

# **STATEMENT OF ENVIRONMENTAL EFFECTS FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW DWELLING AND SECONDARY DWELLING 1545 PITTWATER ROAD, NARRABEEN FOR BEECRAFT P/L**

**Prepared by  
Beeecraft P/L  
6A Larool Road,  
Terrey Hills NSW 2084  
P. 9450 1530**

## **Introduction**

This Statement of Environmental Effects accompanies architectural plans prepared by Beeecraft P/L, Drawings No. 03-20-PITT Sheets 1-15 dated March 2020.

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
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan 2014

## **Property Description**

The subject allotment is described as 1545 Pittwater Road, Narrabeen, being Lot 3 within Deposited Plan 6544 and is zoned R2 Low Density Residential as per Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item or located within a conservation area and is not noted as being bushfire prone land or within a Landslip Risk area. Council's mapping indicates the property is located within an Area 3 Acid Sulfate Soils zone and a Medium Flood Risk Precinct.



Aerial view of subject property and surrounding area

## Site Description

The property is a 672m<sup>2</sup> residential block located on the western side of Pittwater Road three blocks to the north of its intersection with Namona Street. The block is regular in shape and orientated at a skew to Pittwater Road. It has a street frontage of 15.445m and depths of 45.05m and 43.53m along the north and south boundaries respectively. The rear boundary measures 15.24m. The property is generally flat with a slight gully traversing across the front half of the site.

The site contains an existing single storey timber dwelling, and various outbuildings, which will be demolished to allow the construction of the new dwelling.

The sites location on Pittwater Road provides limited access to street parking.

The adjoining property to the north contains a single storey weatherboard house whilst the property to the south contains a two storey rendered brick duplex development. To the rear is another single storey residence.

The details of the site are as detailed on the survey plan prepared by Total Surveying – Land & Property Surveyors Job No.1929 dated September 2019 which accompanies this application.



Looking at No.1545 from Pittwater Road



Looking at front of existing dwelling and adjoining development

## **The Surrounding Environment**

The general vicinity of the site is characterised by a mix of residential dwellings along the western side of Pittwater Road and recently constructed commercial developments on the eastern side. The varying age of residential development in the area has resulted in a mix of materials and finishes, with dwellings along the western side of the road generally presenting a consistent setback to the street.

## **Proposed Development**

As detailed within the accompanying plans the proposal seeks approval for the construction of a new two storey dwelling and secondary dwelling with an open integrated carport for two vehicles and another car space off a turning area within the front yard.

The new works will comprise:

### Ground Floor

Main entry and front porch, kitchen/dining/living area, TV room, bathroom, study, guest bedroom with ensuite, rear deck and secondary dwelling comprising kitchen, dining, living room, bedroom and bathroom. The secondary dwelling will have a floor area of 61.2m<sup>2</sup>. An internal stair access will be provided for access to the first floor level of the principle dwelling.

### First Floor

Main bedroom with ensuite, walk in robe and balcony, five additional bedrooms one with ensuite, two additional bathrooms and rumpus room.

### External

The new structure will be clad with rendered lightweight board and be fitted with aluminium windows and doors.

The roofs at both levels will be pitched colorbond corrugated metal roofing.

The architectural styling is consistent with the coastal nature of newer development in the surrounding area.

The new driveway and turning area will comply with Council's access levels and driveway standards.

## **Zoning and Development Controls**

### **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.

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

The proposal has been designed to comply with the water, thermal and energy standards required by BASIX.

A BASIX Certificate has been provided to support the proposed works.

### **Pittwater Local Environmental Plan 2014 (PLEP 2014)**

The following clauses are considered to be relevant to the consideration of the development:

#### **Clause 2.2 Zone objectives and Land Use Table**

The site is zoned R2 Low Density Residential as per PLEP 2014.

The proposed new two storey dwelling with attached secondary dwelling is considered to be permissible in the R2 Low Density Residential zone with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential Living Zone is consistent with the zone objectives, which are noted 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 new two story dwelling with attached secondary dwelling 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 development respects the scale and form of other new development in the surrounding area and therefore complements the locality.
- The setbacks are compatible with and provide satisfactory separation to adjoining development.

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

The maximum building height in this portion of North Narrabeen is 8.5m or where the site is affected by flood restrictions, a maximum height of 8m above the flood planning level.

The subject site is affected by a FPL of RL 3.53m AHD. The maximum permissible building height for the site is therefore RL 11.53m AHD.

The proposed dwelling proposes a maximum ridge height of RL 10.99m AHD or 7.46m above the FPL which complies comfortably with the height control.

#### **Clause 5.4 – Controls relating to miscellaneous permissible uses**

This clause provides the following regarding secondary dwellings:

*(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:*

- (a) 60 square metres,*
- (b) 25% of the total floor area of the principal dwelling.*

The proposed floor area of the primary dwelling is 337.2m<sup>2</sup>, and therefore the allowable floor area for the proposed secondary dwelling at 25% of the total floor area is 84.3m<sup>2</sup>. The proposed secondary dwelling will have a gross floor area of 61.2m<sup>2</sup> and therefore complies with this control.

#### **Clause 5.9 – Preservation of trees or vegetation**

The proposal will not require the removal of any trees or significant vegetation to accommodate the development. The landscape plan prepared for the development will see re-planting of the site and the introduction of screen planting to contribute to the landscaped character of the locality.

#### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within an area affected by Acid Sulfate Soils (Class 3).

The consent requirements for works in Class 3 are:

- *Works more than 1 metre below the natural ground surface.*
- *Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.*

The footings for proposed new structure will consist of individual pad footings that will not extend to a depth of 1 metre or have any impact on the existing water table.

#### **Clause 7.2 – Earthworks**

As described above the new structure will be constructed on individual piers that will not require any significant excavation. With the site located in a flood prone area the new driveway and turning area will be constructed on existing natural surface.

#### **Clause 7.10 – Essential Services**

The proposal will see the existing essential services to the site being maintained.

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

## **Pittwater 21 Development Control Plan**

Council's Pittwater 21 DCP and Section D11 North Narrabeen Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

### **Section A Introduction**

#### **A4.11 North Narrabeen Locality**

##### **Desired Character**

*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 a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies 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 medium density 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 building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

*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 a new dwelling and attached secondary dwelling to provide flexible additional affordable accommodation.

The new development is of a satisfactory height and scale that will be compatible to the mix of different types of development within the surrounding area.

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

The appearance and character of the completed structure will be compatible to the coastal environment in which it is located.

## **Section B General Controls**

The General Controls applicable to the proposed new dwelling and associated structures are summarised as:

### **B3.11 Flood Prone Land**

The controls seek to achieve the outcomes:

- Protection of people.*
- Protection of the natural environment.*
- Protection of private and public infrastructure and assets.*

The proposal is accompanied by a Flood Risk Management Report, prepared by Northern Beaches Consulting Engineers Pty Ltd, Job No. 200785, dated 30 July, 2020. The report concludes the following:

*The proposed development is not envisaged to have an adverse effect on surrounding properties. The flood levels provided from council flood information request have been adopted for this assessment. The proposed development generally meets the requirements of Northern Beaches (Pittwater) Council 21 DCP provided the recommendations within this report are adopted.*

### **B5.8 Stormwater Management – Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

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

Drainage from the new roof areas will be directed to a Council stormwater pipe located within the footpath at the front of the property. The new stormwater management system is detailed within drawings prepared by Northern Beaches Consulting Engineers Job No. 200785 and accompanies this application.

As the stormwater will be a direct runoff from the roof, there will not be any significant issue in terms of water quality.

### **B6.1 Access Driveways and Works on the Public Road Reserve**

This control seeks to achieve the outcomes:

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

The proposal retains the existing driveway crossing and layback.

### **B6.2 Internal Driveways**

This control seeks to achieve the outcomes:

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

The proposed driveway and turning area will provide flat easy access onto the site with the ability for vehicles to safely enter and exit the property in the forward direction.

### **B6.3 Off-Street Vehicle Parking Requirements – Low Density Residential**

This control seeks to achieve the outcome:

*Safe and convenient parking.*

The proposal provides a new double carport and additional car space adjoining the turning area, which meets Council's requirement for large dwellings for 2 spaces, along with an additional space for the secondary dwelling.

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

The controls seek to achieve the outcomes:

*Site disturbance is minimised.*

*Excavation, landfill and construction not to have an adverse impact.*

*Excavation and landfill operations not to cause damage on the development or adjoining property.*

The new structure will be supported on independent piers on footing pads that will not require any substantial excavation.

The proposal will be designed and supervised by an appropriately qualified Structural Engineer.

### **B8.2 Construction and 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.*

*Reduction of waste throughout all phases of development.*

*Public safety is ensured.*

*Protection of the public domain.*

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways.

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site, as detailed on the Sediment Control Plan accompanying the application.

### **B8.3 Construction and Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

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

Demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

## **6.3.3 Section C Design Criteria for Residential Development**

The Design Criteria applicable to the proposed new dwelling are summarised as:

### **C1.1 Landscaping**

The controls seek to achieve the outcomes:

*A built form softened and complemented by landscaping*

*Landscaping reflects the scale and form of development*

*Retention of canopy trees by encouraging the use of pier and beam footings*

*Development results in retention of existing native vegetation*

*Landscaping results in the long-term retention of Pittwater's locally native tree canopy*

*Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species*

*Landscaping enhances habitat and amenity value*

*Landscaping results in reduced risk of landslip*

*Landscaping results in low watering requirement*

The proposal will not see the removal of any trees or significant vegetation. The site will maintain satisfactory and practical areas of soft landscaping, with perimeter screen plantings to be provided as detailed in the accompanying Landscaping Plan.

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

The controls seek to achieve the outcomes:

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

The principle dwelling's entry will allow for casual surveillance of persons entering the site and the street area whilst the secondary dwelling will have dual entry either from the main residence in the case of a shared occupancy with family member or gated entry path along the northern side of residence.

### **C1.4 Solar Access (Refer to Sheets 12 – 14)**

The controls seek to achieve the outcomes:

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

The adjoining duplex dwelling to the south will sustain additional shadow along its northern side wall during the day. There are no windows to indoor primary living areas located along this side wall which is basically a blank wall. The private open space at the rear of this dwelling will be affected by additional shadow during the morning period until noon when shadow will then move away from this area. We note that an established hedged along the fence line currently shadows this properties yard.

### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

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

At ground floor level there will be no significant cross viewing opportunities into the private open spaces of adjoining properties with boundary fencing and established vegetation along the fence lines of those properties preventing any direct line of sight.

At first floor level apart from a rumpus room at the front of the dwelling the remainder of the rooms are bedrooms which will be used predominately at night minimising the frequency of any overlooking opportunities. A small balcony off the rear of the master bedroom will incorporate a privacy screen along its northern side to prevent overlooking into the adjoining property No.1547. The rumpus room at the front of the dwelling has two windows that will look onto the front yard of the subject property.

We submit that the privacy levels maintained by the proposal will be compatible to other two storey development becoming more common in the surrounding area and suburb.



### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited*

*Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas*

Given the residential nature of the works we submit there will not be any significant acoustic privacy impacts.

### **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*

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

*Private open space receives sufficient solar access and privacy.*

Both the principle and secondary dwelling will have access to a generous flat recreational space at the rear in addition to covered decks off their primary indoor living rooms. The open spaces of both dwellings will be separated by a 2.5m high masonry wall to maximise their visual and acoustic privacy.

### **C 1.11 Secondary Dwellings and Rural Worker's Dwellings**

The controls seek to achieve the outcomes:

*Limitation of the visual bulk and scale of development*

*Provision of design flexibility for second storey development.*

*Restriction of the footprint of development site*

*Retention of natural vegetation and facilitation planting of additional landscaping*

*Provision of rental accommodation*

The proposal complies with the provisions of this clause in the following manner:

The development will result in two dwellings on the lot, comprising a primary and a secondary dwelling. The secondary dwelling comprises one bedroom and one bathroom.

The development complies with the statutory height limit for the site specified within the LEP.

The design of the secondary dwelling allows for it to be used as either additional semi-independent accommodation for older family members with direct access back into the principle dwelling or as a fully independent affordable rental proposition.

The property is conveniently located within level walking distance of bus stops, Warriewood Square Shopping Centre and several public parks.

### **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.*

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

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

There will be adequate space at the rear of the carport for Council waste and recycling bins.

## 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 as detailed in the following.

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 is compatible with the existing residential character of the area.
- The stormwater runoff from the development will be directed to the existing public system. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- 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*

*High quality buildings designed and built for the natural context and any natural hazards.*

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

*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*

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, spatial separation, landscaping etc.

The proposal will provide for the construction of a new single residential dwelling and attached secondary dwelling. The proposal presents a contemporary form, which complements the style and scale of other new development in the suburb.

The proposed setbacks will provide satisfactory spatial separation to adjoining development.

The proposed form and modulation of the dwelling is well articulated to provide visual interest and reduce bulk when viewed from Pittwater Road. In addition, proposed landscaping will ensure that the proposed works will be interspersed within a landscape setting.

### **D11.3 Building colours and materials**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*The development enhances the visual quality and identity of the streetscape*

*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.*

*The visual prominence of the development is minimised  
Damage to existing native vegetation and habitat is minimised*

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 it is intended to utilise recessive tones and finishes to integrate into the surrounding development.  
Refer to the Schedule of Finishes accompanying this application.

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

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.  
Equitable preservation of views and vistas to and/or from public/private places  
The amenity of residential development adjoining a main road is maintained  
Vegetation is retained and enhanced to visually reduce the built form  
Vehicle manoeuvring in a forward direction is facilitated  
To preserve and enhance the rural and bushland character of the locality  
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 10m to Pittwater Road.  
The proposal provides a minimum setback of 10m.

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

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality  
The bulk and scale of the built form is minimised  
Equitable preservation of views and vistas to and/or from public/private places  
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  
Substantial landscaping, a mature tree canopy and an attractive streetscape  
Flexibility in the siting of buildings and access  
Vegetation is retained and enhanced to visually reduce the built form  
To ensure a landscaped buffer between commercial and residential zones is achieved.*

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side. A rear setback of 6.5m applies.  
The proposed development will stand 1.5m from the northern side boundary and 2.07m from the southern side boundary. We submit that although the proposed setbacks do not strictly adhere to the numerical requirement the cumulative setbacks proposed will provide a total in excess of the 3.5m setback requirement therefore achieving the desired spatial separation to the adjoining properties.  
Due to the skewed rear boundary the new ground floor structure will have a varied setback of between 4.05m – 9.25m. Technically the average setback will be 6.65m however we note that only the small deck off the rear of the secondary dwelling will fall inside the 6.5m range with the remaining and majority of new structure setback in excess of 8.5m.  
The minimum setback to first floor structure will be 7.7m.

#### **D11.8 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*

*Equitable preservation of views and vistas to and/or from public/private places*

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

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

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

All new structure excluding first floor eaves along the northern elevation (allowable encroachment) is contained within the required building envelopes.

#### **D11.10 Landscaped Area – General**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality*

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

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

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

*Conservation of natural vegetation and biodiversity*

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

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

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

The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 50% of the site as landscaped area.

The development will result in a landscaped area of 307.8m<sup>2</sup> or 45.8% of the site inclusive of a portion of the rear ground floor decks as the allowable 6% impervious landscape area allowance.

We note that the properties location on busy Pittwater Road necessitates the requirement for a vehicle turning area to allow vehicles to safely enter and exit the property in the forward direction. As a result of this burden a significant portion of potential landscaped area has been allocated to a turning area.

We submit that the proposed landscaped area is within 10% of the DCP requirement and respectfully request Council consider a variation to the control in this instance.

Generally the proposal is considered to address the objectives of this control, in that it presents a contemporary design that where visible behind remaining established mature vegetation along the front boundary will enhance the streetscape appearance of the site. Landscape plantings to be provided as part of the development will provide privacy and a vegetated amenity for occupants of the site and the adjoining properties.

Suitable stormwater control measures will be put in place to minimise the impact on the locality.

Accordingly, the proposal is considered to address the objectives of this control and is therefore worthy of support on merit.

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

##### **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.

**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.

**Any development control plan**

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan. 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 and 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 variation to the landscape area control is a reasonable alternative solution to compliance where the properties location on a main arterial road results in a challenge to safe vehicular access.

We propose that the 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.

**Any planning agreement that has been entered into, or any draft planning agreement that a developer has offered to enter into.**

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

**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.

**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 the demolition of existing structures on site and the construction of a new dwelling and secondary dwelling will not unreasonably impact upon the amenity of adjoining properties or upon the character of the

surrounding area. It is considered that the proposal will be a compatible form of development and enhance the character of the surrounding area.

The proposal is 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.

### **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 and is permissible under the provisions of the LEP.

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

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

### **The public interest**

The proposal will not unduly 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.

### **Conclusion**

The principal objective of this development is to allow for the demolition of existing structures and construction of a new dwelling with attached secondary dwelling to provide additional and flexible accommodation on the existing site. The design of the secondary dwelling is such that it can be used in conjunction with the principle dwelling for older family members to live with semi-independence or as a completely separate dwelling.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

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