

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW ATTIC ADDITION ABOVE AN
EXISTING GARAGE**

LOCATED AT

156 WARRIEWOOD ROAD, WARRIEWOOD

FOR

LENKA CHANDLER

**Prepared
March 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by JJ Drafting, Project No. 880/21, Sheets DA.01 – DA.14, dated March 2021, prepared on behalf of Stephen Chandler to detail the proposed construction of a new first floor addition above an existing garage and secondary dwelling, which will be utilised as ancillary storage to the existing garage at **156 Warriewood Road, Warriewood**.

The works detailed within this application were discussed with Council under PLM2020/0228 at a meeting held on 29 September 2020.

A subsequent Development Application (DA 2020/1752) was lodged in January 2021 for the proposed first floor storage area over the existing detached garage and secondary dwelling.

Following concerns raised by Council's Assessment Officer and adjoining neighbours, the application was withdrawn in March 2021.

The issues raised in the assessment of the previous application have been considered and a revised design prepared which results in a substantial reduction in the overall height of the proposed first floor storage area and a corresponding reduction in the bulk and scale of the proposed roof level storage.

The detached outbuilding & attached secondary dwelling was previously considered under DA N0201/17 dated 11 July 2017.

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*

2.0 Property Description

The subject allotment is described as 156 Warriewood Road, Warriewood, being Lot 9 within Deposited Plan 7827 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is identified within the Class 5 Acid Sulfate Soils area.

The site is not noted as being affected by any other hazards.

3.0 Site Description

The site is located on the north-eastern side of Warriewood Road.

The land has a slight fall to the south-west boundary, with stormwater from the site directed to the street gutter.

The site is generally rectangular in shape, with an angled front boundary of 16.82m and north western and south eastern side boundaries of 61.735m and 54.61m respectively. The total site area is 886.5m².

The site is currently developed with a one and two storey brick house with a tile roof and a detached single storey outbuilding which contains an approved secondary dwelling and garaging within the brick outbuilding with a tiled roof.

Vehicular access to the site is currently provided via a concrete driveway from Warriewood Road.

The details of the lots which comprise the parcel are contained within the survey report prepared by Detailed Surveys, Reference No. 004/17, dated 27 June 2020, which accompanies the DA submission.

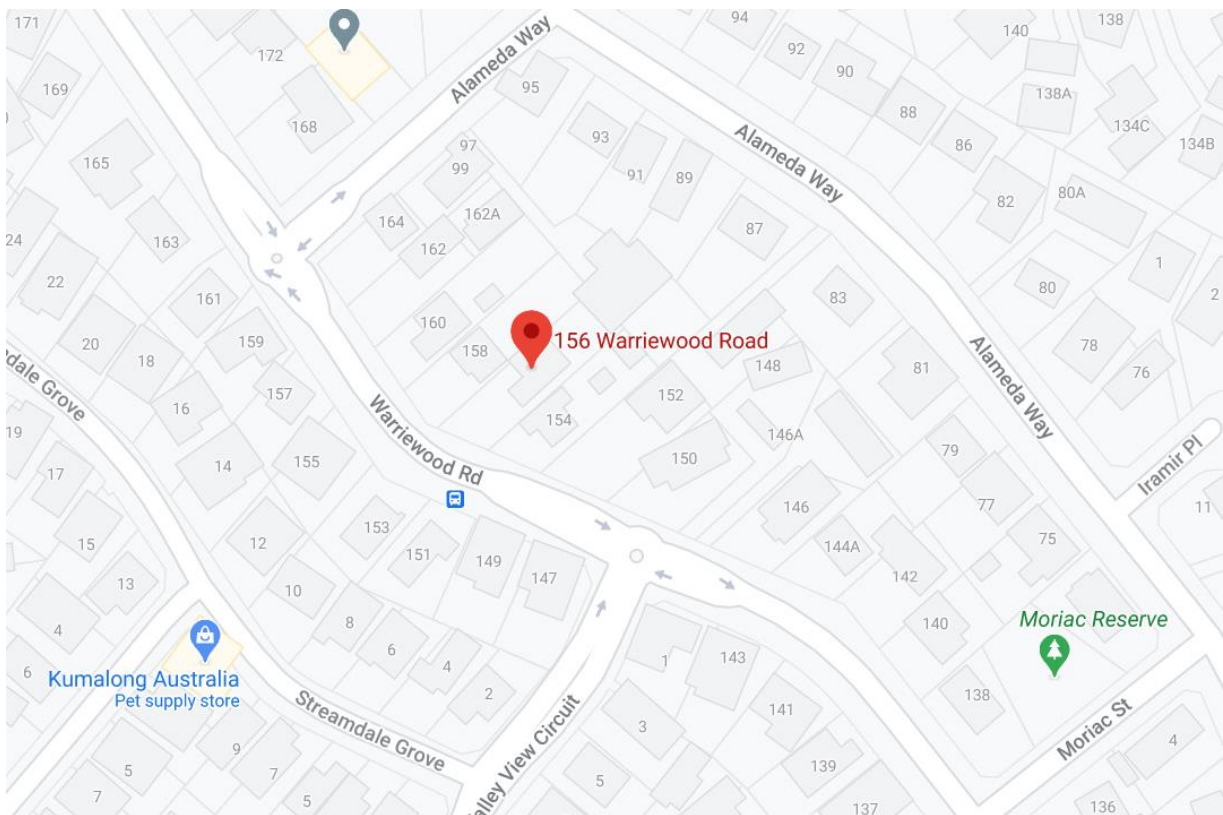


Fig 1: Location of Subject Site
(Source: Google Maps)

4.0 The Surrounding Environment

The general vicinity of the site along Narrabeen Park Parade is characterised by regular shaped allotments within a natural setting, with a low density single residential development scale.

The yard areas surrounding the dwelling support a range of ancillary outbuildings and swimming pools.

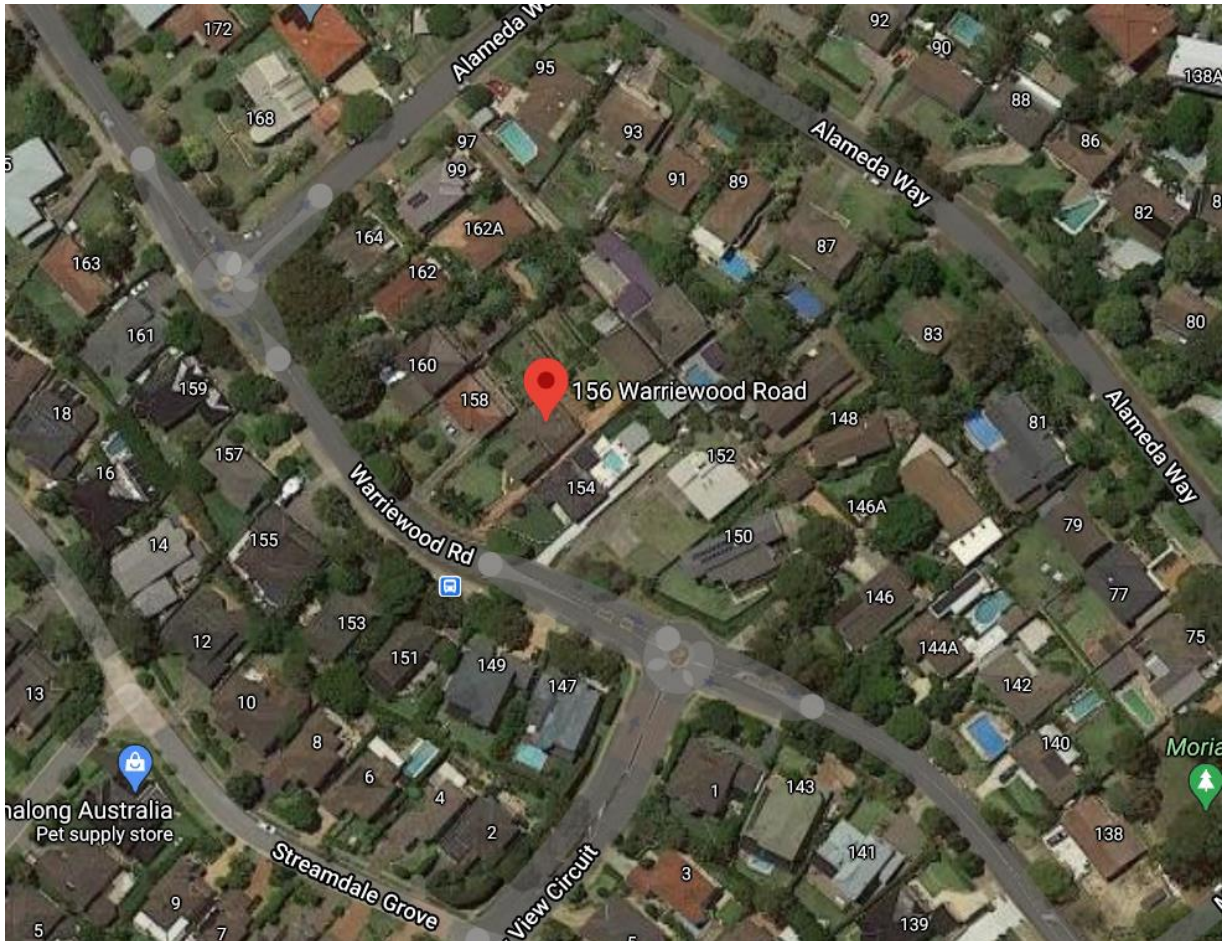


Fig 2: Aerial Photograph
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of a new attic style addition above an existing detached single storey garage and secondary dwelling.

The existing ground floor level of the detached outbuilding will remain unchanged, with the works to be at the first floor level.

The proposed work specifically provide for a re-pitching of the existing roof over the rear portion of the garage, with a new attic storage space to be located over the existing garage, with a height which will be up to 560 mm lower than the previous application considered by Council, in order to reduce the impact on the adjacent neighbour to the north-east (See Figure 3 below).

The proposed design is consistent with the discussions with Council's planning staff and are intended to control the bulk and scale of the building, when viewed from the surrounding properties.

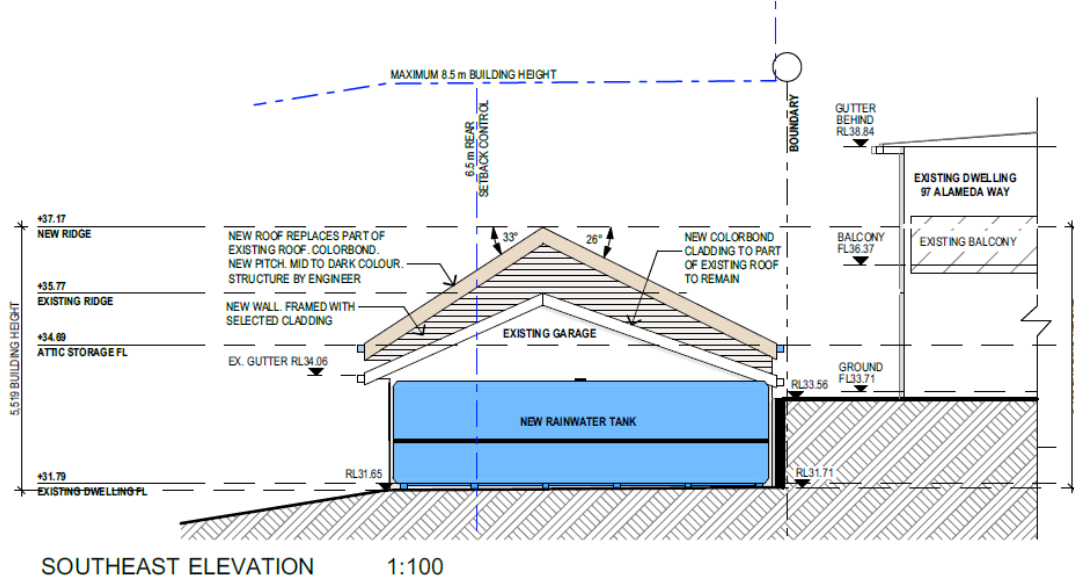


Fig 3: Extract from architectural plans indicating the revised design to reduce the bulk and scale and height of the proposed roof level storage over the existing garage

The external finishes of the new works have been designed to complement and match the existing primary dwelling and include lightweight timber frame construction with horizontal cladding and a colour bond steel roof the roof level storage will have a maximum height of 2.1m, with the height reducing to the perimeter of the storage space.

The area is not suitable for any other habitable purposes and is intended for attic storage use only.

The proposed storage area is it accessed by a pull down access ladder within the ceiling of the existing garage. The first floor storage level will provide for an area of 90.91m².

As the proposed works are wholly over the existing built footprint, the existing landscaped area of 53.57% or 474.92m² will be unaltered.

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 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

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



Fig 4: Extract of Pittwater LEP Zoning Map

The proposed alterations and additions are considered to be permissible with the consent of Council.

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 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 works which provide for a first floor addition above an existing single storey garage and secondary dwelling and which will be utilised as domestic storage that is ancillary to the existing dwelling and garage is consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal provides for modest additions and alterations the existing garage/secondary dwelling which will maintain consistency 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 vicinity and therefore complements the locality.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Warriewood is 8.5m. The proposal presents a height of up to 5.38m which complies with the maximum height control.

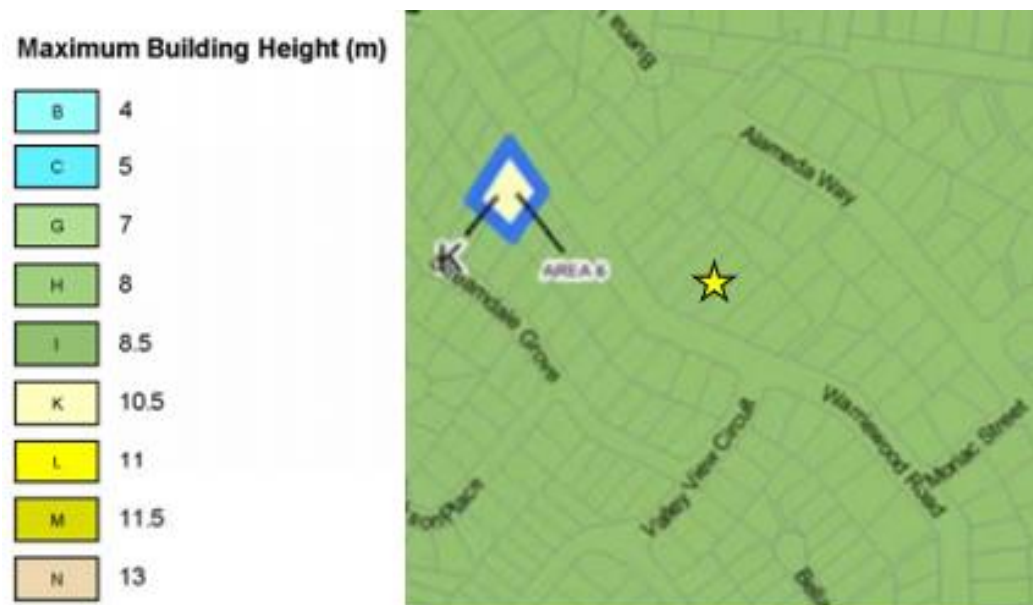


Fig 5: Extract of Pittwater LEP Zoning Map Height of Building Map 2014

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils Class 5. The proposal will not see any excavation of the site. It is therefore not anticipated that acid sulfate soils will be encountered.



Fig 6: Extract of Pittwater LEP Zoning Map Acid Sulfate Soil Map 2014

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

6.4 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D14 Warriewood Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.4.1 Section A Introduction

D14 Warriewood Locality

Desired Character

The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.

Existing residential areas will remain primarily low-density 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 (detached) will be located on the valley floor and lower slopes that have 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.

Warriewood Square will meet the retail needs of the local and regional community as well as some smaller neighbourhood centres.

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.

It is considered that the proposal is consistent with the desired character of the locality by providing for modest alterations and additions to an existing dwelling which maintains consistency with the scale and style of development in the vicinity.

The proposed attic style addition over the existing garage, which is located adjacent to the rear boundary is not prominently visible within the local streetscape. The works will not see any increase in the existing footprint of the built form within the site and will not see any reduction in landscaped area.

6.4.2 Section B General Controls

The General Controls applicable to the proposed attic storage space over the existing garage are summarised as:

B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land

The controls seek to achieve the outcomes:

*The long-term viability and enhancement of locally native flora and fauna and their habitats.
(En)*

The proposal will not see the removal of any existing significant trees on site and maintains an appropriate area of soft landscaping. The proposal is therefore in keeping with this control.

B5.15 Stormwater Management

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 proposal will not see any increase in site coverage as the works are all elevated above ground and at the first floor level of the existing garage.

Roof water from the new roof areas will be connected to the existing system which directs stormwater to the street gutter in Warriewood Road.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

All new development to have no adverse environmental impact at the discharge location (En, S)

As discussed above the roofwater from the proposed new first floor level roof area will be directed to the existing system and which pipes stormwater to the street gutter. A Roof and Stormwater Concept Plan has been provided within Sheet DA.10.

B6.1 Access driveways and Works on the Public Road Reserve

The controls seek 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 works will provide for a new attic addition above the existing garage for non-habitable storage purposes. There will be no change the existing driveway access arrangements 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 contaminated run-off from driveways.

There is no change to the existing driveway.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

Safe and convenient parking (En, S)

The controls require a minimum of 2 parking spaces for a dwelling containing two bedrooms or more. The existing garage will retain access and parking for two vehicles and will not be altered

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 proposed works will not involve excavation with the addition located above the existing garage. Sediment and erosion control measures have been included within the submission and are detailed in Sheet DA.11.

B8.3 Construction & 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. (En)

Construction waste will be minimised, with waste materials sent to Kimbriki Materials Recycling Centre for reuse off site where possible.

6.4.3 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.

As a consequence of the works being over the existing garage, the proposal will not see the removal of any landscaped area or slip planting. The current landscaped areas will be retained.

The proposal therefore complies with the provisions of this clause.

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

The proposed works will not impact on the existing safety or security of the site. Casual surveillance of the entry to the site and the front yard area will be maintained from the principal dwelling.

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 currently enjoy district views towards the south-west and west. The proposal is not considered to have any significant implications on the views enjoyed by neighbouring properties.

The opportunity to retain a view over and past the proposed attic addition over the garage will be maintained for the neighbouring properties to the north and north-east.

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 architectural submission includes a shadow analysis (Sheets DA. 12 – DA. 14) which confirms that the additional shadow cast by the new roof, will not adversely affect the primary living spaces or outdoor entertaining areas of the adjacent property is, particularly the dwelling to the south-east at No 154 Warriewood Road, which will continue to receive at least three hours of solar access to the outdoor recreation space within the rear yard during the 9.00am – 3.00pm period.

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 primary use of the proposed attic addition over the garage is for domestic storage, with the space not having a suitable floor ceiling height to be considered as habitable area. Proposal includes skylights which face the rear yard of the subject property, with no windows or roof windows facing either side neighbour or the property to the rear. The development has been sensitively designed to ensure that the privacy and amenity of the neighbouring properties largely maintained.

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 non-habitable residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

Waste 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. There is sufficient area within the site for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.6.4 Section D Locality Specific Development Controls

The **D14 Warriewood 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 is compatible with the existing character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The development will not place any significant demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D14 Warriewood Locality** is provided below:

D14.1 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. (En, S, Ec)

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 the 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.

It is considered that the proposal is consistent with the desired character of the locality by providing for an attic style addition over the existing detached garage which is located at the

rear of the site and not prominently visible within the streetscape.

D14.2 Scenic Protection - General

The control seeks 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)

Preservation of the visual significance of the Ingleside/Warriewood Escarpment. (En,S)

The proposed alterations and additions are in keeping with the extent of development in the locality, and the development will not be prominently visible from any waterway or from the local escarpments.

D14.3 Building Colours, Materials and Construction

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. The proposal will provide for earthy colours which complement the existing dwelling and the locality.

D14.7 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 works are located at the rear of the site.

D14.8 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 addition over the garage/secondary dwelling will maintain a setback of 1m to the north-western boundary and 1.024m to the south-eastern boundary.

The proposed first floor addition will be marginally within the rear 6.5m setback however it is not uncommon for buildings and outbuildings in this locality to present a minor non-compliance is with rear back, in this regard the proposal is considered to be reasonable.

As discussed, the proposed works are modest in their height and are not considered to be bulky or intrusive to the view of the site from neighbouring properties.

As proposal intends to add to an existing structure, the proposed setbacks are considered to be reasonable in this instance and do result in any adverse amenity impacts for the neighbouring properties. The proposal is therefore deemed acceptable on merit.

D14.11 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°.

Given the proposal raises the existing roof line to provide for an attic style roof addition, councils building envelope control is largely observed, with small portions of the gable end outside of the envelope. These elements introduce very minor breach of the building envelope control.

As demonstrated in the shadow analysis, the building will continue to maintain appropriate access to the available views and levels of solar access in accordance with Council's policy for the primary living and outdoor recreation spaces for both the neighbouring and subject dwellings.

D14.12 Landscaped Area – General

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 runoff 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.

In this instance, the proposal will not see any reduction in the existing landscape area as the works are all elevated above the existing garage/secondary dwelling structure. The current landscaped area of 53.57% will be retained.

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 Planning 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 variation to the rear setback & building envelope control are 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 an attic style addition over the existing garage/secondary dwelling to provide for a storage area within the roof void which 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 2014 and the Warriewood 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 principal objective of this development is to provide for a proposed attic style addition over the existing detached garage and secondary dwelling, to allow for the roof void to be utilised as ancillary storage to the principal dwelling. The location and form of the proposed works respects the scale and setback pattern of the surrounding development

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing 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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