at the **site** and the design of the additions as detailed in Figures 4, 5 and 6, it is my opinion that the design and this flood Action Plan will satisfy*

*the NBC DCP Section 3.11 requirements as detailed in Appendix A. The only exception is the minor flood story loss of approximately 2 cubic metres”.*

Subject to compliance with the recommendations contained within the Flood Management Report, the proposal will satisfy the provisions of this clause.

Retention worked

#### **B4.6 Wildlife Corridors**

The controls seek to achieve the outcomes:

*Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. (En)*

The proposal provides for alterations and additions to an existing dwelling, which are largely contained within the existing building footprint. The proposal will not require the removal of any significant vegetation.

#### **B5.15 Stormwater**

The controls seek to achieve the outcomes:

*Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;*

*Minimise the risk to public health and safety;*

*Reduce the risk to life and property from any flooding and groundwater damage;*

*Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*

*Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*

*Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*

*Protect Council’s stormwater drainage assets during development works and to ensure Council’s drainage rights are not compromised by development activities.*

The stormwater from the new roof areas will be connected to the existing stormwater system, which is directed to the street gutter in Grenfell Avenue.

As the stormwater is direct run off from the roof and paved areas, there will not be any significant issue in terms of water quality.

**B6.1 Access driveways and works on the public road reserve**

The controls seek to achieve the outcomes:

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

The existing layback, crossing and driveway will continue to provide access to the site.

**B6.2 Internal Driveways**

The controls seek to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will retain the existing driveway.

**B6.3 Off-street vehicle requirements**

The controls seek to achieve the outcomes:

- An adequate number of parking and service spaces that meets the demands generated by the development.*
- Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*
- Safe and convenient parking.*

The controls require a minimum of 2 parking spaces for the dwelling.

The proposal will retain the existing garage and see the construction of a new carport. The proposal will retain parking for 2 car parking spaces on site in accordance with this clause.

**B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation, landfill and construction not to have an adverse impact. (En)*
- Excavation and landfill operations not to cause damage on the development or adjoining property. (S)*



The proposal not will require any substantial disturbance of the site to accommodate the proposed works. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and is considered to satisfy the provisions of this clause.

Appropriate soil barriers will be provided to address any sedimentation issues.

**B8.2 Construction & Demolition – Erosion and Sediment Management**

The controls seek to achieve the outcomes:

*Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)*

*Reduction of waste throughout all phases of development. (En)*

*Public safety is ensured. (S)*

*Protection of the public domain. (S, En)*

Appropriate sedimentation controls will be implemented throughout construction as required to prevent transportation of sediment to adjoining properties.

### 6.5.3 Section C Development Type Controls for Residential Development

The Development Controls applicable to the proposed development are summarised over as:

#### **C1.1 Landscaping**

The controls seek to achieve the outcome:

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

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal will not require the removal of any significant vegetation.

#### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*

The proposal will maintain suitable safety and security for the site. Casual surveillance of the street area will be provided from the proposed internal living areas.

#### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

- A reasonable sharing of views amongst dwellings. (S)*
- 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. (S)*
- Canopy trees take priority over views. (En, S)*

The subject and adjoining properties do not receive any significant views.

The proposed works readily comply with the statutory height limit, and will allow for suitable view retention for uphill properties.

#### **C1.4      Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*

*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*

*Reduce usage and/dependence for artificial lighting. (En)*

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The proposal is accompanied by shadow diagrams which demonstrate that the proposal will not result in the unreasonable loss of solar access to any internal living areas or principal private open space areas for neighbouring properties.

#### **C1.5      Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*

*A sense of territory and safety is provided for residents. (S)*

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The proposed development has been designed to minimise opportunities for overlooking. Due to the proposed privacy screening along the western edge of the rear alfresco, the proposed rear deck will not result in any problematic overlooking to the west.

The primary living areas are retained at the ground floor level. The proposed habitable room windows within the side elevations are limited to avoid direct overlooking to the neighbouring properties.

The proposed pool is sited at ground level within the rear yard, and will not result in any adverse privacy impacts to the adjoining neighbours.

No significant loss of privacy or amenity for the neighbours is anticipated.

#### **C1.6      Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)*

*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 recreation areas (S)*

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy. The proposed pool equipment will be contained within a soundproof enclosure.

#### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy (En, S).*

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The proposal provides for suitable functional areas within the rear yard to accommodate the recreation needs of the proposed additions to the existing dwelling.

#### **C1.9 Adaptable Housing and Accessibility**

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*

*All members of the community enjoy equitable access to buildings to which the general public have access. (S)*

*Housing for older people and people with a disability are accessible, adaptable and safe. (S)*

*Equitable access in the public domain. (S)*

Single dwellings are not required to provide access in accordance with AS4299-1995.

#### **C 1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

*Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)*

*Waste and recycling facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. Suitable area for the on-site storage of waste and recyclables is available within the curtilage of the carport, with the waste removed by Council contractors via the household garbage service.

**C1.17     *Swimming Pool Safety***

The controls seek to achieve the outcomes:

*The promotion of personal safety. (S)*  
*Compliance with Swimming Pools Act 1992 and Regulations (En, S)*

The proposal provides for the construction of a new swimming pool. Pool fencing is provided in accordance with the Swimming Pools Act 1992.

**C1.23     *Eaves***

The controls seek to achieve the outcomes:

*Housing that reflects the coastal heritage and character of Pittwater. (S) Optimise roof forms. (S) Appropriate solar access and shading is achieved. (En)*

The proposal provides eaves in accordance with this provision.



#### 6.5.4 Section D Locality Specific Development Controls

The **D11 North Narrabeen Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which maintains compatibility with the existing residential character of the area by maintaining an appropriate scale which is compatible with the vicinity.
- The proposal maintains suitable views and amenity to adjoining properties.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D11 North Narrabeen Locality** is provided below:

##### **D11.1 Character as Viewed From A Public Place**

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

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

*To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at human scale. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

*To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.*

*To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.*

*To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The proposal will provide for the construction of alterations and additions to an existing dwelling, which maintains a modest bulk and scale.

The proposed contemporary design of the new works is in keeping with the desired future character of the locality.

The proposal will maintain a suitable area of soft landscaping on the site, with the existing plantings throughout the site to able to be supplemented as required to soften the built form of the development.

#### **D11.2 Scenic Protection - General**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.  
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

The proposed additions to the dwelling are modest in bulk and scale, and readily complies with the statutory height limit.

The proposal will not require the removal of any significant vegetation.

The proposed additions are in keeping with the desired future character of the locality.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

#### **D11.3 Building Colours and Materials**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.  
The development enhances the visual quality and identity of the streetscape. (S)  
To provide attractive building facades which establish identity and contribute to the streetscape.  
To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.  
The colours and materials of the development harmonise with the natural environment. (En, S)  
The visual prominence of the development is minimised. (S)  
Damage to existing native vegetation and habitat is minimised. (En)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will utilise earthy tones and finishes which are compatible with the DCP and surrounding properties.

#### **D11.6 Front Building Line**

The controls seek to achieve the 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)*  
*Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, 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*

The control to achieve this outcome is to provide a setback of 6.5m.

The proposed uncovered porch and carport will stand 4.5m and 5.9m from the front boundary respectively.

The siting of the dwelling itself complies with the front setback control.

The proposed porch and carport are modest in bulk and scale, and will not be a visually dominant feature within the locality.

The bulk and scale of the new works are in keeping with character and extent of newer development in the locality.

Notwithstanding the variation to the front building line control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

#### **D11.7 Side and rear building line**

The controls seek to achieve the 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 preserve and enhance the rural and bushland character of the locality. (En, S)*

*To ensure a landscaped buffer between commercial and residential zones is established.*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m to at least one side, 1.0m for the other side and a rear boundary of 6.5m.

The proposed works to the dwelling stand a minimum of 4.75m and 1.226m from the eastern and western side boundaries respectively and readily comply with this control.

The proposed open carport will stand 900mm from the eastern side boundary.

The proposed pool coping will stand 1.215m and 1.157m from the western side boundary and rear boundaries respectively, and is well separated from the eastern side boundary.

The proposed works therefore comply with Council's side and rear boundary setbacks.

#### **D11.9 Building Envelope**

The controls seek to achieve the 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. (En, S)*

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

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

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

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

As noted in the submitted elevations (Sheet No. 6), the proposed first floor addition complies with the building envelope control.

#### **D11.11 Landscaped Area – Environmentally Sensitive Land**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*

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

*A reasonable level of amenity and solar access is provided and maintained. (En, S)*

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

*Conservation of natural vegetation and biodiversity. (En)*

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

*To preserve and enhance the rural and bushland character of the area. (En, S)*

*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development to a minimum landscaped area of 50% of the site area. The proposal provides a soft landscaped area of 30.8% or 144.27m<sup>2</sup>.

The proposal will see the inclusion of a new swimming pool which whilst not technically noted as being landscaped area, provides for a recreational benefit within the rear yard which enhances the amenity for the residents of the property. The site is also constrained by the length of the paved driveway from the street and given that the works are modest in their scale, the development is not considered to be resulting in a significant impact on the streetscape or on the visual appearance of the site as viewed from the properties.

Non-compliance with the landscaped area control occurs as a result of the existing variation, and the available soft landscaped area is considered worthy of support on merit.

## **7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 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**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).



We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variations to the front setback and landscaped area controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**7.4 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**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling and construction of a new pool, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP and the North Narrabeen Locality Statement.

**7.7 The suitability of the site for the development**

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

**7.8 Any submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**7.9 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

## **8.0 Conclusion**

The principle objective of this development is to provide for the proposed construction of alterations and additions to an existing dwelling and construction of a new pool and carport, which will respect and complement the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complimenting the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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