

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN
EXISTING DWELLING INCLUDING NEW FIRST FLOOR ADDITION AND
SWIMMING POOL**

LOCATED AT

3 LIDO AVENUE, NORTH NARRABEEN

FOR

THOMAS JAMESON



**Prepared
June 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by Ukalovic Design for Mr Thomas Jameson, Sheets 1 – 13, Revision A, dated 28 June 2021 to detail the proposed construction of alterations and additions to an existing dwelling including a new first floor addition and swimming pool at **3 Lido Avenue, North Narrabeen.**

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

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

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

2.0 Property Description

The subject allotment is described as No. 3 Lido Avenue, North Narrabeen, being Lot 280 within Deposited Plan 16719. The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site does not contain any heritage items; nor is it located within a conservation area.

The site has been identified by Council as being affected by a High Risk Flood Prone Land and Land within Risk to Life H3 and H5. A Flood Management Report has been prepared by Pittwater Data Services Pty Ltd, dated 28 June 2021, and will be discussed within this submission.

The site is noted as being within Class 3 Acid Sulfate Soils, and this matter will be discussed in further detail within this report.

No further hazards have been identified.

3.0 Site Description

The property is irregular in shape. It has a frontage to Lido Avenue of 18.288m. The north-western and south-eastern side boundaries measure 39.18m and 43.669m respectively. The rear boundary measures 6.096m and the total site area is 461.6m².

The site is relatively flat, with a gentle fall to the north-east. Stormwater from the site is currently directed to the street gutter in Lido Avenue.

The site is currently developed with a single storey weatherboard dwelling with a metal roof, attached garage and a detached double carport. Vehicular access is available via a concrete strip driveway from Lido Avenue. The rear yard is developed with an existing shed with associated landscaping.

The details of the site are included on the survey plan prepared by Rennie Golledge Pty Ltd, Plan No. 342.20, dated 1 December 2020 which accompanies the DA submission.

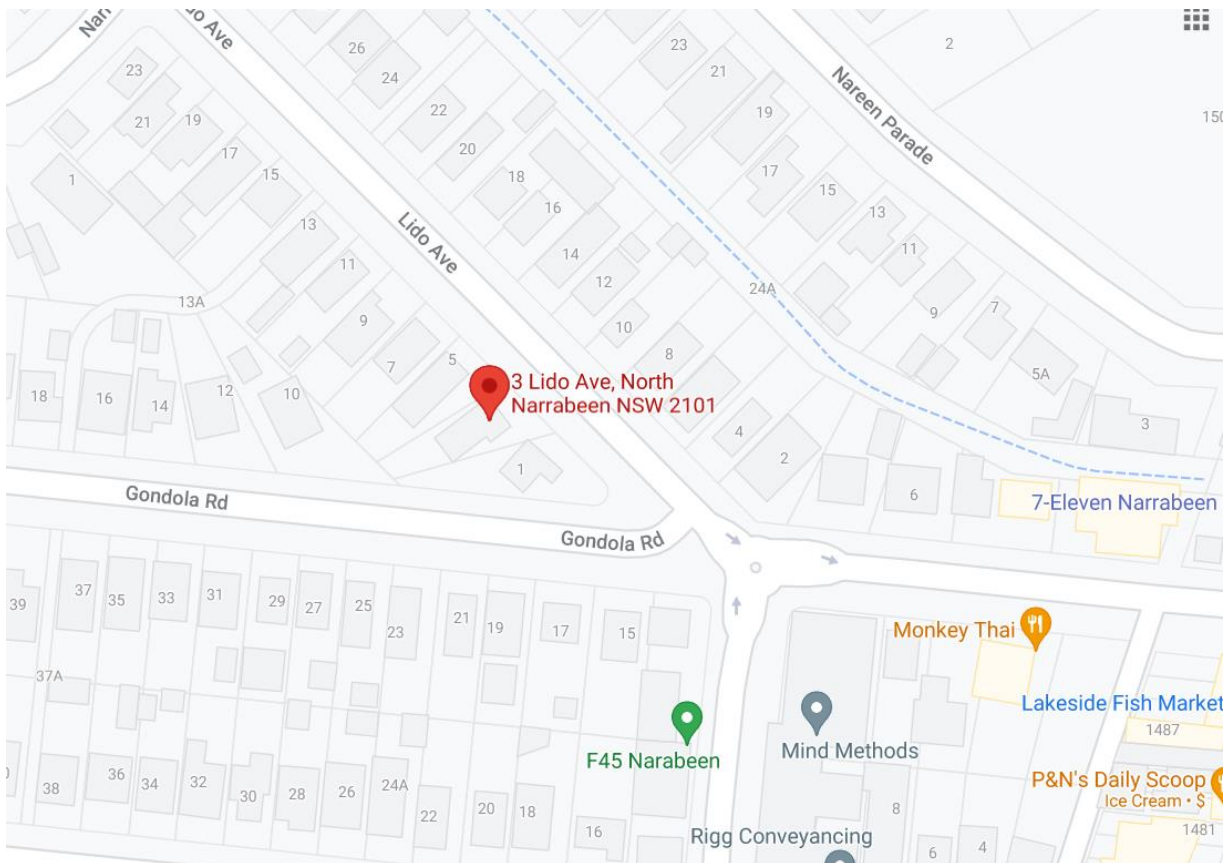


Fig 1: Location of subject site
(Source: Google Maps)



Fig 2: View of subject site, looking south-west from Lido Avenue



Fig 3: View of subject site and shed located within the rear yard



Fig 4: View of rear deck of existing dwelling, looking north-east



Fig 5: View of existing streetscape along the south-western side of Lido Avenue

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically one and two storeys, which enjoy a north-easterly aspect.

The area is characterised by a mix of residential dwellings zoned along Lido Avenue, with neighbourhood shops along Gondola Road.

A stormwater channel is located to the north-east.

Swimming pools are common features in the rear yards of properties in the area.



Fig 6: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans it is proposed to provide for alterations and additions to the existing dwelling, including the construction of a new first floor addition and swimming pool.

The proposed alterations and additions consist of:

Ground Floor	Proposed alterations and additions to existing ground floor to provide for new entry from garage to existing mud room, new foyer and extension of existing family room, including new front porch.
First Floor	Proposed new first floor to provide for internal access stairs to lower level, master bedroom with ensuite and walk in robe, two bedrooms with walk in robe in one, rumpus room and bathroom.
External Works	New swimming pool in the rear yard, new section of roofing to existing carport.

The proposed pool will be surrounded with isolation fencing in accordance with the Swimming Pools Act 1992 and AS 1926-2012. The proposed swimming pool filter and pool chemicals will be located above the Flood Planning Level (RL 3.53m).

The proposed development will not necessitate the removal of any significant trees. The proposal seeks to provide for the removal of six (6) small trees (exempt species) along the side boundary. There is sufficient space along the side and rear boundaries for additional plantings to protect the privacy of the site's occupants and soften and screen the built form of the development.

All building materials used or located below the flood planning level (RL 3.53m) will be flood compatible.

The existing development indices for the site are:

Site Area	461.6m ² (by survey)
Required Landscaped Area	50% or 230.8m ²
Existing Landscaped Area	40.7% or 189.07m ²
Proposed Landscaped Area	26.3% or 122.34m ²

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 accompanies this submission.

6.3 State Environmental Planning Policy (Coastal Management) 2018

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

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

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

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

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

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

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

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

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

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

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

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

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

The collected stormwater will be directed to the existing stormwater system, which directs stormwater to the street gutter in Lido Avenue. The stormwater management system complies with Council's Water Management Policy.

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

Division 5 General

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

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

Comment

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

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

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

Comment: No coastal management programs have been identified.

17 Other development controls not affected

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

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

Comment: Noted

18 Hierarchy of development controls if overlapping

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

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

Comment

Noted

6.4 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone Objectives and land Use Table

The subject site is zoned R2 Low Density Residential under the Pittwater LEP 2014.



Fig 7: Extract of Pittwater Local Environmental Plan 2014

The development of and use of the land for residential purposes within the R2 Low Density Residential 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 alterations and additions, including a new first floor, swimming pool and extension to existing garage to provide a carport 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 vicinity and therefore complements the locality. The proposal provides for new recreational facilities which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

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 a flood level, the height may be up to 8m above the flood planning level (RL 3.53m AHD for this site or 11.535m). The new works provide a height of up to 8.1m which readily comply with this control.

Clause 7.1 – Acid sulfate soils

The site has been identified as being within the Class 3 Acid Sulfate Soils area. A Preliminary Assessment Acid Sulphate soils report has been prepared by White Geotechnical Group under Report Reference J3518 dated 24 June 2021. The report concludes that no acid sulphate soils were identified in the test boreholes at the site inspection, with the PH level of the soil being above what would be an indicator of the presence of acid sulphate soils.

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

Clause 7.2 relates to earthworks. The proposal will require only minor excavation of the site to accomodate the proposed swimming pool. All works will be carried out under the guidance of the consulting Structural Engineer.

Clause 7.3 – Flood planning

The site has been identified on Council's Flood Risk Map as High Risk, with a minimum Flood Planning Level of RL 3.53m AHD.

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

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

The proposal will provide for a small extension of the family room at the existing ground floor level of RL 2.560, with the other new works to be for the construction of a new first floor addition and swimming pool.

A Flood Management Report has been prepared by Pittwater Data Services Pty Ltd, dated 28 June 2021, which concludes that the proposal will not result in any substantial change to the flow characteristics within the site and locality.

The flood report notes:

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

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

There are no other provisions of the Pittwater LEP 2014 that are relevant to the proposed works.

6.5 Pittwater 21 Development Control Plan 2014

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

6.5.1 Shaping Development – Desired Character

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

A4.11 North Narrabeen Locality

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.

The alterations and additions to the existing dwelling including a small ground floor addition and a new first floor addition and swimming pool are in keeping within the characteristics of the existing locality. The proposed pool is to be located largely in keeping with existing ground level. The proposed swimming pool is located in the rear yard of the site and will not be visible from the Lido Avenue streetscape.

A generous area of soft landscaping will continue to be provided. The proposal does not result in the removal of any protected canopy trees. The plans provide opportunity for new perimeter plantings adjacent to the front and side boundaries of the site.

It is therefore considered that the proposal will achieve the desired future character of the locality.

6.5.2 Section B General Controls

The General Controls applicable to the proposed additions and a swimming pool are summarised as:

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is noted as being affected by High Risk Flood Prone Land, with a minimum Flood Planning Level of RL 3.530m AHD.

The proposal will not introduce any new habitable floor levels below the FPL, with the proposal providing for a small ground floor addition and a new first floor addition, internal alterations, and construction of a new swimming pool.

The proposal will not result in any substantial change to the flow characteristics within the site.

The proposed pool will be reinforced concrete and will be unaffected by potential inundation. The pool equipment will be provided to the north of the pool above the FPL. Similarly, all new electrical services for the pool and the pool chemicals will be stored above the FPL.

B3.13 Flood Hazard – Flood Emergency Response planning

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

Early warnings should be observed by the buildings' occupants and the Flood management Report prepared by Pittwater Data Services Pty Ltd contains recommendations to be observed by the occupants in the event of a flood affecting the site and the general area.

B5.7 Stormwater Management – On-site Stormwater Detention

The controls seek to achieve the outcomes:

Rates of stormwater discharge into receiving environment maintained or reduced. (Ec, S)

This clause requires on site detention where development results in a new hard surface area of 50m² or greater. The proposal will result in less than 50m² of additional hard surface. The new roof areas will be connected to the existing stormwater system, and the proposal is therefore considered to satisfy the provisions of this clause.

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. (En)

Development is compatible with Water Sensitive Urban Design principles. (En)

Overflow from the proposed swimming pool is to be connected to the existing stormwater system.

B6.2 Internal Driveways

The controls seek 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 existing driveway will be retained and provide access to the proposed carport.

B6.3 Off-Street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

The existing double carport and single garage will be retained, providing adequate space to accommodate three (3) on-site parking spaces, and therefore complies with this control.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation and construction not to have an adverse impact. (En)

Excavation operations not to cause damage on the development or adjoining property. (S)

The proposal will require some excavation to accommodate the new pool. An erosion and sediment control plan has been prepared to detail appropriate measures to minimise site disturbance and mitigate the impact of construction on neighbouring properties.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

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

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

Public safety is ensured. (S)

Protection of the public domain. (S, En)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the following 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)

The construction works will seek to minimise waste by re-using material where possible or recycling appropriate materials. All construction waste will be removed from the site to an approved waste facility.

6.5.3 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised 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 proposal maintains a suitable area of soft landscaping on the site, with opportunity for new plantings to soften and screen the built form of the new works. The site will maintain its contribution to the landscaped character of the locality.

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 receive a limited district outlook. The works present a modest two storey form that meets the height and setback requirements and will therefore see equitable access to the available views for the site and the neighbouring dwellings will be maintained.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

The proposal is accompanied by shadow diagrams which demonstrate that the new works will maintain suitable solar access for neighbouring properties.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

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

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

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

The proposed first floor addition does not comprise any window openings within the side elevations, which assists with minimising opportunities for overlooking to neighbouring properties.

The proposed pool is suitably set back from neighbouring properties to maximise privacy for the adjoining residential properties.

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. The proposed pool is located well clear of the neighbouring dwellings and will not directly adjoin the living areas of the neighbouring properties. Screen planting can be provided to minimise any adverse noise impacts. The proposed pool filter will be enclosed within an acoustic enclosure. The proposal therefore complies with this clause.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

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

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

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

The required controls to achieve the outcomes are to ensure that dwellings are provided with suitable private open space with an area and grade which will facilitate outdoor private recreation. The proposed works will maintain a generous private area, and improve the quality and function of the outdoor recreational opportunities for the owners.

C1.12 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 surrounding the carport for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming pool safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

The required controls to achieve the outcomes are to ensure that swimming pools are provided with suitable fencing in accordance with the Swimming Pools Act 1992. The proposal will provide for a perimeter fence to the swimming pool, which maintains an effective barrier between the dwelling and the pool.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The required controls to achieve the outcomes are to ensure that all dwellings incorporate eaves into their design.

The new first floor addition incorporates appropriate eaves as part of its design.

6.5.4 Section D Design Criteria

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

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

- Proposing a form of development which is compatible with the existing residential 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 proposal will not result in additional run-off to adjoining properties or public spaces.
- 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. (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 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 form maintains a compatibility with the locality through appropriate design relief and is secondary to the landscaping of the site.

The proposed alterations and additions to the existing dwelling will present a contemporary form, with the first-floor addition to provide a suitable setback from the front, rear and side

boundaries in order to minimise bulk and scale impacts. The modest two storey scale is consistent with the bulk and scale of existing surrounding development in the locality.

The proposed pool will be sited at ground level within the rear yard and will therefore not be prominently viewed within the Lido Avenue streetscape.

D11.2 Scenic Protection – General

The controls seek to achieve the outcomes:

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

The proposed works will present a modest two storey scale that is compatible with the residential characteristics of the locality.

The proposal maintains a generous area of soft landscaping, and will not require the removal of any significant vegetation. Two trees within the front yard which are exempt species are to be removed and replaced with perimeter plantings to soften and screen the built form of the development.

D11.3 Building colours and materials

The controls seek to achieve the outcomes:

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

The proposed colours and finishes have been selected to complement existing works and the characteristics of the neighbourhood.

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. (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)

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 site is subject to a minimum front setback of 6.5m. While the proposed ground floor extension encroaches towards the front boundary, the existing front setback of the carport remains unchanged. The development will ensure a consistent and sympathetic character with the established streetscape along Lido Avenue and surrounding neighbourhood. Sufficient opportunity for landscaping within the front setback will continue to be provided to adequately screen the built form from Lido Avenue, while ensuring a suitable streetscape character and not impacting on pedestrian amenity.

The proposal satisfies the objectives of the control and it is considered worthy of support.

D11.7 Side and rear 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)

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 relevant controls to achieve this outcome are to maintain a minimum side boundary setback 2.5m to at least one side and 1m for the other.

Side setbacks

The proposed development provides a varying side setback to the south-east boundary of 1m to 1.45m, therefore achieving compliance.

However, to the north-west boundary, the proposed addition and front porch at the ground floor, along with the first-floor addition to the front of the dwelling provides a varying side setback of 1.044m to 1.7m, resulting in a technical non-compliance with the minimum 2.5m setback control. While the proposal retains the setback of the existing dwelling of 2.27m. Due to the splayed side boundaries, the dwelling exceeds the minimum 2.5m setback control to the rear

Rear setback

The dwelling will be sited in excess of 6.5m from the rear boundary, while the proposed deck adjoining the swimming pool will be located 1.5m from the rear boundary, resulting in a technical non-compliance. Clause D11.7 of P21 DCP permits swimming pool to be located 1m from the boundary to the coping to the rear boundary, in the following instances:

- satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and
- Council is satisfied that the adjoining properties will not be adversely affected, and
- the pool or spa is not more than 1 metre above ground level (existing), and
- that the outcomes of this clause are achieved without strict adherence to the standards, and
- where the site constraints make strict adherence to the setback impractical, and
- where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.

Notwithstanding the reduced setback, the development offers sufficient opportunity for deep soil landscaping to the rear boundary, providing a suitable landscape buffer. The swimming pool and deck will be located in-ground, therefore minimising any potential impact to adjoining properties, including privacy and solar access.

The proposed siting of the swimming pool has given regard to the outcomes of the clause and it is considered that the proposal can achieve the prescribed outcomes under D11.7. Due to the location of the existing dwelling, providing full compliance with the rear setback control and offering a functional rear yard is considered impracticable.

As noted above, the proposed pool will be located in-ground; therefore, it will not adversely impact on any available views of adjoining residential properties.

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

D11.9 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

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

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

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

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

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

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°. With the exception of a minor portion of the front northern corner of the dwelling, the proposed dwelling will be located within the prescribed building envelope. The encroachment is mainly the roof form, predominately guttering and eaves, which are permitted to encroach beyond the envelope. The breach will not give rise to any adverse impact on the privacy, solar access or general amenity of neighbouring properties, while presenting a consistent and sympathetic building scale and built form.

For the reasons above, this assessment finds the building envelope non-compliance to be negligible and a variation is warranted.

D11.10 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 run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 50% of the site area.

The site provides up to 122.34m² or 26.3% of the site as landscaped area, which presents a variation to the control. It is noted that the site presently provides for a total of 189.07m² or 40.7% landscaped area., equating to a 66.73m² reduction in soft landscaping.

Notwithstanding, the bulk of the proposed development comprises a first-floor addition, sited above the existing footprint, therefore not contributing to the reduced landscaped area. The proposed pool contributes to a significant portion of the 66.73m² reduction, while the minor addition to the ground floor to the front of the dwelling contributes a minor portion of additional impervious area.

Clause D11.10 of P21 DCP permits a variation to the minimum landscaped area control. Provided the outcomes of the control are achieved, the following may be permitted on the landscaped proportion of the site:

- i. impervious areas less than 1 metre in width (e.g. pathways and the like);
- ii. for single dwellings on land zoned R2 Low Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private

open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).

Taking into account the above, the proposed landscaped area (with permitted variation) provides a total landscaped area of 150.02m² or 32.3%. Whilst remaining non-compliant, it represents a minor reduction to the existing landscaped area and is considered worthy of support.

The site will continue to maintain the outcomes of the clause for the following reasons:

- The proposal does not result in an unreasonable loss of privacy or amenity to the adjoining premises.
- The proposal does not result in the removal of any significant vegetation, with new perimeter landscaping to be provided within the front yard.
- The overflow from the pool will be connected to the existing sewer, and no substantial increase in stormwater run-off is anticipated.

Notwithstanding the minor reduction in the available area of soft landscaping compared to the existing landscaping, the site will continue to provide a complementary form to the surrounding locality. The proposal is in keeping with the outcomes of this clause, and is worthy of support on merit.

D11.12 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood.

To define the boundaries and edges between public and private land between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways), for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

A new low level (1.0m high) retractable gate is to be provided to the front of the existing carport. Front fence and pedestrian/vehicular gates are commonplace along Lido Avenue with an established character of similar fences along Lido Avenue. The gate will provide for sympathetic colours and materials consistent with the streetscape character and existing fences along Lido Avenue. It is considered that the vehicular gate will achieve the outcomes of the control, as above, in particular providing for a positive public domain, while complimenting and conserving the visual character of the street.

The existing side and rear boundary fencing will remain unchanged.

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

7.1 The provisions of any environmental planning instrument

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

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

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

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

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

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

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

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

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

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

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

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

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

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

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

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

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

7.7 The suitability of the site for the development

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

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

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

7.9 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to an existing dwelling including a small gravel addition, new first floor addition and a swimming pool, which respects and complements the site's location.

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