

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ALTERATIONS AND ADDITIONS
TO AN EXISTING DWELLING**

LOCATED AT

43 POWDERWORKS ROAD, NORTH NARRABEEN

FOR

KENNY & HAYLEY BRADLEY



**Prepared
July 2021**

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1.0 Property Description

This Statement of Environmental Effects accompanies details prepared by Ukalovic Design on behalf of Kenny & Hayley Bradley, Project No. 2101, Sheets 1 – 11, dated 28 June 2021, to detail the proposed construction of alterations and additions to an existing dwelling on land at **43 Powderworks Road, 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*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 43 Powderworks Road, North Narrabeen, being Lot 38 within Deposited Plan 6462. The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The land is noted as being within the Class 5 Acid Sulfate Soils Area.

The site is identified on Council's Geotechnical Hazard Map as being within area "W Hazard H1". Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3502, dated 30 June 2020.

No other hazards have been identified. These matters will be discussed further within this statement.

3.0 Site Description

The property is located on the north-eastern side of Powderworks Road.

The site is regular in shape with a frontage of 15.24m to Powderworks Road. The north-western and south-eastern side boundaries measure 37.21m and 37.965m respectively. The rear boundary measures 15.265m. The total site area is 569.1m².

The site has a fall towards the rear, north-eastern boundary, with a total fall of approximately 8m over the site's length. The collected stormwater from the site is dispersed within the rear yard.

The site is currently developed with a two-storey weatherboard dwelling with a metal roof. Vehicular access is currently available to the site from Powderworks Road via an existing concrete driveway, with parking provided in a hardstand car parking space forward of the dwelling.

The details of the site are included on the Survey Plan prepared by Rennie Golledge Pty Ltd, Reference No. 13.21, dated 5 February 2021, which accompanies the DA submission.



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



Fig 2: View of the subject site, looking north-east from Powderworks Road



Fig 3: View of the front yard of the subject site and the location of the proposed low level retaining wall, looking east



Fig 4: View of the northern, rear corner of the dwelling and the location of the proposed upper floor level living room extension, looking west



Fig 5: View of the rear yard and rear elevation of the dwelling, looking south-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically one to three storey dwellings, with a variety of styles and scales of development. The design of the existing surrounding development on the north-eastern, lower side of Powderworks Road is heavily influenced by the sloping topography of the site towards the north-east.

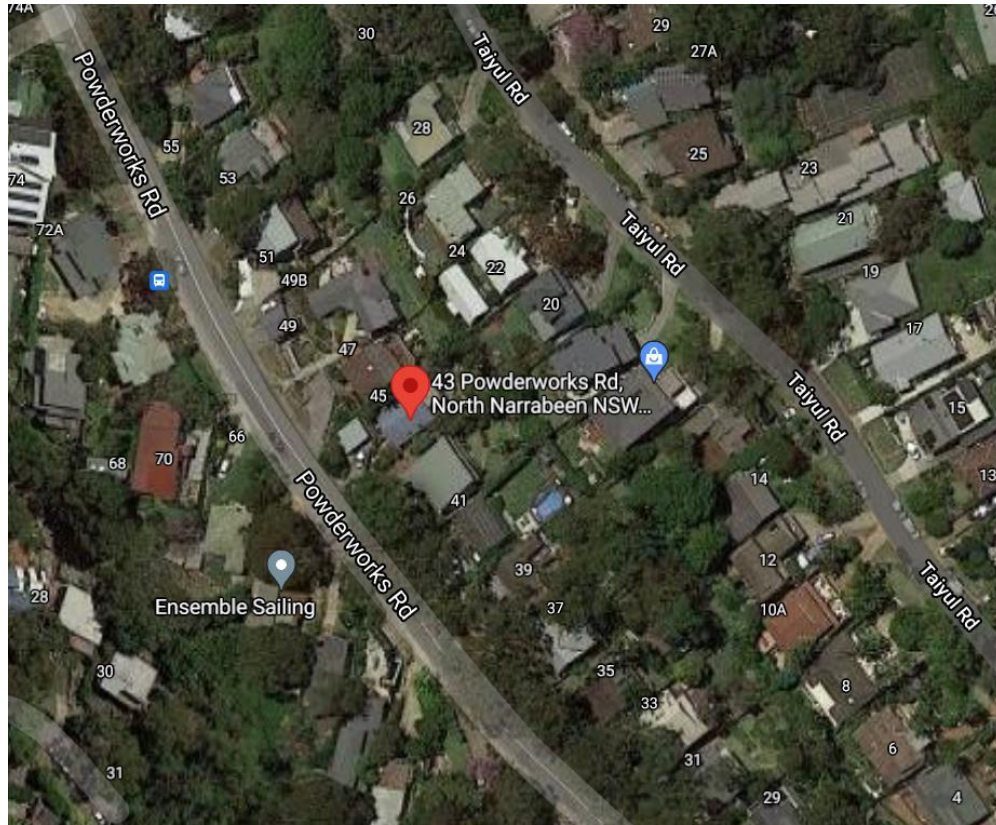


Fig 6: Aerial view of subject site and surrounds
(Source: Google Maps)

5.0 Proposed Development

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

In particular, the works comprise:

Lower Floor Level

- Proposed alterations to existing upper floor to provide for new window to existing store

Upper Floor Level

- Proposed alterations to existing upper floor to provide for living room extension and new bedroom

External Works

- New sandstone retaining wall within front yard facing Powderworks Road and minor fill works to provide for a level front yard area

The external finishes of the dwelling will comprise a mix of weatherboard cladding and metal roof sheeting to match the existing dwelling.

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

The proposal results in the following indices:

Site Area:	569.1m ²
Required Landscaped Area:	60% or 341.46m ²
Proposed Landscaped Area:	47.8% or 272.24m ² (excluding 6% variation - see DCP discussion)

6.0 Zoning and Development Controls

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

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

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

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

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

6.3 Pittwater Local Environmental Plan 2014

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

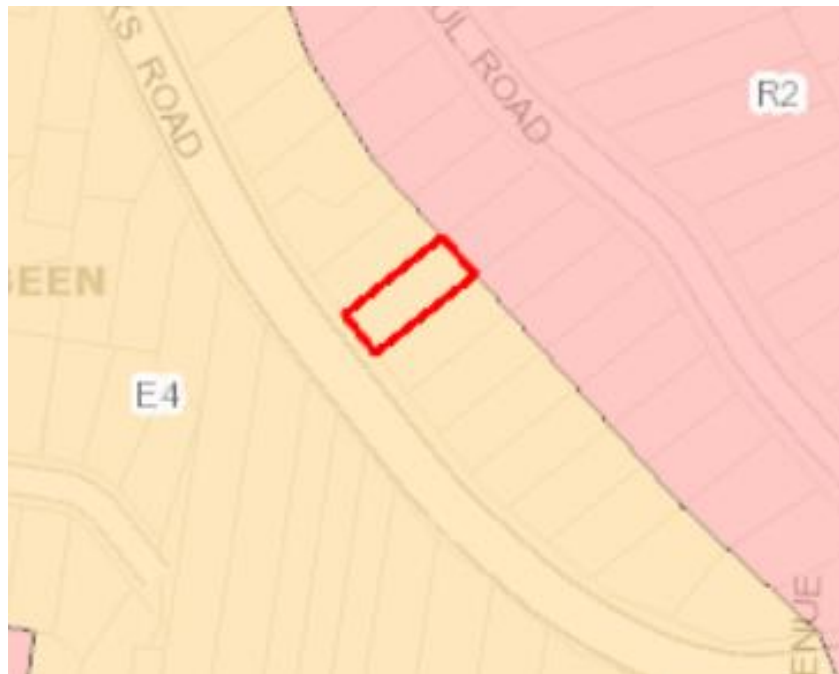


Fig 7: Extract of Pittwater Local Environmental Plan 2014

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*

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

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

Clause 4.3 – Height of Buildings

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

Clause 7.1 – Acid sulfate soils

The site has been identified as being within the Class 5 Acid Sulfate Soils area. It is not anticipated that the works will result in the works lowering the local water table by more than 1m, and no further investigation is deemed necessary in this instance.

Clause 7.2 – Earthworks

The proposal will require excavation of the site to accommodate the proposed works.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3502, dated 30 June 2020.

Subject to compliance with the recommendations of the consulting Structural and Geotechnical Engineers, the proposal is considered to satisfy the provisions of this clause.

Clause 7.7 – Geotechnical Hazards

The site is identified as being within the 'W Hazard H1' area on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3502, dated 30 June 2020, and accompanies this submission.

The report concludes the following:

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

Accordingly, subject to compliance with the recommendations contained within the Geotechnical Investigation, the proposal is considered to satisfy the provisions of this clause.

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

6.4.1 Shaping Development in Pittwater– Desired Character

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

The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in all landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any multi-unit housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

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

Future development will maintain a height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

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

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

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

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

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

Given the challenges presented by the sloping topography of the site, the proposal has been designed to reflect the existing setbacks provided to all boundaries in the immediate area.

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

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

6.4.2 Section B General Controls

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

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified as being within the 'W Hazard H1' area on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3502, dated 30 June 2020, and accompanies this submission.

The report concludes the following:

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

Accordingly, subject to compliance with the recommendations contained within the Geotechnical Investigation, the proposal is considered to satisfy the provisions of this clause.

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

Landscape plantings are maintained throughout the site, which will assist with softening and screening the built form of the development. The property boundaries are capable of accommodating future plantings.

B5.8 Stormwater

The controls seek to achieve the outcomes:

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

Minimise the risk to public health and safety;

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

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

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

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

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

The stormwater from the new roof areas will be connected to the existing stormwater system, dispersed water within the rear yard.

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

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

The controls seek to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve.

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

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

Safe and convenient access. (S)

Reduce visual impact of driveways. (S)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

The proposal will retain the existing garage in the current driveway remains unchanged.

B6.3 Off-street vehicle requirements

The controls seek to achieve the outcomes:

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

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

Safe and convenient parking.

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

The proposal will retain the existing hardstand car parking space which provides 2 car parking spaces on site in accordance with this clause.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

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

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

The proposal not will require any substantial disturbance of the site to accommodate the proposed works. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3502, dated 30 June 2020. Subject to compliance with the recommendations of the consulting Structural and Geotechnical Engineers, the proposal is considered to satisfy the provisions of this clause.

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

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

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

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

Public safety is ensured. (S)

Protection of the public domain. (S, En)

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

6.4.3 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.

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

The existing vegetation will be maintained, which ensures the site will maintain a contribution to the landscaped character of the locality and soften the built form of the development.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

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

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

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

The subject and adjoining properties currently enjoy views to the east towards Narrabeen Beach. The uphill properties are elevated substantially above the subject property and will therefore not experience any substantial loss of views.

The proposed works will not exceed the existing ridge height of the dwelling. The height of the new works will allow for suitable view retention for uphill properties.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

The proposal is accompanied by shadow diagrams. Due to the modest extent of the new works, the proposal will not see any change to the existing solar access received by neighbouring properties.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

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

The proposed development has been designed to minimise opportunities for overlooking. The proposed north-western elevation comprises a highlight window and therefore removes any opportunities for overlooking to the north-western neighbour.

The existing plantings assist with maximising privacy for occupants of the subject dwelling and neighbouring properties.

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

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

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

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

C1.7 Private Open Space

The controls seek to achieve the outcomes:

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

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

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

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

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

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

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

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

Equitable access in the public domain. (S)

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

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

C1.23 Eaves

The controls seek to achieve the outcomes:

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

The proposal provides eaves in accordance with this provision.

6.4.4 Section D Locality Specific Development Controls

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

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

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

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

D11.1 Character as Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

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

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

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

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

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

The proposal will provide for the construction of alterations and additions to an existing dwelling, which is modest in bulk and scale and respects the sloping topography of the site.

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

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

D11.2 Scenic Protection - General

The controls seek to achieve the outcomes:

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

The proposed additions to the dwelling are modest in bulk and scale, and follow the ridge height of the existing dwelling.

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

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

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

D11.3 Building Colours and Materials

The controls seek to achieve the outcomes:

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

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

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

D11.6 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle manoeuvring in a forward direction is facilitated. (S)
Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, S)
To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.
To encourage attractive street frontages and improve pedestrian amenity.
To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment

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

The proposal will not see any change to the existing front setback. The proposed minor works to provide for the retaining wall and a levelling the front outer below existing ground level and will not be visible from the public domain forward of the site.

D11.7 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
Equitable preservation of views and vistas to and/or from public/private places. (S)
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)
Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)
Flexibility in the siting of buildings and access. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
To preserve and enhance the rural and bushland character of the locality. (En, S)
To ensure a landscaped buffer between commercial and residential zones is established.

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

The proposed ground floor addition will stand 1.32m from the north-western side boundary and 16.7m from the rear boundary. The new works follow the siting of the existing dwelling.

The proposed side setback presents a minor variation to the side setback control, due to the siting of the existing dwelling.

As the proposed works follow the siting of the existing dwelling, and will not result in any adverse impacts for neighbouring properties in terms of solar access, privacy or general amenity, the proposal is considered acceptable 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°.

The proposal will breach the building envelope control at the north-eastern corner, as a result of the minor extension of the living room. Compliance with this control is constrained by the sloping topography of the site.

Notwithstanding the variation to the building envelope control, the proposal is set away from the northern boundary, with no adverse overshadowing impacts to the adjacent properties and has been designed to follow the sloping topography of the site. The overall height readily complies with Council's 8.5m height limit for sloping sites.

The development where it does not comply with the building envelope control is not considered to result in any adverse impacts for neighbouring properties in terms of views, overshadowing or general amenity.

The proposal is considered to be in keeping with the objectives of this clause, and is worthy of support on merit.

D11.11 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- A reasonable level of amenity and solar access is provided and maintained. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Conservation of natural vegetation and biodiversity. (En)*
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
- To preserve and enhance the rural and bushland character of the area. (En, S)*
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development to a minimum landscaped area of 60% of the site area. The proposal provides a soft landscaped area of 47.8% or 272.24m². The site presents an existing noncompliance to Council's control, and will see an increase in the available landscaped area of 1.76m².

Compliance with this control is constrained by the extent of existing development.

The front and rear yards are preserved as soft landscaping, and the property boundaries are capable of accommodating future plantings.

The proposed area of soft landscaping is therefore considered worthy of support on merit.

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

7.1 The provisions of any environmental planning instrument

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

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

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

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.7 The suitability of the site for the development

The subject land is currently zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

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

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

7.9 The public interest

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

8.0 Conclusion

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

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

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

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