

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED DEMOLITION OF THE EXISTING STRUCTURES AND THE CONSTRUCTION OF A
NEW TWO STOREY DWELLING WITH ATTACHED GARAGE AND ASSOCIATED LANDSCAPING**

LOCATED AT

48 WOORARRA AVENUE, NORTH NARRABEEN

FOR

JETODON PTY LTD



**Prepared
February 2022**

Table of Contents

1.0	Introduction	3
2.0	Property Description	4
3.0	Site Description	5
4.0	The Surrounding Environment.....	8
5.0	Proposed Development	9
6.0	Zoning and Development Controls	11
6.1	State Environmental Planning Policy No. 55 – Remediation of Land	11
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	11
6.3	State Environmental Planning Policy (Coastal Management) 2018	11
6.4	Pittwater Local Environmental Plan 2014	15
6.5	Pittwater 21 Development Control Plan	18
6.5.1	Section A Introduction	18
6.5.2	Section B General Controls	20
6.5.3	Section C Development Type Controls for Residential Development.....	23
6.5.4	Section D Locality Specific Development Controls	27
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979.	33
7.1	The provisions of any environmental planning instrument	33
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	33
7.3	Any development control plan.....	33
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.....	34
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	34
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.	34
7.7	The suitability of the site for the development.....	34
7.8	Submissions made in accordance with this Act or the regulations	34
8.0	Conclusion.....	35

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Pittwater Design & Draft on behalf of Jetodon Pty Ltd, Project No. 2014-1, Sheets No.'s C-01, C-02, P-01 - P-02, DA-01 – DA-15, Issue 2 & variously dated, to detail the proposed demolition of the existing structures and the construction of a new two storey dwelling with attached garage and associated landscaping at **48 Woorarra Avenue, North Narrabeen**.

The land currently comprises a two lot parcel (Lots 14 & 15 within DP 23429) known as 48 – 50 Woorarra Avenue, North Narrabeen. An existing one and two storey dwelling straddles the common boundary between the lots, with an existing inground swimming pool and timber deck in the north-eastern corner of No 48 Woorarra Avenue, being the south-eastern allotment.

As the individual parcels have separate title, the proposal intends to demolish the existing dwelling and construct a new freestanding dwelling within each allotment.

The existing swimming pool will be demolished and replaced with soft landscaped area.

Each allotment will be individually serviced and car parking will be provided through separate driveways for each site.

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 48 Woorarra Avenue, North Narrabeen, being Lot 15 within Deposited Plan 23429 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as being within the Coastal Environment Area under the provisions of SEPP (Coastal Management) 2018. This matter will be discussed further within this report.

The site falls within the Class 5 Acid Sulfate Soils area in this issue will be discussed further within the statement.

The site is identified as being affected by Council's Biodiversity Mapping and this issue as discussed further within this statement.

The land is noted as being Landslip Area H1 on Council's Landslip Risk Map. Accordingly, a Preliminary Landslip Risk Assessment has been prepared by Ascent Geotechnical Consultants, Project No. AG 21242 dated 11 August 2021. This matter will be discussed further within this statement.

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

3.0 Site Description

The property is located on the north-eastern, higher side of Woorarra Avenue. The site is mostly rectangular in shape, with a front boundary measuring 15.24m to Woorarra Road, a depth of 38.1m. The rear boundary measures 15.24m & the total site area is 581.7m².

The site and surrounding properties enjoy views to the north & north-east and some views south towards Narrabeen Lagoon.

An existing dwelling straddles the subject site and adjoining property at No. 50 Woorarra Ave, and will be demolished in order to accommodate the proposed dwelling on the subject site. A separate application will be provided for the construction of a new dwelling at No. 50 Woorarra Ave.

The details of the site are identified in the accompanying survey report prepared by N. K Bennett & O'Donnell Land & Engineering Surveyors Pty Ltd, Reference No 10412-1L2 dated 8 October 2021, which accompanies the DA submission.

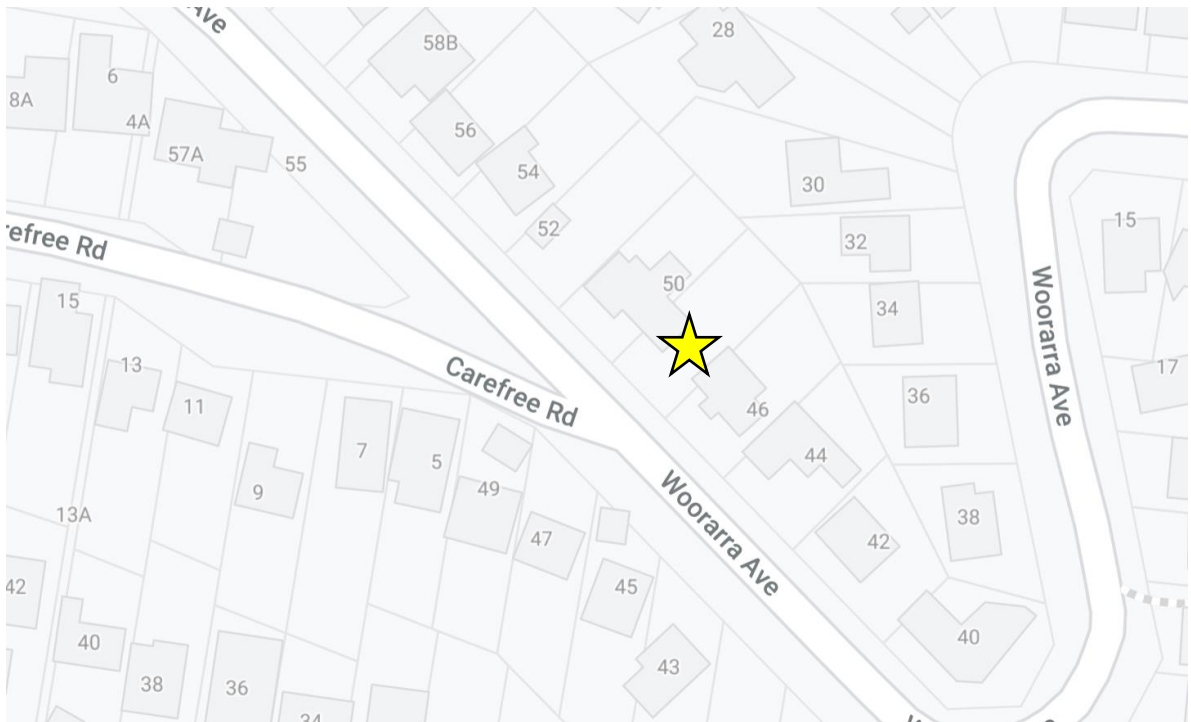


Fig 1: Location of the subject site
(Source: Google Maps)



Fig 2: View of the subject dwelling, looking north-east from Woorarra Avenue



Fig 3: View of the existing eastern neighbour at No 46 Woorarra Avenue, looking north-east



Fig 4: View of the adjacent western neighbour at No 52 Woorarra Avenue, looking north-east



Fig 5: View of the existing swimming pool in the rear, north-eastern corner of No 48 Woorarra Avenue which is to be demolished and replaced with landscaping

4.0 The Surrounding Environment

The general vicinity of the site is characterised by regular shaped allotments characterised by the landscaped setting, with a mix of low-density residential developments. The design of development in this locality reflects the sloping terrain and views over Narrabeen Lagoon to the south and retains a dominance of natural features and vegetation.

The adjoining properties to the south-east and north-west are developed with one and two storey detached dwellings, not dissimilar in scale to the proposed dwelling.



Fig 6: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of the existing dwelling which is developed over the subject site (Lot 15 DP 23429) and the adjoining lot (Lot 14 DP 23429) at No. 50 Woorarra Avenue.

The subject proposal seeks to construct a new free standing dwelling on the subject site (No. 48 Woorarra Avenue), with a separate application provided for the construction of a new dwelling at No. 50 Woorarra Avenue.

The appearance of the proposed development this indicated in the artist's rendering prepared by the Building Designer and provided below:



Fig 7: View of the proposed works, looking north-east

The proposed work to demolish the existing dwelling within the lot formerly known as No. 48-50 Woorarra Road and the construction of a new residential dwelling wholly within No. 48 Woorarra Road, is considered to be permissible with the consent of Council.

The new works comprise a new two storey dwelling which includes:

Ground Floor:

- Construction of new ground floor level to provide for entry, three bedrooms, bathroom, laundry, rumpus, rear deck and internal access stairs to first floor level
- Attached double garage and pervious driveway

First Floor:

- Construction of new first floor level to provide for bedroom, master bedroom with ensuite and walk-in robe, open plan lounge, dining, kitchen and butlers pantry, front and rear balconies

The proposed new dwelling will present a modest two storey appearance to Woorarra Avenue, which is in keeping with the bulk and scale of newer development in the locality. The proposed external finishes have been detailed in Sheet No. C-01 & C-02 and comprise dark and earthy materials with low glare surface treatments.

The existing swimming pool will be demolished and removed and the rear yard will be provided with soft landscaping in accordance with the Landscape Plan prepared by Pittwater Design and Draft.

The proposal will not require the removal of any significant planting. A suitable area of soft landscaping will be retained. New plantings are to be provided throughout the site to soften and screen the built form of the development, with a Landscape Plan prepared by Pittwater Design and Draft to detail replacement planting.

A significant Spotted Gum within the road reserve forward of the subject site will be retained and protection measures provided to ensure that the health and vigour of the tree is not affected during the construction work.

The development indices for the development are summarised as:

Site Area	581.7m ²
Required Landscape Area	60% or 349m ²
Proposed Landscape Area	63% or 366.55m ² (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 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 SEPP (Coastal Management) 2018 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 demolition of existing structures and construction of a new dwelling. 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 a new absorption trench in the rear yard in accordance with the Stormwater Management Plan prepared by Taylor Consulting Civil and Structural Engineers dated 10 February 2022 and will comply with Council's requirements.

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 a new dwelling, together with the removal of an existing swimming pool with adjacent decking. 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 2.2 Zone objectives and Land Use Table

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.

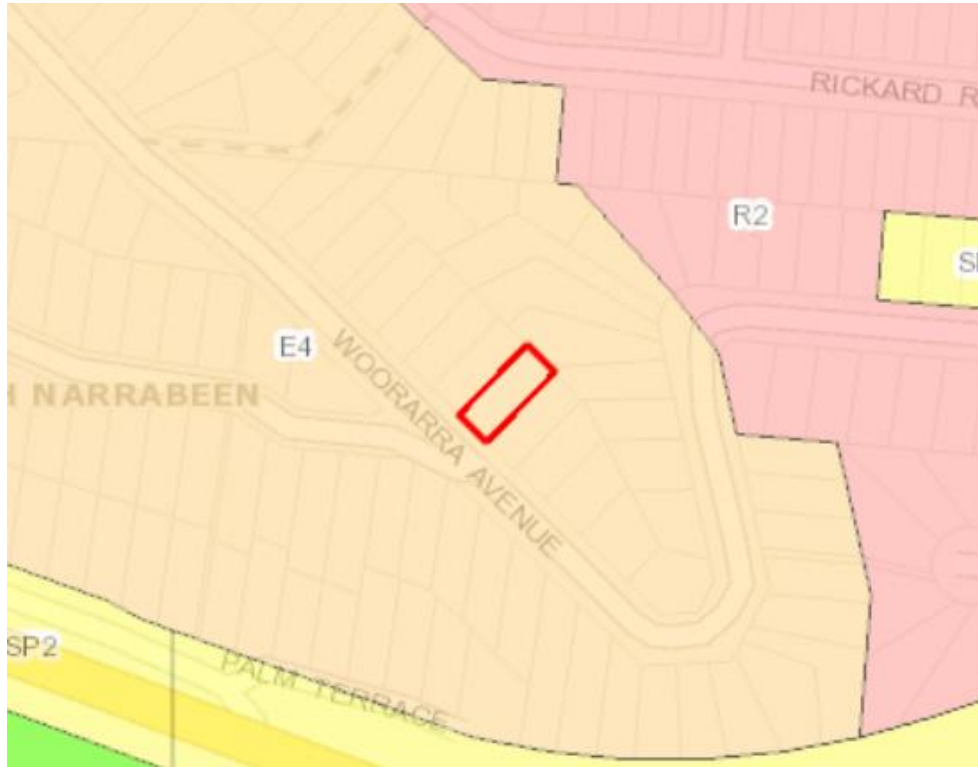


Fig 8: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed works to demolish the existing dwelling and construct a new residential dwelling are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the C4 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 development will be consistent with the desired future character of the surrounding locality for the following reasons (over):

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed contemporary two storey dwelling 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 any unreasonable adverse impact on long distance views.

Clause 4.3 – Height of Buildings

PLEP 2014 prescribes a maximum building height for the subject site of 8.5m.

The proposed works will provide for maximum height of approximately 6.7m, which comfortably complies with the statutory building height control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). The new works will not involve any substantial site disturbance and it is not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.

Clause 7.6 – Biodiversity

The proposal does not necessitate the removal of any protected or significant vegetation and therefore no adverse impacts on the local biodiversity are anticipated.

As discussed, a Landscape Plan has been prepared by Pittwater Design and Draft to provide for the managed replanting of the site to provide for a landscaped curtilage to the new works. The proposal will maintain a generous area of soft landscaping, which is considered to adequately provide for the recreational requirements of the owners and maintain suitable area for further planting to screen the built form.

Clause 7.7 – Geotechnical

The site is noted as being within Geotechnical Hazard H1 on Council's Landslip Risk Mapping.

A Geotechnical Assessment has been prepared by Ascent Geotechnical Consulting, Reference AG 21242 dated 11 August 2021.

The report assesses the stability of this site as it exists, together with the potential impacts resulting from new works. The conclusion of the report notes:

"The proposed development is considered to be suitable for the site. No significant geotechnical hazards

*will result from the completion of the proposed development **provided the recommendations presented in Table 3 are adhered to during design and construction**".*

The proposed works will be carried out in accordance with the recommendations of the Geotechnical Assessment in order to ensure the site stability is maintained.

Clause 7.10 – Essential Services

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

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

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D5 Elanora Heights Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Section A Introduction

A4.5 Elanora Heights Locality

Desired Character

The Elanora Heights 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 only on the plateau on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Land in the vicinity of Caladenia Close and Dendrobium Crescent to the west will remain a low-density rural residential area due to the constraints and characteristics of the land, including steepness of slope, species and habitat diversity, and lack of infrastructure. 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 on non-urban zoned land shall maintain generous spatial separation of the built form and low site coverage on large lots. Development will be designed to be safe from hazards including landslip and bushfire.

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

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

Vehicular, pedestrian and cycle access within and through the locality will be maintained and

upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a contemporary two storey dwelling, which is modest in bulk and scale and readily complies with the statutory height limit.

The modest bulk and scale of the development will maintain the existing view opportunities for the surrounding neighbours.

The proposed works will not introduce any significant visual impact from the public areas in the vicinity.

The development will be compatible with the low-density scale of the area and with the flat roof form and recessive colours and finishes will not be visually prominent within the North Narrabeen locality.

The proposal does not require the removal of any significant or protected plantings. The application is supported by a Landscape Plan prepared by Pittwater Design & Draft which will provide for the managed replanting of the site to supplement the existing landscaped areas, which will remain largely undisturbed.

The works will be finished in a range of textures and finishes which will complement the surrounding locality and the use of earthy tones will harmonise with the landscaped setting of the locality. The proposed external finishes have been detailed within Sheets C-01 & C-02 within the application submission.

6.5.2 Section B General Controls

The General Controls applicable to the proposed new dwelling 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 noted as being within Geotechnical Hazard H1 on Council's Landslip Risk Mapping.

A Geotechnical Assessment has been prepared by Ascent Geotechnical Consulting, Reference AG 21242 dated 11 August 2021.

The report assesses the stability of this site as it exists, together with the potential impacts resulting from new works. The conclusion of the report notes:

*"The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development **provided the recommendations presented in Table 3 are adhered to during design and construction**".*

The proposed works will be carried out in accordance with the recommendations of the Geotechnical Assessment in order to ensure the site stability is maintained.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

Given the residential history of the site, it is not expected that any contamination is present within the site.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

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

The proposal will not require the removal of any significant or protected plantings and the proposal includes the managed replanting of the site with locally occurring species.

The proposal is therefore not considered to result in any adverse impacts for nearby wildlife corridors.

B5.15 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 proposed stormwater system is detailed in the Stormwater Management Plan prepared by Taylor Consulting Engineers, dated 10 February 2022.

All stormwater from the new roof areas will be connected to 2 x 2000L rainwater tanks and with the overflow to a new absorption trench system within the rear yard.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

This control seeks 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. (En, S)

The proposal seeks to provide for a new double garage, accessed via a new permeable driveway from Woorarra Avenue.

The proposed new driveway provides for safe and convenient access to the proposed new garage.

B6.2 Internal Driveways – Low Density Residential

This control seeks 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 provides a new driveway, leading to an attached double garage, and it is expected that the works will satisfy the abovementioned outcomes with respect to access, visual impact and pedestrian safety.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

- Safe and convenient parking. (S)*

The proposal provides a new double garage under the dwelling. The site will retain parking for two cars which meet Council's parking requirement.

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 will see some minor excavation to accommodate the proposed driveway works. The proposal will be designed and supervised by an appropriately qualified Structural Engineer.

Appropriate soil and sedimentation measures will be implemented during the construction phase.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

- Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)*
- Reduction of waste throughout all phases of development. (En)*
- Public safety is ensured. (S)*

Protection of the public domain. (S, En)

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

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site. Refer to accompanying Erosion & Sediment Control Plan prepared by Pittwater Design & Draft, Drawing DA-11 dated 18 September 2021.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

The proposal will provide for the demolition of the existing dwelling. All demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.5.3 Section C Development Type Controls for Residential Development

The Development Controls for the proposed new dwelling are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

A built form softened and complemented by landscaping. (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 landscaping, with new plantings to be provided throughout the site in accordance with the Landscape Plan prepared by Pittwater Design and Draft

The development has been provided with generous boundary setbacks to ensure that the yard areas of the site are capable of accommodating future plantings.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

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

The dwelling's entry will continue to allow for casual surveillance of persons entering the site from Woorarra Avenue.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (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 required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings are sited on the ridgeline and enjoy a view to the south towards Narrabeen Lagoon and a district view to the north-east towards Narrabeen Beach.

The proposal provides for a modest two storey dwelling which readily complies with Council's statutory building height, together with the front, rear and side setback controls.

Due to the siting of the dwelling on the ridgeline, the proposal will not result in any loss of views for any uphill properties.

Accordingly, equitable access to the available views and outlook for the neighbouring dwellings and from public areas is largely 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 shadow diagrams within Drawings No DA 10 are prepared to support the development and indicate that the subject and neighbouring dwellings will continue to enjoy excellent solar access to their north-facing living areas and private open space areas during the day.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (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 suitable protected to limit the effects of direct overlooking.

The considered location of window openings to side elevations, together with louvers provided to a number of windows, assists with minimising overlooking to neighbouring properties.

The ground floor deck incorporates blade walls to the north-western and south-western edges, and the proposed first floor balcony comprises privacy screening, which minimises opportunities for overlooking to the neighbouring dwellings.

The proposed new works are therefore considered to maximise the retention of privacy for the occupants of the subject site and neighbouring 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 private open space 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 private open space 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, it is suggested that there will not be any significant change to the existing site conditions.

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 proposed works will largely maintain a substantial area of private open space within the rear yard. The private open space is north-facing, and its functionality is improved through the new landscaping within the rear yard which enjoys excellent solar access.

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 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.

Adequate area will be provided for the on-site storage of waste and recyclables, 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 proposed contemporary flat roof form does not incorporate eaves. This is in keeping with similar contemporary development in the locality, and is therefore considered appropriate.

6.454 Section D Locality Specific Development Controls

The **D5 Elanora Heights 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 stormwater runoff from the development will be directed to an on-site absorption trench system within the rear yard. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D5 Elanora Heights Locality** is provided below:

D5.1 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, spatial separation, landscaping etc.

The proposal will provide for the demolition of an existing dwelling and construction of a new two storey dwelling. The proposal presents a modest two storey scale to Woorarra Avenue, which is in keeping with the extent and character of existing surrounding development.

Views will be retained for the surrounding properties due to the modest overall height of the development which complies with the statutory height limit.

The proposed front elevation is well articulated to provide visual interest and reduce bulk when viewed from Woorarra Avenue. In addition, the proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

D5.2 Scenic Protection – General

The controls seek to achieve the outcomes:

*To 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 required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

As discussed, the proposed works will see the demolition of an existing dwelling and construction of a new dwelling. The new works are not considered to be bulky or overbearing when viewed from the adjoining public areas or neighbouring properties.

The new works will suitably retain views and outlook for the surrounding properties and public areas.

The compatible bulk and scale of the dwelling will ensure that it is not a dominant feature within the locality and will not adversely affect the natural environment.

The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form. The proposed external finishes have been detailed in the external finishes schedule prepared by Pittwater Design & Draft and which accompanies the DA submission.

D5.3 Building colours and materials

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality.*
- The development enhances the visual quality and identity of the streetscape. (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 and detailed in Drawing No. C-01 & C-02.

The proposal will comply with these controls and will ensure that the built form is not dominant and complements the streetscape.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the existing dwelling and the surrounding development. The proposed external finishes and materials are detailed within the submitted elevations and the external finishes schedule prepared by Pittwater Design & Draft, including photographic imagery of the proposed materials and product information.

D5.5 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)*
- 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 setback for land zoned C4 Environmental Living, or the established building line to the street frontage, whichever is the greater.

The proposed new dwelling will stand 6.5m from the front boundary and therefore complies with this control, and maintains consistency with the prevailing building line along Woorarra Avenue.

D5.6 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 ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The proposed additions to the existing dwelling will stand 1.2m and 2.5m from the north-western and south-eastern side boundaries respectively and complies with the side setback control.

The proposed development is well setback from the rear boundary (13.53m) and complies with the rear setback control.

D5.7 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°.

As noted within the submitted elevations (Drawing No. A-05 & A-06), the proposal will present a variation to the building envelope control to the north-eastern extremity of the north-western and south-eastern elevations.

Compliance with the control is constrained by the proposed contemporary design, with the flat and parapet roof form to exacerbate the variation to the building envelope control.

The proposed dwelling readily complies with the building height control, together with the front, rear and side setback controls.

The development will not result in an excessive bulk and scale, and will not result in any unreasonable adverse impacts for neighbouring properties in terms of solar access, views, privacy or general amenity.

The proposal is in keeping with the desired objectives of this clause and the variation to the building envelope control is worthy of support on merit.

D5.9 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 ensure that residential development maintains a minimum of 60% of the site as landscaped area.

The proposal provides a landscaped area of 63% and therefore readily complies with this control.

It is noted that the extent of the landscape area includes an allowance for a permeable driveway, which would ordinarily not be included within Council's landscaped area. In this instance, the removal of the existing dwelling, swimming pool and timber decking together with the extensive driveway within the site will see an overall increase in the soft landscaped area within the subject allotment, notwithstanding the contribution of the permeable driveway.

With improvements presented through the proposed managed replanting of the site, the proposal will provide an enhanced contribution to the soft landscaped appearance of the locality.

D5.11 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)*

No new front fencing is proposed. Side and rear fencing will be provided in accordance with the provisions of the Dividing Fences Act 1991.

D5.13 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To protect and minimise disturbance to natural landforms.*
- To encourage building design to respond sensitively to natural topography.*

The proposal satisfactorily responds to the topography of the site, with minimal site disturbance required to accommodate the new works. The proposed works will be carried out in accordance with the directions of the Structural Engineer.

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 building envelope control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects these controls.

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

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 the proposed demolition of the existing structures and the construction of a new two storey dwelling with attached garage and associated landscaping, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

7.7 The suitability of the site for the development

The subject land is currently C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

7.8 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 unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the proposed demolition of existing structures and the construction of a new two storey dwelling with attached garage and associated landscaping.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area. The retention of the significant tree canopy within the site has been a priority in the resolution of the design for the new works.

The new works will not adversely impact on the public domain maintaining a sense of openness to Woorarra Avenue, in turn retaining existing views from the public domain.

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.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)