

**Statement of Environmental Effects**

**Lot 4, 75 Lorikeet Grove, WARRIEWOOD**

**Construction of a New Two Storey Dwelling**

**June 2020**

**TABLE OF CONTENTS**

1. SUMMARY	3
2. SITE DESCRIPTION AND LOCALITY	5
3. THE DEVELOPMENT PROPOSAL	7
4. ZONING AND DEVELOPMENT CONTROLS	8
5. PITTWATER LOCAL ENVIRONMENT Plan 2014	15
6. EP & A ACT – SECTION 79C	18
7. CONCLUSION	20

## **1. SUMMARY**

### **1.1 Purpose**

This Statement of Environment Effects (Statement) is submitted to Pittwater Council in accordance with the Environmental Planning and Assessment ACT 1979, in support of a development application for the construction of a new dwelling on Lot 4, 75 Lorikeet Grove, Warriewood (Subject Site).

The site is zoned R3 Medium Density Residential under the provisions of Pittwater Local Environmental Plan 2014 (PLEP 2014) and the dwelling is permissible with consent. The proposal is also consistent with relevant clauses for consideration under PLEP 2014.

The site falls under the Pittwater Urban Release Area under the Buffer Area and Warriewood Valley Release Area and is generally consistent with the relevant controls of Pittwater 21 Development Control Plan, including Part B (General Controls), Part C (Design Criteria) and Part D16 Warriewood Valley locality statement which provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

### **1.2 Materials relied on**

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

- Environmental Planning and Assessment Act, 1979 as amended
- The Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan 2014
- Other Various State Planning Policies

The following details and documents have been relied upon in the preparation of the Statement:

- Lot Survey Plan prepared by Donovan & Associates
- Architectural Plan prepared by Accurate Design & Drafting
- BASIX Certificate prepared by Accurate Design & Drafting
- Hydraulic Plan by VNK Consulting

### **1.3 Contents**

The Statement sets out:

- A description of the Subject Site and the surrounding area;
- The relevant planning controls and policies relating to the site and the proposed development; and
- An assessment of the proposed development against the heads of consideration as set out in section 79C(1) of the Environmental Planning and Assessment Act 1979

#### **1.4 Assessment**

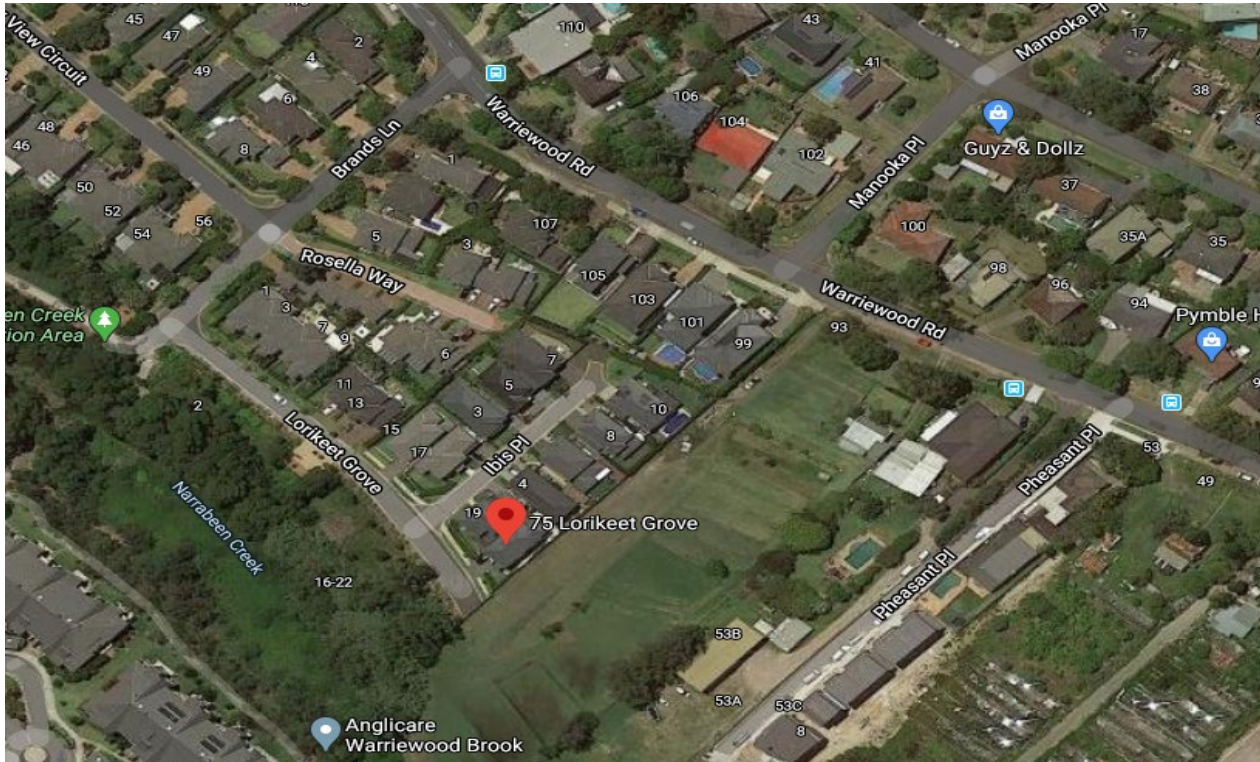
It is considered that the development of the Subject Site in the manner proposed is acceptable and is worthy of the support of the Council.

## SITE DESCRIPTION AND LOCALITY

### 1.5 Location and Size

The subject site is identified as Lot 4, 75 Lorikeet Grove, Warriewood. The site is located on the western side of Warriewood Road. The site is slightly irregular in shape, being a rectangle shaped parcel of land, having a frontage of 12m, a rear boundary of 14.2m, and southern side boundaries of 24m and northern side boundary of 26m.

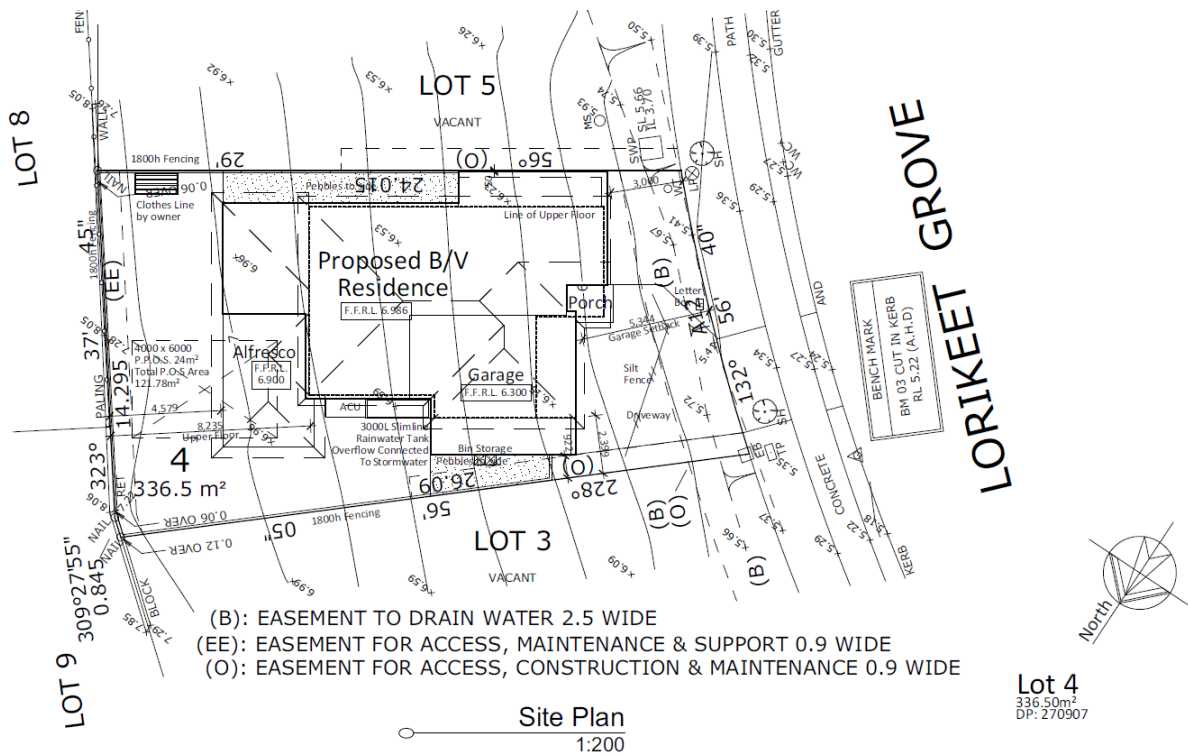
The locality is depicted in the following photo:



## 1.6 Existing Dwelling

The subject site is part of a new sub-division which is solely for residential purposes and the site is currently vacant. The Subject Site is sloping approx. 0.5m away from the front of the property. The Subject Site does not comprise any significant vegetation nor any vegetation occupied by Council's Tree Preservation Order.

Site Plan below:



## 2. THE DEVELOPMENT PROPOSAL

The Statement supports the Development Application seeking approval for the construction of a new two storey dwelling and garage.

### 2.1 External Structures and Positions

The Proposed Development is to be constructed of Builders Austral brick to be rendered and Weathertex Primeline Cladding with tiled roof.

The Proposed Development is provided with a setback of:

- 3m to the front setback, as measured from the wall of the dwelling;
- 5.3m to the front setback, as measured from the garage;
- 3m to the front setback, as measured from the front upper floor;
- 4.6m to the rear boundary, as measured from the rear of the alfresco;
- 8m to the rear boundary, as measured from the rear of the dwelling;
- 8.2m to the rear boundary, as measured from the rear of the upper floor;
- 0.9m to the northern side boundary of the dwelling;
- 2.4m to the northern side boundary of upper floor;
- 0.0m to the south side boundary; and
- 1.5m to the south side boundary of upper floor.

The Proposed Development provides for one driveway to be constructed on the eastern side of the site.

The Proposed Development provides stormwater management works in accordance with Council controls. Stormwater disposal is in accordance with the Stormwater Concept Plan and provides for all collected stormwater to discharge to street gutter via a rainwater reuse tank and in accordance with the design by VNK Consulting.

The site has an area of 336.50m<sup>2</sup>.

The landscaped area of the Proposed Development will be 152.63m<sup>2</sup> or 45.41% of the Subject Site.

### 2.2 Internal Features

The proposed dwelling will comprise of the following:

- **Ground Floor:** Front porch, entry/foyer, media, family, meals, kitchen/walk in pantry, laundry, powder room and garage.
- **First Floor:** Four bedrooms, two bathrooms (one of which is an ensuite), walk in robe to master bedroom and balcony.

### 2.3 Surrounding Properties

This site is located within a new residential release area known as the Warriewood Valley which is predominantly zoned R3 Medium Density zoned land to facilitate low and medium density development. The general vicinity of the site is characterised by undeveloped, regular shaped allotments and the area comprises a mixture of medium density development and single free standing dwellings.

### **3. ZONING AND DEVELOPMENT CONTROLS**

The Proposed Development is identified as a development requiring the consent of the Council under the provisions of the Pittwater Local Environmental Plan 2014. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Pittwater Council.

#### **3.1 Land Zoning**

The Subject Site is zoned R3 Medium Density Residential. Development for the purposes of a dwelling house is permissible in this zone with the consent of Council.

##### Objectives of the zone:

- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- 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.

##### Permitted without consent:

Home businesses; Home occupations.

##### Permitted with consent:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centers, Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Veterinary hospitals.

#### **3.2 Planning for Bushfire Protection 2006**

The Subject Site is not identified as bushfire prone land on Council's Bushfire Prone Land Map.



### 3.3 Pittwater 21 Development Control Plan

A compliance table of relevant controls under Pittwater 21 DCP is contained in table 1 below.

CONTROLS	REQUIRED	PROVIDED	COMPLIANCE
<b>PART B –GENERAL CONTROL</b>			
B3.11 Flood Risk Hazard Category 1	Controls for High Category 1 Hazard in Low Density Residential area.	The site is mapped in a Low Risk Flood Precinct (PMF). Because it is located in a Low Risk Flood Precinct, outside the Flood Planning Area, flood related development controls do not apply for Residential Development. A Flood risk management report is not required. We also understand that flood risk hazard consideration was undertaken at the subdivision stage that created the site.	Yes
B5. Water Management	Satisfy Sydney Water requirements	Refer to plans prepared by VNK Consulting.	Yes
B5.7 On Site Stormwater Detention	Concept Stormwater Plan required.	A concept stormwater management plan is submitted in support of the proposal which has been prepared by VNK Consulting (submitted) and the OSD of the development as per the Subdivision Plan (submitted).	Yes
B6.1 Access Driveways and Works on the Public Road Reserve – Dwelling House & Dual Occupancy	<p>The controls seek to achieve the outcomes: Safe and convenient access.</p> <p>Adverse visual impact of driveways is reduced Pedestrian safety.</p> <p>An effective road drainage system.</p>	Proposed driveway satisfies relevant design controls.	Yes

B6.2 Internal Driveways – Dwelling Houses and Dual Occupancy	<p>The controls seek to achieve the outcomes:</p> <p>Safe and convenient access. Adverse visual impact of driveways is reduced. Pedestrian safety.</p> <p>An effective road drainage system. Maximise the retention of trees and native vegetation.</p> <p>Reduce contaminate run- off from driveways.</p>	The proposed driveway complies with the gradients and design requirements of this clause.	Yes
B6.5 Off-street Car Parking Requirements	This clause requires 2 off street parking spaces for large dwellings (2 bedrooms or more).	The proposal provides for a double garage which ensures compliance with this clause.	Yes
B8.1 Construction & demolition – excavation and landfill	<p>The controls seek to achieve the outcomes:</p> <p>Site disturbance is minimised.</p> <p>Excavation and construction not to have an adverse impact.</p> <p>Excavation operations not to cause damage.</p>	The dwelling involves limited excavation and filling due to sub division.	Yes
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	Appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties. The site will be landscaped to prevent ongoing erosion.	Yes

	<p>transportation of sedimentation from development sites.</p> <p>Reduction of waste throughout all phases of development.</p> <p>Public safety is ensured.</p> <p>Protection of the public domain.</p>		
<b>PART C DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT</b>			
C1.1 Landscaping	Landscape Plan shall be submitted.	A Landscape Plan has been prepared which provides detailed landscaping of the site. The proposal is considered to comply with this clause.	Yes
C1.2 Safety and Security	<p>The controls seek to achieve the outcomes:</p> <p>On-going safety and security of the Pittwater community.</p> <p>Opportunities for vandalism are minimised.</p>	The proposed dwelling has been designed to provide good visual surveillance of the site and the public domain. The proposal is considered to comply with the requirements of this clause.	Yes
C1.3 View Sharing	The controls seek to achieve the outcomes: A reasonable sharing of views amongst dwellings. Views and vistas from roads and public places to water, headland, beach and bush views are protected, maintained and enhanced views.	Proposal does not restrict views of surrounding properties.	Yes

C1.5 Visual Privacy	<p>The controls seek to achieve the outcomes: Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.</p> <p>A sense of territory and safety is provided for residents.</p>	The proposed dwelling living areas are located on ground floor so won't cause any privacy issues for adjoining properties and limit overlooking opportunities towards adjoining properties..	Yes
C1.6 Acoustic Privacy	<p>The controls seek to achieve the outcomes: Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited.</p>	Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy. The development is provided with appropriate side boundary setbacks with ample separation to living areas of surrounding properties maintaining levels of privacy.	Yes
C1.7 Open Space		The proposal provides for private open space at the rear of the dwelling which is directly accessible from the living room.	Yes
C1.9 Accessibility	Disabled access	Single dwellings and associated structures are not required to provide access in accordance with AS4299-1995.	Yes
C1.12 Waste and Recycling Facilities	Waste bin storage	There is sufficient area on site, within the garage and behind the proposed building line, for the storage of waste and recycling receptacles which are not visible from the public domain.	Yes
C1.23 Eaves	This clause requires dwellings to be provided with eaves having a	The dwelling has been provided with eaves that comply with this	Yes

	minimum width of 450mm	requirement.	
C6.7 Landscape Area (Sector and Buffer area or Development site)	This clause requires a minimum 25% of the site area is to be landscaped as the site has no frontage to a creek.	The landscaped area of the Proposed Development will be 152.63m <sup>2</sup> or 45.41% of the Subject Site.	Yes
<b>PART D LOCALITY SPECIFIC DESIGN CRITERIA</b>			
A summary of the DCP controls for the D16 Warriewood Valley Locality is provided below:			
D16.1 Character as Viewed from a Public Place	Achieve desired character and public domain controls	The dwelling is designed with appropriate treatments to the street frontage and provides for a landscape plan.	Yes
D16.4 Water Management for Individual Homes	Stormwater management	Concept stormwater plan submitted with application from VNK Consulting.	Yes
D16.5- Landscaping Area for newly created lots	Total Landscaped area shall be 45% and minimum dimension 4m.	The landscaped area of the Proposed Development will be 152/63m <sup>2</sup> or 45.41% of the Subject Site.	Yes
D16.6 Front Building Lines	This clause requires a minimum front setback of 4.0m and 1.5m to articulation zone.	The proposed dwelling is setback 3.0m.	Yes
D16.7 Side and Rear Building Lines	Side-Building requires 2.5m on one side and 0.9m on other side.	North – 0.922m South - 0.0m.	Yes
	Rear Depth 4m	Rear – 4.6m.	Yes

D16.9 Solar access	2hrs to living rooms & POS	Achieves in excess of 2hrs	Yes
D16.10 Private Open Space	24m2 & 4m minimum width	121.78m2	Yes
D16.11 Form of Construction including retaining walls		Complies with relevant requirements	Yes
D16.12-Fence-General	1.0m Front fence Side & rear fences not exceeding 1.8m	No front fencing 1.8m side and rear fencing	Yes
D16.13 Building Colours and Materials	Selection of materials and colours to be provided	See attached external colour schedule	Yes.

#### **4. PITTWATER LOCAL ENVIRONMENTAL PLAN 2014**

The Pittwater Local Environmental Plan 2014 (LEP 2014) came into effect on 27 June 2014.

##### **4.1 State Environment Planning Policy (building Sustainability Index – BASIX) 2004**

A BASIX Certificate is submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

##### **4.2 Pittwater Local Environmental Plan 2014**

The subject land is zoned R3 Medium Density Residential under the provisions of Pittwater LEP 2014 and the proposal is permissible with the consent of Council. An assessment of the proposal with relevant clauses of PLEP 2014 is addressed below in table 1.

**PITTWATER LOCAL ENVIRONMENTAL PLAN 2014**

Clause	Comment	Compliance
<b>PRELIMINARY</b>		
Aims of Plan	Proposal consistent with aims of the plan.	Yes
<b>PERMITTED OR PROHIBITED DEVELOPMENT</b>		
Land use Zones	The site is zoned R3 Medium Density Residential and the proposed use of dwelling is permissible in the zone with consent.	Yes
Zone Objectives	<p>R3 Medium Density Residential zone</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a medium density residential environment</li> <li>• To provide a variety of housing types within a medium density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.</li> </ul> <p>The proposal represents a single detached dwelling which is a permissible use that is not inconsistent with the objectives of the R3 Medium Density Residential zone.</p>	Yes
<b>PRINCIPAL DEVELOPMENT STANDARDS</b>		
Heights	The dwelling has a maximum height of 7.883m and does not exceed the mapped height limit of 8.5m.	Yes
Floor Space Ratio (FSR)	The site is not mapped with an FSR development standard.	Yes



<b>MISCELLANEOUS PROVISIONS</b>		
Preservation of trees and vegetation	The proposal does not necessitate removal of any significant trees or vegetation.	Yes
Heritage Conservation	The site does not contain any European heritage items and not in the vicinity of surrounding heritage items or in a heritage conservation area.	Yes
<b>ADDITIONAL LOCAL PROVISIONS</b>		
Earthworks	The proposal involves limited earthworks.	Yes
Flood Planning	The site is mapped in a low flood risk zone. No Flood Risk hazard assessment report required.	Yes
Geotechnical Hazards	The site is not mapped with a geotechnical hazard.	Yes

## **5. EP & A ACT – SECTION 79C**

### **5.1 The Provisions of any Environmental Planning Instruments**

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 this site.

### **5.2 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 Part B, Part C and Part 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 74BA 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 79C(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.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

### **5.3 The Likely Impacts of the Development**

It is considered that the proposal, which seeks consent for the construction of a new dwelling on vacant land which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area and will provide for a new dwelling without any detrimental impact on the environment, social and economic status of the locality. On the contrary, the development will improve the overall area both economically and visually.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Warriewood Valley Locality Statement.

### **5.4 The Suitability of the Site for the Development**

The Subject Site is zoned R3 Medium Density Residential under the Pittwater Local Environmental Plan 2014 and the construction of a new dwelling house in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk scale that is consistent with the existing surrounding developments.

For these reasons, it is considered that the site is suitable for the proposed development.

### **5.5 The Public Interest**

It is considered that the proposal is in the public interest in that it will provide a new two storey dwelling that is consistent with other developments in this locality without negatively impacting the amenity of the adjoining properties or the public domain.

## 6. CONCLUSION

This application seeks approval for the construction of a new dwelling and associated works. As demonstrated in this report the proposal is consistent with the aims and objectives of the Pittwater Local Environmental Plan 2014. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the demolition and proposed construction of a new dwelling at Lot 4, 75 Lorikeet Grove, Warriewood is worthy of the consent of Council.