

STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of timber deck and erection of timber deck with pergola
55a Nareen Parade North Narrabeen

© East Coast Property and Planning Pty Ltd

ABN 13 626 470 424

All Rights Reserved. No material may be reproduced without prior permission.

ecpp.com.au



TABLE OF CONTENTS

1. Introduction.....	1
2. The Site.....	2
Site Description	2
Site Context	6
Title Encumbrances	6
3. The Proposal.....	7
4. Relevant Planning Controls	8
Pittwater Local Environmental Plan 2014 (PLEP 2014).....	8
STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND	10
Pittwater DEvelopment Control Plan 21	10
C1 Design Criteria for Residential Development	17
5. Matters Requiring Further Consideration.....	24
Visual Privacy.....	24
Private Open Space.....	24
Acid Sulphate Soils.....	25
Bushfire Prone Land.....	26
Flood Planning.....	26
6. Environmental Planning and Assessment Act 1979 – Matters for Consideration.....	27
7. Conclusion	28



1. INTRODUCTION

This Statement of Environmental Effects has been prepared for the demolition of existing timber deck and erection of new timber deck with pergola in accordance with the Northern Beaches Council's 'Guide to Residential Development' and 'Application for Development Consent' to be assessed under section 4.15 of the Environmental Planning and Assessment Act, 1979.

The proposed design has been based on all relevant local and state planning instruments. The subject site is located within the R2 Low Density Residential Zone under the provisions of Pittwater Local Environmental Plan (PLEP) 2014. The proposed dwelling house is permissible within the zone, subject to development consent.

The Development Application is supported by this Statement of Environmental Effects and is to be assessed in conjunction with the following plans/documentation:

- Contour Survey Plan prepared by Tomas Hudecek dated 02.12.19
- Architectural plans prepared by Designed2you, 19110 DRWG (No. 01-02) Revision A, dated 27.12.19.
- Bushfire Assessment Report prepared by Bushfire Consultancy Australia dated 17.06.19

This Statement describes the site and its context with the surrounding area, together with the relevant planning controls and policies relating to the site and development type. It provides an assessment of relevant planning instruments and controls against the heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The design of the proposed development has considered the predominant character of the development in context with its locality in respect to height, size, bulk, scale, setbacks, materials and finishes. The proposal is sympathetic to the amenity enjoyed by adjoining dwellings in respect to privacy, solar access, acoustic privacy and visual impact.

The assessment of the proposal concludes that the development is considered to be acceptable and worthy of the support of Northern Beaches Council.



2. THE SITE

SITE DESCRIPTION

The battle-axe site is located on the southern side of Nareen Parade and is legally described as Lot 2 of DP 872899. The site has an area of 330.9m² and is bounded by the following dimensions:

Boundary	Dimensions
Access handle frontage to Nareen Parade	1.52m (width) 23.5m (length)
Splay	5.08m
Northern (front)	9.6m
Eastern (side)	19.035m
Western (side)	46.37m (includes access handle)
Southern (rear)	14.72m
Site Area	330.9m²

The site slopes from northern boundary to the south eastern boundary by approximately 0.46 metres. The site is currently improved by a single storey brick dwelling-house. There is an existing elevated timber deck at the rear of the dwelling.

The site is located within bushfire prone land and is mapped as contained Class 3 Acid Sulphate Soils

Photos of the site and improvements are as follows:

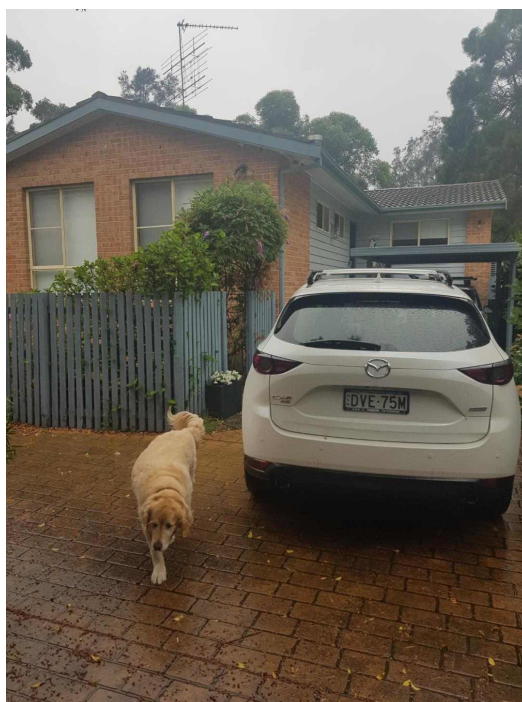


Figure 1: Subject dwelling

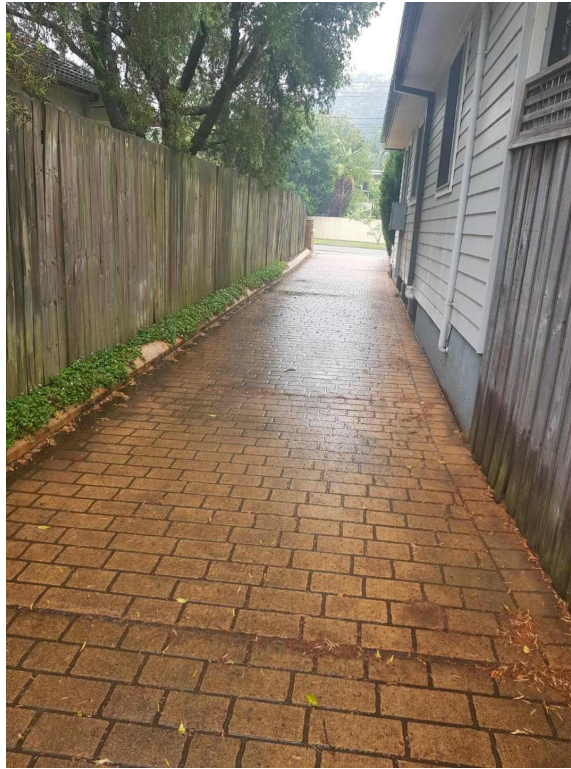


Figure 2: Access handle of subject site

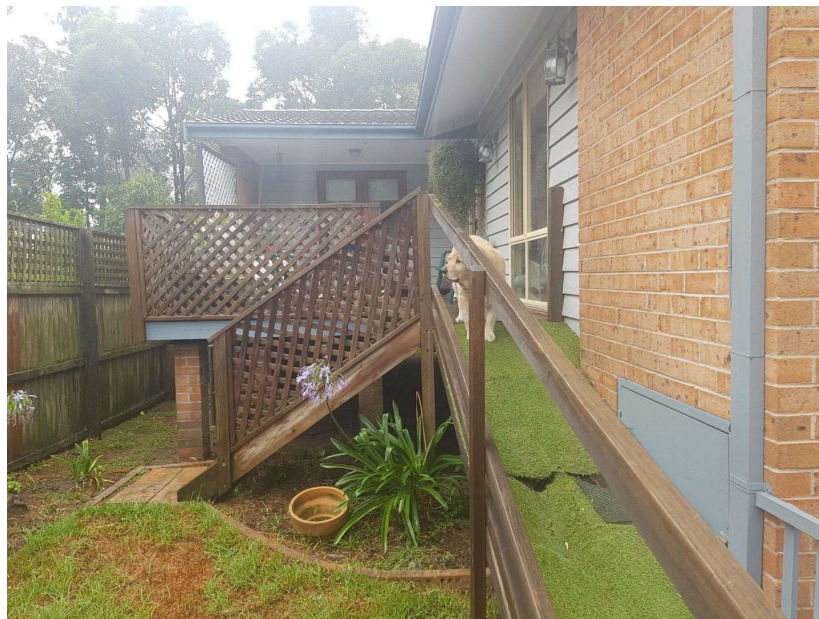


Figure 3: Subject elevated timber deck to be demolished and location of new proposed deck.



Figure 4: View from existing deck.



Figure 5: Existing private open space at the rear of the site



Figure 6. Aerial (Planning Portal NSW, 2020)

SITE CONTEXT

The surrounding context is characterised by Low Density Residential developments mainly comprising of detached dwelling houses. The site adjoins E2 Environmental Protection zoned bushland to the south.

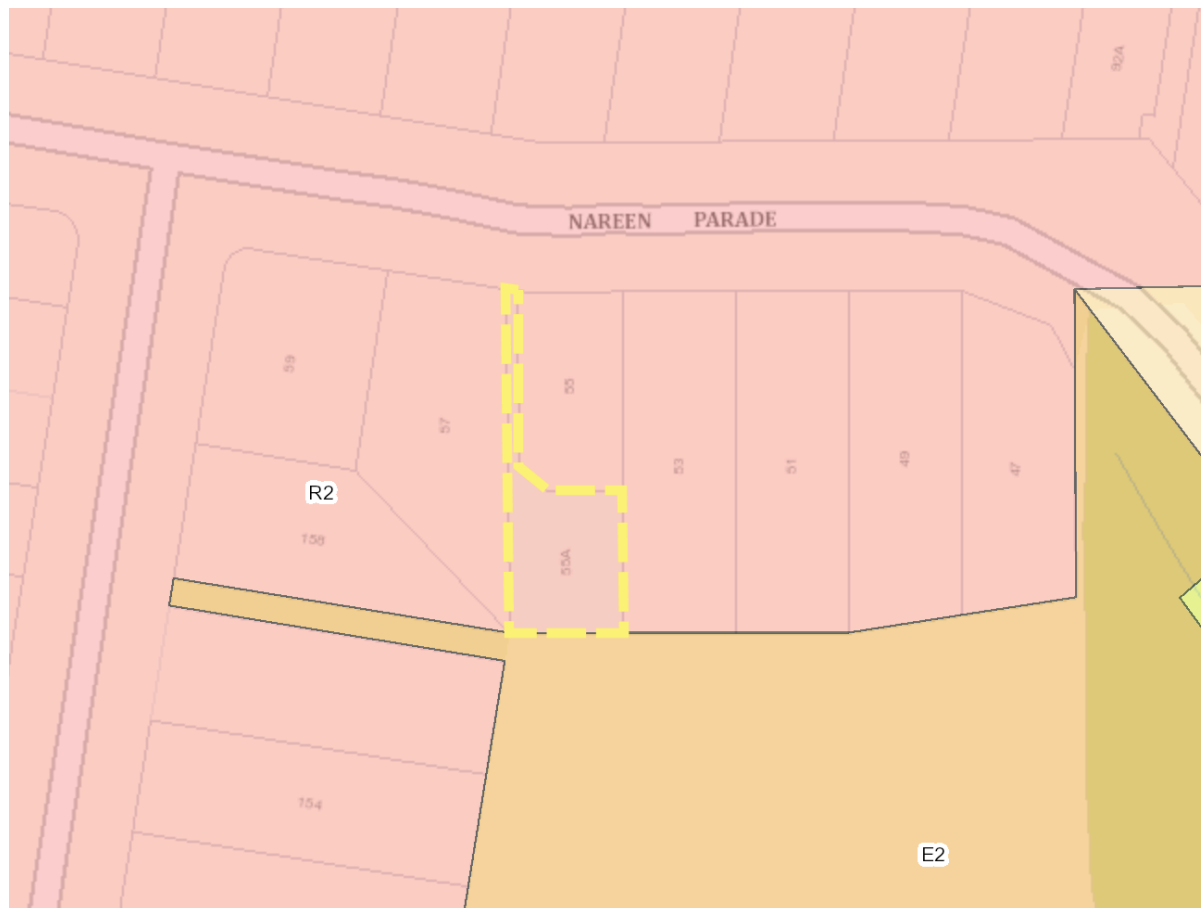


Figure 7. Zoning Map (Planning Portal NSW, 2020)

TITLE ENCUMBRANCES

The subject allotment is burdened by the various encumbrances on title. The following table highlights the applicable encumbrances and addresses compliance with any requirements:

88b Instrument	Proposal	Compliance
DP872899 Easement to Drain Water 0.95 Wide (S)	The proposed development does not encroach within this easement.	Yes
DP872899 Right of Carriageway 1.5 Wide and Variable (V)	The proposed development does not encroach within this easement.	Yes

3. THE PROPOSAL

The proposal seeks development consent for the demolition of existing timber deck and the erection of a new timber deck with an area of 31.03m². A pitched roof pergola over this deck is also proposed.

The proposed deck and pergola will be of timber construction with 22 degree pitch tile roof.

Stormwater runoff from the proposed pergola will be connected to the existing stormwater system.

Elevations of the proposed dwelling house are provided below.

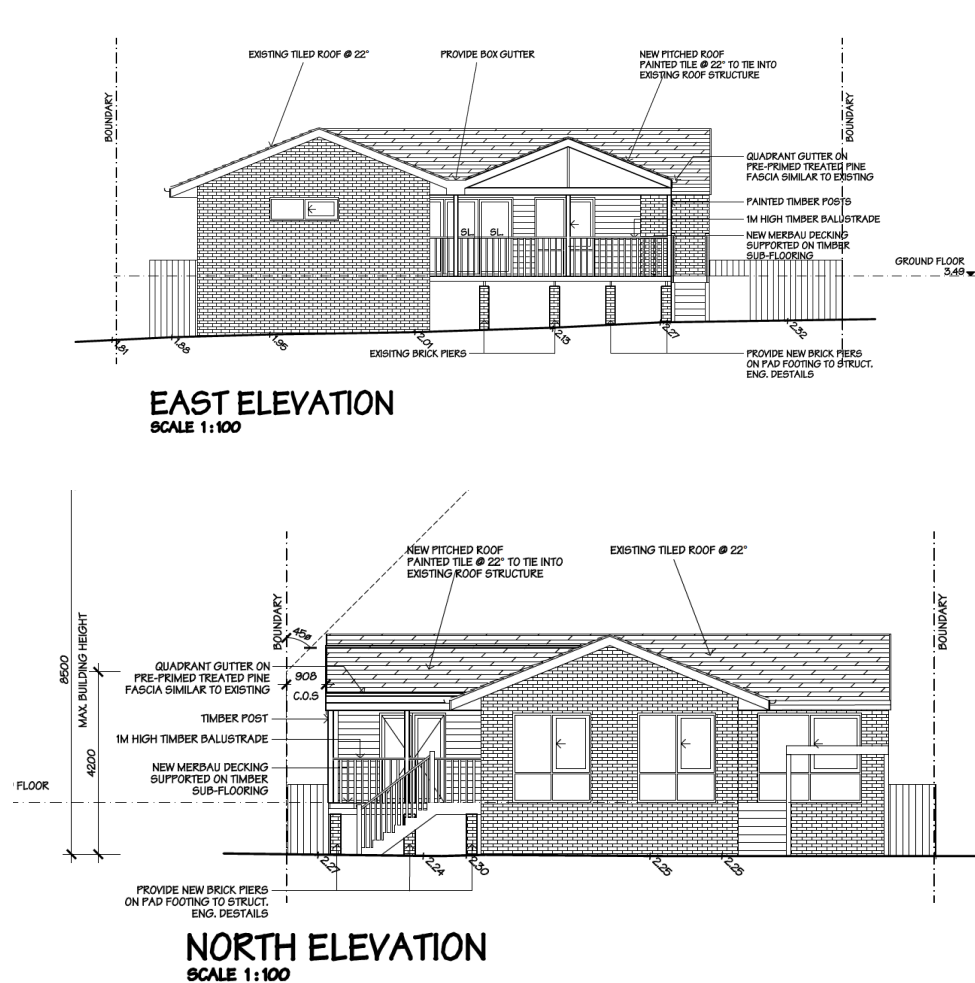


Figure 8. Elevations

It is considered that the proposed design addresses all the objectives of the applicable instruments and development controls and has negligible impacts on the amenity of the adjoining owners. As a result, the proposal will provide a built form that is compatible to the site's context and the character of the area.

4. RELEVANT PLANNING CONTROLS

The following planning instruments and controls are relevant to the assessment of this proposal

- *Pittwater Local Environmental Plan 2014;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *Pittwater Development Control Plan 21; and*
- *Environmental Planning and Assessment Act 1979.*

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

The subject site is zoned R2 Low Density Residential under Pittwater LEP 2014. The development defined under this instrument is ancillary to a “dwelling house” which is permissible with consent.

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

The proposed development, ancillary to a dwelling house is consistent with the zone’s objectives and it provides for the housing needs of the community within a low density residential environment and is considered to be of a low intensity and scale that is compatible with the surrounding area.

The following table outlines the development standards applicable to the subject site under Pittwater LEP 2014:

LEP Principal Development Standard	Proposal	Compliance
<i>Clause 4.3 – Height of buildings</i> The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Max. Building Height = 8.5m	Max proposed Height: 4.2m	Yes
<i>Clause 4.4 – Floor Space Ratio</i> The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	There is no applicable floor space ratio as indicated on the floor space ratio map and the development does not result in an increase of Gross Floor Area.	N/A
<i>Clause 5.10 – Heritage Conservation</i>	The subject site does not contain any items of heritage significance	N/A



	nor is it located within a Heritage Conservation Area.	
<i>Clause 5.11 – Bushfire Hazard Reduction</i>	The site is located within Bushfire Prone Lane but does not require any Hazard Reduction	Refer to Section 5
<i>Clause 7.1 – Acid Sulfate Soils</i>	<p>The site is identified as containing Class 3 Acid Sulfate Soils. This Clause states that works more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface require development consent.</p> <p>The proposed development will not result in works more than 1 metre below the natural ground or works which the water table is likely to be lowered 1 metre or more.</p>	Refer to Section 5
<i>Clause 7.2 – Earthworks</i> (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The application does not proposed any cut and fill and only proposes minimal excavations for footings.	Yes
<i>Clause 7.3 – Flood Planning</i>	The subject site has not been identified as “High Risk Flood Planning Area” on the Flood Planning Map.	Refer to Section 5
<i>Clause 7.5 Coastal risk planning</i>	The subject site has not been identified on the Coastal Risk Planning Map	N/A
<i>Clause 7.6 Biodiversity</i>	The subject site has not been identified on the Biodiversity Map.	N/A
<i>Clause 7.7 Geotechnical Hazard</i>	The subject site has not been identified on the Geotechnical Risk Map.	N/A

There are no further development standards or provisions of The Pittwater LEP 2014 applicable to the proposed development.



STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land requires that consent must not be granted to the carrying out of any development on land unless Council has considered whether the land is contaminated or requires remediation for the proposed use.

As the site has a history of residential use and it is not likely that the site has experienced any significant contamination, a further assessment under this Policy is not required.

PITTWATER DEVELOPMENT CONTROL PLAN 21

The following table addresses compliance with the relevant development controls contained in various sections the DCP:

Section B – General Controls		
Control	Proposal	Compliance
B3 – Hazard Controls		
<p><u>B3.1 Landslip Hazard</u></p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The proposal does not require a geotechnical risk report as outlined in Part B8.1 of the DCP.</p> <p>As there will be minimal earthworks (only limited to footings for the proposed structure) the development will not result in additional landslip risk.</p>	Yes
<p><u>B3.2 Bushfire Hazard</u></p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none"> Planning for Bushfire Protection (2006) Australian Standard AS 3959:2009 - <i>Construction of a building in a bushfire-prone area</i> 	<p>The subject site is located within bushfire prone land.</p> <p>A Bushfire Assessment Report has been submitted with this application and recommended construction to BAL 29 requirements under AS3959</p>	Refer to Section 5



<u>B3.3 Coastline (Beach) Hazard</u>	The site has not been identified as coastline hazard.	N/A
<u>B3.6 Contaminated Land and Potentially Contaminated Land</u>	The site has not been identified as potentially contaminated.	N/A
<u>B3.8 Estuarine Hazard - Medium Density Residential</u>	The site has not been identified as estuarine hazard.	N/A
<u>B3.11 Flood Prone Land</u> 1.2 Prescriptive Controls The prescriptive controls that may be applied to development on flood prone land are listed below. A matrix has been prepared showing which of the controls apply to the various development types and flood risk precincts. Development Matrix The following is a summary of the major steps to be followed in applying this part of the DCP: <ol style="list-style-type: none"> Determine the Flood Risk Precinct i.e. High Flood Risk Precinct, Medium Flood Risk Precinct and Low Flood Risk Precinct within which the site is situated; The various land use or development types have been grouped into seven (7) Land Use Categories (refer table 1). Determine the Land Use Category relevant to the proposal. Check if the proposal will satisfy the prescriptive controls for the relevant land use category in the applicable Flood Risk Precinct (FRP). If the proposal does not satisfy any one of the applicable prescriptive controls, or where those controls require the preparation of a Flood Management Report, then such a report shall be prepared. The Flood Management Report shall be prepared by a suitably qualified professional and shall outline the identified flood risks relevant to the proposal, indicate the extent of compliance with prescriptive controls and provide a thorough assessment of the appropriateness of the development by reference to each of the performance criteria. The site has been identified as High Risk Flood	The site has been identified as High Risk Flood Planning Area. The proposed category of use is Residential.	

<p>Planning Area. The proposed category of use is Residential.</p>		
<p>a. Flood affects caused by development A1, A3</p> <p>A3 The applicant shall include in their submission, calculations to illustrate that any fill or other structures that reduce the total flood storage are replaced by Compensatory Works.</p>	<p>There is no fill or structures which reduce the total floor storage area as there are only posts proposed.</p>	<p>Yes</p>
<p>c. Building and Structural Components C1, C2, C3</p>		
<p>C1 All buildings shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).</p>	<p>The proposed deck will be designed to structural engineer's specifications prior to issue of construction certificate.</p>	<p>Yes</p>
<p>C2 All structures must be designed and constructed to ensure structural integrity up to the Flood Planning Level, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above. Where shelter-in-place refuge is to be provided the structural integrity is to be to the Probable Maximum Flood level</p>	<p>The proposed deck will be designed to structural engineer's specifications prior to issue of construction certificate. The proposed development is not a habitable structure and is consistent with the finished floor level of the habitable areas of the dwelling. As such, there would be negligible impacts of flooding on the development.</p>	<p>Yes</p>
<p>C3 All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed that turn off all electricity supply to the property when flood waters are detected.</p>	<p>All electrical will be located at or above finished floor level of habitable areas which is well above maximum probably flood levels.</p>	<p>Yes</p>
<p>f. Floor levels F1, F2, F3, F6, F8</p>		
<p>F1 New floor levels within the development shall be at or above, the Flood Planning Level. A reduced Flood Planning Level may be considered only where it is permitted in this Development Control Plan.</p>	<p>The proposed development will be located at or above finished floor level of habitable areas which is well above maximum probably flood levels.</p>	<p>Yes</p>
<p>The structure must be flood proofed (wet or dry) to the Flood Planning Level. This control cannot be applied to critical or vulnerable uses.</p>	<p>Posts will be located in any flood planning level. As such, they are not critical or vulnerable uses and effectively flood proofed.</p>	<p>Yes</p>



<p>F2 All development structures must be designed and constructed so as not to impede the floodway or flood conveyance on the site, as well as ensuring no loss of flood storage in a 1% AEP Event. Where the dwelling is located over a flow path it must be elevated on suspended pier/pile footings such that the level of the underside of all floors including balconies and decks within the flood affected area are at or above, or raised to the Flood Planning Level to allow clear passage of the floodwaters under the building. The development must comply with the Flood Prone Land Design Standard.</p> <p>F3 Where the lowest floor has been elevated to allow the passage of flood waters, a restriction shall be imposed on the title of the land, pursuant to S88B of the Conveyancing Act confirming that the undercroft area is not to be enclosed.</p> <p>F6 Any existing floor level may be retained below the Flood Planning Level when undertaking a first floor addition provided that:</p> <ul style="list-style-type: none"> (a) it is not located within a floodway; (b) there is no increase to the building footprint below the Flood Planning Level; (c) it is flood proofed to the Flood Planning Level; <p>F8 The minimum floor level of any first floor additions shall be at or above the Probable Maximum Flood Level.</p>	<p>The proposed development comprises of deck posts which will not impede on the floodway or flood conveyance.</p> <p>Due to the location of the deck, it is highly unlikely that the deck is located within an overland flow path.</p> <p>The existing floor level is not below the Flood Planning Level.</p>	<p>Yes</p> <p>Yes</p>
<p><u>B4 Controls Relating to the Natural Environment</u></p>	<p>The proposed development does not remove significant trees or vegetation and proposes reasonable landform modification and will have negligible impacts on surrounding riparian areas. As such there will be negligible adverse impacts on the natural environment.</p>	<p>Yes</p>
<p><u>B5.1 Water Management Plan</u></p> <p>An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site including:</p> <p>rainwater</p>	<p>The site's existing stormwater system will be utilised for this development.</p> <p>There will be no greywater reuse and wastewater will be connected to sewer.</p>	<p>Yes</p>

stormwater greywater, and wastewater														
<u>B5.4 Stormwater Harvesting</u>	The subject development is ancillary to the existing dwelling. As such, stormwater harvesting is not required.	N/A												
<u>B5.9 Stormwater Management - Water Quality - Low Density Residential</u>	The subject development is ancillary to the existing dwelling. As such, stormwater quality measures are not required. Notwithstanding, the development will not result in a change of stormwater quality.	Yes												
<u>B5.10 Stormwater Discharge into Public Drainage System</u>	The subject stormwater will drain to the existing stormwater system for the dwelling.	Yes												
<u>B6.1 Access driveways and Works on the Public Road Reserve</u> The design of all Access Driveways shall be in accordance with the current edition of AS/NZS 2890.1 One access driveway for lots less than 30m frontage For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb The maximum width of an Access Driveway for dual occupancies, dwellings houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation shall be as follows: <table border="1" data-bbox="188 1659 635 1827"> <thead> <tr> <th>Distance Building Line to Boundary</th><th>Width at Boundary</th><th>Width at Kerb</th></tr> </thead> <tbody> <tr> <td>Nil to 3.5m</td><td>Width of car parking area or garage opening</td><td>Width of car parking or garage opening plus 0.5m</td></tr> <tr> <td>Greater than 3.5m to 6.5m</td><td>4.0m</td><td>4.5m</td></tr> <tr> <td>Greater than 6.5m</td><td>3.0m</td><td>3.5m</td></tr> </tbody> </table>	Distance Building Line to Boundary	Width at Boundary	Width at Kerb	Nil to 3.5m	Width of car parking area or garage opening	Width of car parking or garage opening plus 0.5m	Greater than 3.5m to 6.5m	4.0m	4.5m	Greater than 6.5m	3.0m	3.5m	The development does not proposed a change to the existing access provisions of the site.	N/A
Distance Building Line to Boundary	Width at Boundary	Width at Kerb												
Nil to 3.5m	Width of car parking area or garage opening	Width of car parking or garage opening plus 0.5m												
Greater than 3.5m to 6.5m	4.0m	4.5m												
Greater than 6.5m	3.0m	3.5m												
<u>B6.2 Internal Driveways</u> Maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage,	The proposed development does not result in a change of existing driveway.	N/A												



<p>parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.</p> <p>For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length.</p> <p>The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows:</p> <p>Single Dwelling: 3.0 metres minimum.</p>		
<p><u>B6.3 Off-Street Vehicle Parking Requirements</u></p> <p>Maximum parking spaces for 2 or more bedroom dwellings: 2 spaces.</p> <p>Minimum dimensions of internal space for on-site parking are:</p> <p>Single car parking spaces on hard stand and Single Carport: 2.4 metre x 5.5 metre with 0.3m minimum clear space each side for access to doors</p> <p>Enclosed garage (internal dimension): 3.0 metre x 6.0 metre, with 2.4 metre minimum width entry</p> <p>Multiple side by side carport and enclosed garage (internal dimension): 5.7 metre x 6.0 metre for 2 adjacent vehicles + 2.7 metre width for each additional vehicle with, 2.4 metre minimum width entry per vehicle space</p>	<p>The proposed development will not result in an increase in Gross Floor Area. As such, the development does not trigger a requirement for additional car parking spaces.</p>	<p>N/A</p>
<p><u>B8 Site Works Management</u></p>		
<p><u>B8.1 Construction and Demolition - Excavation and Landfill</u></p> <p>Excavation and landfill on any site that includes the following:</p> <p>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</p> <p>Any excavation greater than 1.5 metres deep below the existing surface;</p>	<p>The proposal does not result in any cut or fill. There will be minimal excavation required for the footings of the structure.</p> <p>Footing design will be subject to structural engineer's design and specifications prior to the issue of Construction Certificate.</p> <p>The proposed development will not result in a change of existing ground levels.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;	There will be no excavation in proximity to trees.	Yes
Any landfill greater than 1.0 metres in height; and/or	No fill proposed.	N/A
Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.	There will be minimal earthworks for the pad footings. As such, the works would not be affected by geotechnical processes and will be subject to engineer's design and specifications.	N/A
<u>B8.2 Construction and Demolition - Erosion and Sediment Management</u>		
Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.	Due to minimal excavation required for footings, erosion and sediment controls are not considered to be required.	Yes
Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site	Notwithstanding, erosion and sediment controls may be required for this development as a condition of consent should Council consider this necessary.	
<u>B8.3 Construction and Demolition - Waste Minimisation</u>		
Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Waste management plan is submitted with this application.	Yes
<u>B8.4 Construction and Demolition - Site Fencing and Security</u>		
All sites are to be protected by site fencing for the duration of the works.	Due to the small scale of the construction works proposed, it is not considered construction	N/A



	fencing is required.	
<p>B8.6 Construction and Demolition - Traffic Management Plan</p> <p>For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.</p>	There will be no importation of fill.	N/A
C1 Design Criteria for Residential Development		
<p>C1.1 Landscaping</p> <p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native specie</p> <p>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</p> <p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site.</p> <p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> - <u>300mm for lawn</u> - <u>600mm for shrubs</u> - <u>1m for trees</u> <p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <p>60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</p>	<p>Due to the small scale of development, considered to be ancillary to existing dwelling-house, landscaping is not required.</p> <p>The proposed development will not result in a change of landscaped area in front of building line.</p>	<p>Yes</p> <p>N/A</p>
C1.2 Safety and Security	The proposal is considered to comply with the controls applicable for dwelling houses as there are multiple habitable room windows which face the front access which provides passive and active surveillance.	Yes

<p><u>C1.3 View Sharing</u></p> <p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The proposal does not compromise any views enjoyed by existing dwellings.</p>	<p>Yes</p>
<p><u>C1.4 Solar Access</u></p> <p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</p>	<p>Due to the orientation of the site (north to front), the proposal would only result in slight additional overshadowing in the afternoon. There would be sufficient direct sunlight of subject and adjacent dwellings between 9am to 12pm. As such, the proposed development would comply with this control.</p>	<p>Yes</p>
<p><u>C1.5 Visual Privacy</u></p> <p>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</p>	<p>The proposed deck is elevated which would result in overlooking of adjacent private open space at Nos. 55 and 53</p>	<p>Refer to Section 5</p>











<p>C1.6 Acoustic Privacy</p> <p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</p>	<p>The proposed deck is located adjacent to existing living areas. Due to the allotment layout, the deck is adjacent to private open space of adjacent dwellings which would be an appropriate location for such a use. As such, the proposal would provide reasonable acoustic privacy as it is an appropriate siting of use.</p>	<p>Yes</p>
<p>C1.7 Private Open Space</p> <p><u>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</u></p> <p>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</p> <p>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</p> <p>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</p> <p>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions</p>	<p>The ground floor private open space has 68m² with a minimum dimension of 3.43 metres. This is located in the front yard.</p> <p>The proposed deck provides a total principal private open space area of 27.65m² with a minimum dimension of 3.5 metres</p> <p>The proposed deck is directly accessible from the living area of the existing dwelling.</p> <p>The proposed deck has a north east orientation.</p> <p>The proposed deck and existing ground floor open space is located at the side and front of the dwelling respectively.</p> <p>The subject site is a battle-axe lot, as such, any provision of private open space will be private.</p> <p>The proposed deck has a minimum dimension of 3.5 metres and will not result in any</p>	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>

<p>should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</p> <p>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</p> <p>An accessible and usable area for composting facilities within the ground level private open space is required.</p>	<p>additional overlooking from the existing deck.</p> <p>Existing clothes drying areas will be utilised.</p> <p>Sufficient areas within ground level private open space is provided.</p>	<p>Yes</p> <p>Yes</p>
<p>C1.10 Building Facades</p> <p>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</p>	<p>The proposal does not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</p>	<p>Yes</p>
<p>C1.12 Waste and Recycling Facilities</p> <p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan</p>	<p>Waste management plan is submitted with this application</p>	<p>Yes</p>
<p><u>C1.13 Pollution Control</u></p> <p>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</p> <p>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</p>	<p>The proposal does not generate any significant air, water or noise pollution</p>	<p>Yes</p>
<p>C1.23 Eaves</p> <p>Dwellings shall incorporate eaves on all elevations.</p>	<p>Eaves have been provided to the existing dwelling.</p>	<p>Yes</p>



Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.		
D11 North Narrabeen Locality		
D11.1 Character as viewed from a public place		
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The site is a battle axe lot and the proposed development is located at the rear of the dwelling. As such, the development cannot be viewed from the street.	N/A
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	The development does not result in a change in unbroken wall length of the existing dwelling.	N/A
Any building facade to a public place must incorporate at least two of the following design features:	The proposed development does not face a public place.	N/A
entry feature or portico; awnings or other features over windows; verandahs, balconies or window box treatment to any first floor element; recessing or projecting architectural elements; open, deep verandahs; or verandahs, pergolas or similar features above garage doors.		
The bulk and scale of buildings must be minimised.	The proposed deck and pergola provides articulation to the building, effectively reducing its visual bulk and scale.	Yes
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	The proposed development does not result in a change in the existing garage and parking facilities.	Yes
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	Existing landscaping remains integrated into the building design and the development will result in negligible changes to landscaping.	Yes
Television antennas, satellite dishes and other	None such development	N/A

<p>telecommunications equipment must be minimised and screened as far as possible from public view. General service facilities must be located underground.</p> <p>General service facilities must be located underground.</p> <p>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</p>	<p>proposed.</p> <p>All services are located underground.</p> <p>The development is able to comply with this control.</p>	<p>Yes</p> <p>Yes</p>
<p>D11.2 Scenic protection - General</p> <p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	<p>The proposed development will result in minimal visual impact on the natural environment when viewed from the road or public reserve as the section of Nareen Reserve which adjoins the site is heavily vegetated by tall trees.</p>	<p>Yes</p>
<p>D11.3 Building colours and materials</p> <p>External colours and materials shall be dark and earthy tones as shown below.</p> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;">  Black ✓ </div> <div style="text-align: center;">  Dark grey ✓ </div> <div style="text-align: center;">  Dark green ✓ </div> <div style="text-align: center;">  Dark brown ✓ </div> <div style="text-align: center;">  Mid grey ✓ </div> <div style="text-align: center;">  Green ✓ </div> <div style="text-align: center;">  Brown ✓ </div> <div style="text-align: center;">  Dark blue ✓ </div> </div>	<p>The proposed finishes are natural merbau, with silkworth, shale grey, surfmist and snowy mountains Dulux colours which are considered earthy and neutral. Doors and timber beams will be snowy mountains which is a light contrast to the predominant dark earthy tones.</p>	<p>Yes</p>
<p>D11.13 Fences - Flora and Fauna Conservation Areas</p>	<p>No fencing is proposed as part of this development.</p>	<p>N/A</p>
<p>D11.14 Construction, Retaining walls, terracing and undercroft areas</p> <p>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas</p> <p>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</p> <p>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</p>	<p>The proposed timber deck is lightweight construction with either strip or pad footings subject to engineer's design.</p> <p>No retaining walls proposed.</p> <p>Timber deck is proposed.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	All undercroft areas are less than 3.5 metres in height.	Yes
<p>D11.15 Scenic Protection Category One Areas</p> <p>Screen planting shall be located between structures and boundaries facing waterways.</p> <p>Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.</p> <p>Development is to minimise the impact on existing significant vegetation.</p> <p>The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</p> <p>The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</p> <p>The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.</p> <p>The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.</p> <p>Applicants are to demonstrate that proposed colours and materials will be dark and earthy.</p>	<p>The subject site is not located within a scenic protection area. Notwithstanding, the site does not adjoin coastal waterways and does not have any impact on significant vegetation. The development does not compromise the integrity of any canopy trees.</p>	Yes

5. MATTERS REQUIRING FURTHER CONSIDERATION

VISUAL PRIVACY

C1.5 – ‘Visual Privacy’ requires that private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation.

This part of the DCP also requires that elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.

The proposed deck is elevated which would result in overlooking of adjacent private open space at Nos. 55 and 53 Nareen Parade which does not comply with the Privacy controls of the DCP.

The desired Outcomes of Part C1.5 are as follows:

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

Despite the non-compliance, the proposal is still considered to achieve the desired Outcomes of the control. Dispensation from the requirement of privacy screening is requested on the following basis:

- i. The development would not result in additional privacy impacts as the proposed deck retains a consistent use and finished floor level with the existing deck. In this regard, the proposed design has not generated additional overlooking.
- ii. The proposed overlooking is a direct result of the topography of the site which results in elevated finished floor levels. Further, the battle axe lot places the subject site in the middle of private open space of adjacent dwellings. Consideration of these site constraints and conditions should be given as privacy screening would obstruct the much desired morning solar access.
- iii. The proposed development would not result in a loss of sense of territory and safety provided for residents as the use, scale and finished floor level of the development remains consistent with the existing development.

Based on the reasons outlined above, the development appropriately addresses the constraints of the site by providing a development that will not result in additional loss of privacy and is therefore worthy of support from Council.

PRIVATE OPEN SPACE

Part C1.7 – ‘Private Open Space’ of the DCP requires dwellings to provide a minimum 80m² of private open space at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard. The proposed development provides 68m² of private open space with a minimum dimension of 3.43 metres located in the front yard which does not comply with this control of the DCP.



Part C1.7 also requires that within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%). Private open space should be located to the rear of the dwelling to maximise privacy for occupants. The proposed deck which is located on the side of the dwelling provides a total principal private open space area of 27.65m² with a minimum dimension of 3.5 metres which does not comply with this control of the DCP.

The desired Outcomes of Part C1.7 of the DCP are as follows:

- *Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.*
- *Private open space is integrated with, and directly accessible from, the living areas of dwellings.*
- *Private open space receives sufficient solar access and privacy.*

Despite the numerical non-compliances, the proposed development is considered to achieve the desired Outcomes on the following basis:

- i. The proposed deck and pergola which is located at finished floor level of the dwelling and directly accessible from the living areas of the dwelling will provide private, usable and well-located private open space for the use and enjoyment of the occupants. It should be noted that the proposed development would result in a better planning outcome in respect to this specific desired Outcome.
- ii. The proposed development will result in a larger area than the existing dwelling that is directly accessible from the living areas of the dwelling as the finished floor level is elevated from natural ground level due to the topography of the site.
- iii. Due to the north to east orientation of the deck, the proposed pergola and deck would receive direct morning sun while providing much needed shade for direct north to westerly sun from midday to the late afternoon. This increase shaded outdoor entertainment areas for the users while contributing to the thermal performance of the dwelling.
- iv. Despite the non-compliance with minimum dimensions, the front ground level private open space area and the proposed deck is has sufficient width to be usable.
- v. Despite the principal private open space and private open space being at the side and front of the dwelling, it remains private as the subject site is a battle-axe lot.

Based on the reasons outlined above, the proposed development is considered to achieve the desired Outcomes of Part C1.7 and is worthy of support from Council.

ACID SULPHATE SOILS

The subject site is located within an area mapped as containing Class 3 Acid Sulphate Soils. Clause 7.1 of the LEP provides that works more than 1 metre below the natural ground surface or works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface require development consent.

The proposed development will not result in works more than 1 metre below the natural ground or works which the water table is likely to be lowered 1 metre or more. In this regard, an Acid Sulphates Management Plan or preliminary investigation is not required.

BUSHFIRE PRONE LAND

The subject site is located within bushfire prone land. This application has been submitted with Bushfire Assessment Report prepared by Bushfire Consultancy Australia dated 17.06.19. This report has recommended BAL 29 construction under AS3959. As such, the proposed development will be constructed to BAL 29 requirements and this construction standard may be imposed as a condition of development consent.

FLOOD PLANNING

The subject site is identified as High Risk Flood Area under Clause 7.3 of the LEP. As such, an assessment against the controls of B3.11 of the DCP has determined that there will be negligible flooding impacts. The desired Outcomes of B3.11 – ‘Flood Prone Land’ is as follows:

- *Protection of people.*
- *Protection of the natural environment.*
- *Protection of private and public infrastructure and assets.*

The proposed development is considered to be consistent with the above Outcomes for the following reasons:

- i. The finished floor level of the deck is at RL 3.49 which is consistent with the habitable floor areas and is located well above flood levels. As such, there would be negligible additional risks to people.
- ii. The proposed structure has an open undercroft which does not reduce the floor storage area and will not divert or obstruct overland flow paths. In this regard, the development results in negligible impacts on the natural environment.
- iii. The proposed development does not result in any cut, fill, or modification of existing ground levels. As such, the existing flow paths and hydrology remains same. Further, the development is not within the zone of influence or will not divert or increase the velocity or intensity of stormwater flows, therefore protecting private and public infrastructure and assets.

Based on the reasons above, the development is considered to achieve the desired Outcomes of Part B3.11 of the DCP and is worth of support from Council.



6. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – MATTERS FOR CONSIDERATION

As per Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* the subject application is consistent with the required matters for consideration as demonstrated below. *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

a) *the provisions of:*

(i) *any environmental planning instrument,*

The relevant environmental planning instrument (Pittwater LEP 2014) has been addressed under Section 4 of this report.

(ii) *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),*

There are no relevant proposed instruments pertaining to the subject site.

(iii) *any development control plan*

The Pittwater DCP 21 has been addressed under Section 4 of this report.

(iii) *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,*

There are no relevant planning agreements pertaining to the site.

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

The proposed development is not inconsistent with any of the relevant regulations.

(v) *(Repealed)*

that apply to the land to which the development application relates,

b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The proposal will not create any adverse impacts to both the natural and built environments, nor will it have any adverse social or economic impacts in the locality.

c) *the suitability of the site for the development,*

The site is appropriately zoned for the proposed development and the proposal is in keeping with the intended built form and land use of the site.

d) *any submissions made in accordance with this Act or the regulations,*

It is understood that the application will be notified to surrounding landowners as per requirements of the *Environmental Planning and Assessment Regulations 2000* and The Pittwater DCP 21.

e) *the public interest.*

The proposal is considered to be in the public interest by developing the site to accommodate for the needs of the residents.

7. CONCLUSION

The proposed deck and pergola which is ancillary to a dwelling house is permissible within the R2 Low Density Residential Zone and is consistent with the zone objectives.

The proposed dwelling house generally complies with the relevant provisions of The Pittwater Local Environmental Plan 2014 and The Pittwater Development Control Plan 21. The non-compliances discussed in Section 5 of this report are still considered to be consistent with the intent of the controls and are acceptable with regards to built form and desired outcomes for the subject site and adjoining areas.

The proposed design has consideration and is sympathetic to the amenity enjoyed by adjoining future dwelling houses while appropriately and effectively addressing the attributes and characteristics of the site.

Based on the above, the proposal does not result in adverse environmental or amenity impacts and it is recommended that Northern Beaches Council approve the proposed development in its current form.

