

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A
NEW DWELLING, DOUBLE CARPORT, DRIVEWAY AND SWIMMING POOL**

25 ALLEYNE AVENUE, NORTH NARRABEEN

FOR

TROY CARTER



**Prepared
December 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared on behalf of Mr Troy Carter by RAMA Architects to detail the demolition of existing dwelling and construction of a new dwelling with an attached secondary dwelling, attached carport, driveway and swimming pool on land at **25 Alleyne Ave, North Narrabeen**.

The architectural plans prepared by Rama Architects, dated 14 October 2021 comprise:

- DA_000 *Cover Page & Drawing Schedule*
- DA_001 *Site Plan*
- DA_100 *Lower Ground General Arrangement Floor Plan*
- DA_101 *Ground Floor General Arrangement Floor Plan*
- DA_102 *First Floor General Arrangement Floor Plan*
- DA_300 *Elevations Sheet 01*
- DA_301 *Elevations Sheet 02*
- DA_302 *Elevations Sheet 03*
- DA_303 *Elevations Sheet 04*
- DA_400 *Sections Sheet 01*
- DA_401 *Sections Sheet 02*
- DA_500 *Landscape Concept Plan*
- DA_501 *Site Analysis Plan*
- DA_502 *Waste Management, Erosion & Sediment Control Plan*
- DA_503 *Vehicle Crossing & Driveway gradient*
- DA_900 *9am Shadow Diagram Plan*
- DA_901 *12pm Shadow Diagram Plan*
- DA_902 *3pm Shadow Diagram Plan*

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

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

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

2.0 Property Description

The subject allotment is described as No. 25 Alleyne Avenue, North Narrabeen, being Lot 52 within Deposited Plan 7593. The property is zoned E4 (C4) Environmental Living under the Pittwater Local Environmental Plan 2014.

The land is noted as being within the Class 5 Acid Sulfate Soils Area. This matter will be discussed in further detail within this report.

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 J3881 dated 15 December 2021 and accompanies this Statement.

The site is also noted as being within the Biodiversity Area. This matter will be discussed in further detail within this submission.

No other hazards have been identified.

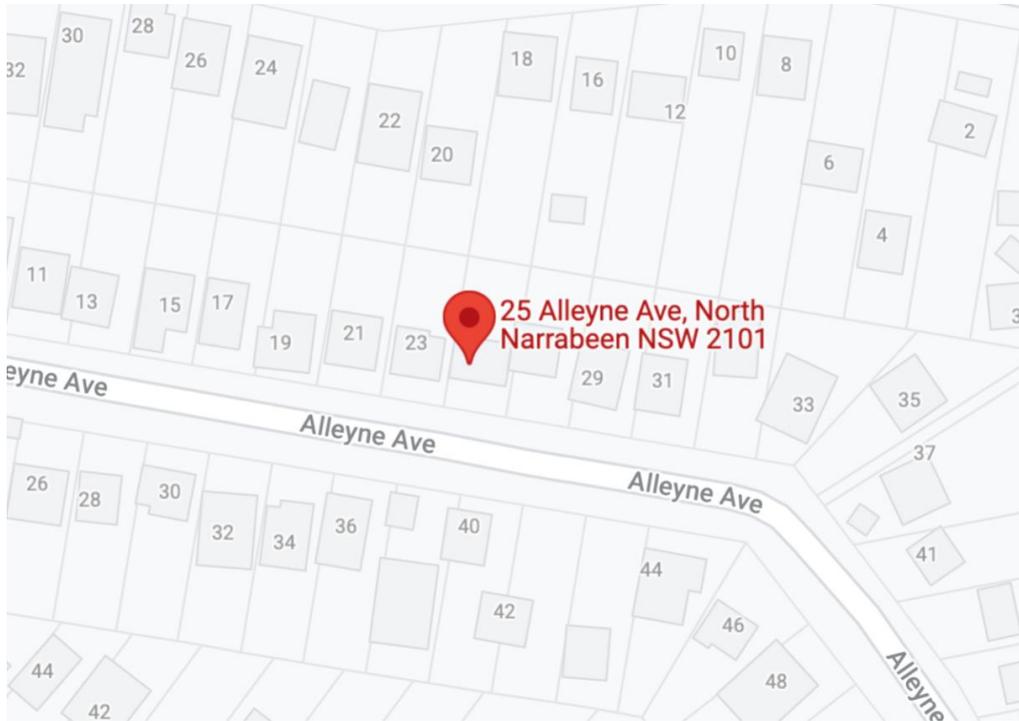
3.0 Site Description

The subject land is noted as being on the northern, lower side of the road, and falls towards the northern boundary. The property is rectangular in shape with a width of 15.25m and a depth of 36.575m. The total site area is 557.8m².

The site has a fall towards the rear, northern boundary, with collected stormwater to be dispersed within the rear yard in accordance with the Stormwater Management Plan prepared by Stellen Consulting, dated 21 December 2021.

The site is currently developed with a single storey weatherboard dwelling. No vehicular access is currently available to the site. A gravel parking area is located forward of the site, accessed from Alleyne Avenue.

The details of the site are included on the survey plan prepared by DP Surveying, Plan No. 3406, dated 15 April 2021 which accompanies the DA submission.



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



Fig 2: View of subject site, looking north from Alleyne Avenue



Fig 3: View of subject site and existing gravel parking area forward of the dwelling, with pedestrian entry to the neighbouring dwelling at No 27 Alleyne Avenue



Fig 4: View looking north-west towards the neighbouring property at No 23 Alleyne Avenue



Fig 5: View of adjoining development to the east of the site, looking north-east

4.0 The Surrounding Environment

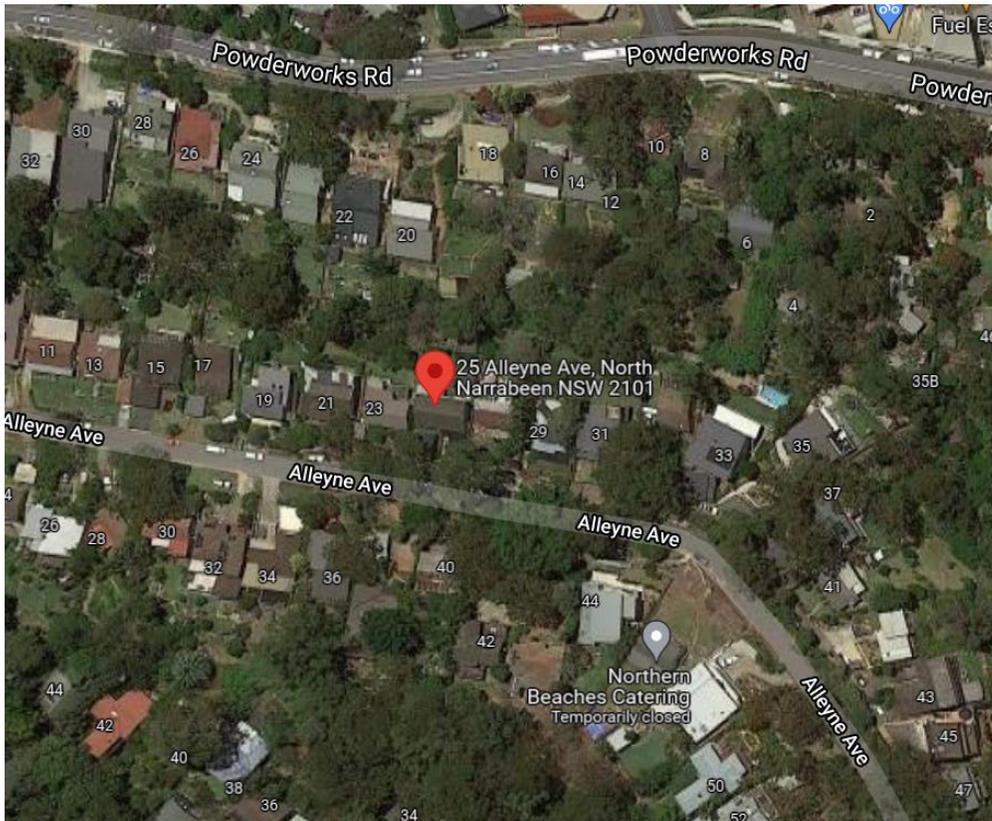
The general vicinity of the site is characterised by low density residential development of typically one to three storey dwellings of a variety of styles and scales of development.

The neighbouring properties are both single storey dwellings, of a similar size and scale to the subject dwelling. The form of the dwellings and associated structures is influenced by the sloping terrain and the narrow roadway presenting difficulties in accessing on street parking opportunity.

Given the falling topography away from the Road, elevated car stand structures at or within the front setback are not uncommon.

Dwellings in this area are undergoing renewal & change, with new dwellings to provide for increased amenity and floor space common.

The site enjoys district views of the Narrabeen locality.



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

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for the demolition of an existing dwelling and the construction of a new dwelling including an attached secondary dwelling and a new double carport and a swimming pool.

The proposal will provide for off street car parking within a double open carport, which will utilise the existing driveway access from Alleyne Avenue.

In particular, the works comprise:

Lower Ground Floor Level

- Proposed new lower ground floor level to provide for an attached secondary dwelling with two bedrooms, bathroom, laundry and open plan kitchen living area
- Proposed home theatre/games room, bathroom and bedroom/home office
- Internal access stairs and lift shaft

Ground Floor Level

- Proposed new ground floor level to provide for open plan living, dining and kitchen with butler's pantry, laundry, rear balcony, bathroom, WC, sub-floor storage, and two bedrooms.
- Internal access stairs and lift shaft

First Floor Level

- Proposed new first floor level to provide for front porch and entry foyer, master bedroom with ensuite and walk in robe, second bedroom with ensuite, attached carport and balcony
- Internal access stairs and lift shaft

External Works

- New double carport and driveway
- Sub-floor storage below the carport
- New plunge pool

The external form of the dwelling is stepped to follow the sloping topography of the site, thereby minimising the visual impact of the development. The low profile skillion roof form further minimises the visual prominence of the new dwelling.

The proposal will not require the removal of any significant vegetation to accommodate the proposed works.

The external finishes will comprise rendered vertical FC cladding and timber screening with metal roofing and have been detailed within Drawing No DA-000.

The proposal results in the following indices:

Site Area:	557.8m ²
Required Landscaped Area:	60% or 334.68m ²
Proposed Landscaped Area:	56% or 312.1m ² (Excl. 6% concession for functional paved areas - 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 has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

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

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

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

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

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

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

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

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

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

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.

The proposal provides for the construction of new dwelling with an attached secondary dwelling and a new carport in swimming pool. The proposed new works are contained within the site and its immediate vicinity and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

6.4 Pittwater Local Environmental Plan 2014

The site is zoned E4 (C4) 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 (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 new dwelling, secondary dwelling, carport and swimming pool 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 two storey 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 has been designed with a modest bulk and scale which is stepped to follow the sloping topography of the site, and the proposal is therefore not considered to 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 proposal provides for a maximum building height of approximately 8.4m above existing ground level, which complies with this control.

Clause 5.4 – Controls relating to miscellaneous permissible uses

Where secondary dwellings are proposed on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

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

The proposed secondary dwelling, excluding the proposed external balcony will measure a total of 60m², therefore complying with the maximum 60m².

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, Ref J3881 dated 15 December 2021. 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 7.6 – Biodiversity Protection

The site has been identified on Council's Biodiversity Map.

This clause provides the following:

Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- a) *whether the development is likely to have:*
 - i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

- iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposal will not require the removal of any significant vegetation to accommodate the proposed works. The site will maintain a suitable area of soft landscaping.

The site has been previously cleared to accommodate the existing dwelling. Accordingly, the proposal is not considered to result in any adverse impacts for any native flora or fauna and is in keeping with 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, Ref J3881 dated 215 December 2021 which 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.

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

Clause 7.10 – Essential Services

The services which are available to the existing dwelling on site will be provided for the proposed new dwelling. The proposal will therefore comply with the provisions of this clause.

No other clauses of PLEP 2014 apply to the subject development.

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section A (Shaping Development in Pittwater), Section B (General Controls), Section C (Design Criteria) 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.

6.5.1 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 a new dwelling, attached secondary dwelling, carport and a swimming pool which do 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 site will for functional off street parking and level recreation spaces.

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

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

6.5.2 Section B General Controls

The General Controls applicable to the proposed new dwelling and associated structures 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, Ref J3881 dated 15 December 2021, which 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.

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

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The proposal seeks to provide for the construction of a new dwelling, carport and swimming pool. The proposal will not require the removal of any significant vegetation, and maintains a generous area of soft landscaping on site to meet Council's controls.

The site has been previously cleared to accommodate the existing dwelling, and the proposed development is therefore not considered to adversely impact any habitats for native flora or fauna.

A Landscape Concept Plan (See Sheet. DA-500) which provides for the managed re-planting of the site, including a number of new trees and taller hedge planting through the introduction of Coastal Banksia and Broadleaf Lilly Pilly together with shrubs and lower ground covers

Accordingly, the proposal is considered to be in keeping with the provisions of this clause.

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 stormwater from the new roof areas will be connected to a dispersal trench system within the rear yard in accordance with the Stormwater Management Plan prepared by Stelln Consulting dated 21 December 2021.e

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 proposal will retain the existing layback and provide for an driveway over the existing gravel access from Alleyne Avenue to a proposed new carport within the subject site.

The proposed access design will comply with Council's controls and the relevant Australian Standards, with a Driveway and Vehicle Crossing Section provided within Drawing No DA-503 prepared by RAMA Architects.

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.

Given the fall in the site levels from the front boundary towards North, the proposed carport will be elevated and located on a nil setback to the street boundary. This form of car parking is not uncommon in Alleyne Avenue due to the topographical constraints. Driveway access to the proposed carport will be via the existing gravel driveway from the street.

B6.3 Off-street vehicle parking requirements

The controls seek to achieve the outcomes:

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

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

Safe and convenient parking.

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

The proposal will see the construction of a new double carport which provides parking for two cars and will comply 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 will require excavation of the site to accommodate the proposed works. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference J3881 dated 15 December 2021.

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 to prevent transportation of sediment to adjoining properties. Erosion and Sediment Control measures have been detailed within Drawing No DA-502 - Waste Management, Sediment Control and Erosion Plan prepared by RAMA Architects.

6.5.3 Section C Development Type Controls

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 to accommodate the proposed works, and a suitable area of soft landscaping is to be maintained on the site.

A Landscape Concept Plan – Drawing No DA-500 has been prepared by RAMA Architects and is included with the DA submission.

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 provides for habitable room windows facing the street which ensure that casual surveillance of the street area will be maintained.

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 site and surrounding properties enjoy district views to the north and east. The external form of the proposed new dwelling is stepped to follow the sloping topography of the site, and readily complies with the statutory height limit.

Given the compliant overall height and appropriate set back and form of the new works, no significant or unreasonable impacts to the outlook of the neighbouring properties are expected.

The adjoining properties are considered to maintain their primary views to the north and east.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

The proposal is accompanied by shadow diagrams which demonstrate that given the northerly aspect of the site, the proposal will not result in the unreasonable loss of solar access to any internal living areas or principal private open space areas of the adjoining properties to the east and west.

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 new dwelling provides for the considered location of habitable room windows to minimise potential overlooking to adjoining neighbours.

Limited window openings are provided to the side boundaries.

The proposed rear balcony and pool is suitably set back from the side boundaries, and is not considered to result in any overlooking to neighbouring properties.

The primary living areas are maintained at the ground floor level.

A Landscape Concept Plan (See Sheet. DA-500) which provides for the managed re-planting of the site, with taller tree and screening planting being provided, together with shrubs and lower story ground covers.

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.

The proposed pool equipment is separated from neighbouring properties, and is to be contained within a noise attenuating enclosure.

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.

Substantial open space areas are available within the rear yard, and additional functional areas are provided in the form of the proposed balcony.

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.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

The controls seek to achieve the outcomes:

The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.

A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.

A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.

Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.

Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.

A secondary dwelling above a detached garage is not supported.

The secondary dwelling will not result in more than two (2) dwellings being erected on the allotment of land, while the proposal includes two bedrooms and one (1) bathroom.

1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste and recycling facilities are accessible and convenient, and integrate with the development. (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. Bin storage is available within the proposed carport for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

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

Swimming pool fencing and warning notices (resuscitation chart) will be provided accordance with the Swimming Pools Act 1992 and regulations.

6.5.4 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 is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in significant additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

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

D11.1 Character As Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

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

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

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

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

The required controls to achieve the outcomes are to ensure that the building achieve 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 application seeks consent for demolition of the existing dwelling and construction of a new dwelling with secondary dwelling, attached carport, driveway and swimming pool, which will respect and maintain the predominant character of the locality.

The works involve the construction of a new attached double carport to provide for secure, off street carparking in the form of a double carport at the street level with driveway access from Alleyne Avenue.

The proposed works are considered to achieve the outcomes which 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 elevations provided with the DA submission confirm that the proposed roof line of the new works will be complimentary in terms of bulk and scale to the existing surrounding development, which generally comprises dwellings between one and three storeys.

The setbacks provided generally reflect the setbacks of the nearby properties.

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 and have been detailed with Drawing No DA-000 prepared by RAMA Architects.

It is considered that the development is appropriate as the proposal will utilise finishes and colours which will complement the surrounding development and the natural landscaped character of the locality.

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)
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, or the established building line to the street frontage.

The proposed new works to the dwelling will stand a minimum of 6.5m from the front boundary and therefore comply with this control.

The proposed carport will present a nil setback to the street boundary, and therefore will not comply with this control. However, given the sloping topography of the site, there is no alternative location for on-site carparking.

Providing on-site parking is considered reasonable in this instance as safe street parking along Alleyne Avenue is not readily available.

The proposed carport is modest in bulk and scale and is well integrated into the dwelling design.

Accordingly, the proposal is considered to achieve the desired outcomes of this clause and is worthy of support on merit.

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 for at least one side and min 1.0m setback for the other side. A rear setback of 6.5m applies.

The proposed works to the dwelling will stand a minimum of 1.0m and 2.5m from the eastern and western side boundaries respectively, and therefore comply with the side setback control.

The proposed carport is set back 1m from the western side boundary and is well set back from the eastern side boundary.

The proposed rear setback of the dwelling substantially exceeds the 6.5m minimum requirement.

Swimming pools are subject to a minimum setback of 1m. The proposed pool is well separated from the property boundaries and complies with the setback controls.

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°.

As noted on the submitted elevations, the proposal will present a minor variation to the building envelope control to the northern extremity of the eastern and western elevations.

Compliance with the building envelope control is constrained by the sloping topography of the site.

The proposed new dwelling is modest in bulk and scale, and the external form is stepped to follow the sloping topography of the site which assists with minimising the visual impact of the development.

The proposal is in keeping with the desired character of the locality, and will not result in any unreasonable adverse impacts for neighbouring properties in terms of solar access, privacy or views.

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

D11.11 Landscaped Area – Environmentally Sensitive Area

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area or 334.68m².

The site will maintain an area of 312.1m² or 56% as landscaped area, exclusive of any permitted variations. Without the addition of the 6% allowance for functional open space, the proposal will present a landscaped area of 62% and therefore complies with this control.

The proposal will not require the removal of any significant vegetation, and new plantings are to be provided throughout the site to soften the built form of the new works.

The proposal maintains the dominance of landscaping over the built form.

Suitable pervious areas are retained which assist with minimising runoff.

D11.14 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. The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and is therefore considered to satisfy the provisions of this clause.

D11.15 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (En,S)*
- To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as ridges, upper slopes and the waterfront. (En, S)*
- Maintenance and enhancement of the tree canopy. (En,S)*
- Colours and materials recede into a well vegetated natural environment. (En, S)*
- To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S).*
- To preserve and enhance district and local views which reinforce and protect Pittwater's bushland landscape and urban form to enhance legibility.*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*
- Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*
- Maintenance and enhancement of existing natural environs. (En,S)*
- Protection of the visual significance of ridges, upper slopes and the waterfront. (En,S)*
- Development is secondary to the natural environment when viewed from waterways and reserves. (En,S)*
- Colours and materials recede into a well vegetated natural environment. (En,S)*

The proposal provides for a new dwelling, secondary dwelling, carport and swimming pool. The new works are compatible in bulk and scale with the existing surrounding development, and will not introduce a prominent built form in the immediate area.

The proposed works are stepped to follow the sloping topography of the site, thereby minimising the visual impact of the development.

The proposal will not see the removal of any significant vegetation, and new plantings are to be provided throughout the site to soften the built form of the new works.

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

7.1 The provisions of any environmental planning instrument

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

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

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

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.

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 the side setback 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

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 demolition of an existing dwelling and construction of a new dwelling including dwelling, new double carport and swimming pool, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

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

7.7 The suitability of the site for the development

The subject land is currently zoned E4 (C4) Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for 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 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 demolition of an existing dwelling and construction of a new dwelling, attached secondary dwelling, new double carport and swimming pool, 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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