

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS**  
**TO AN EXISTING DWELLING**

**LOCATED AT**  
**13 HUNTER STREET SOUTH, WARRIEWOOD**  
**FOR**  
**AMY & ADAM FITTLER**



**Prepared**  
**October 2019**

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## **1.0 Introduction**

This Statement of Environmental Effects accompanies details prepared by Sally Gardner Design and Draft, Project No. 19-0711, Drawing No. 00, N1 – N2, E1 – E2, A1 – A10, S1 – S7 & NN, dated 5 September 2019, prepared on behalf of Amy & Adam Fittler. to detail the proposed construction of alterations and additions to an existing dwelling at **13 Hunter Street South, Warriewood.**

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 (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## **2.0 Property Description**

The subject allotment is described as 13 Hunter Street South, Warriewood, being Lot 10 within Deposited Plan 243737 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is identified within the Class 5 Acid Sulfate Soils area.

The site is identified as Low Risk Flood Prone Land. This matter will be discussed within this report.

The site is not noted as being affected by any further hazards.

## **3.0 Site Description**

The site is a corner allotment located on the western side of Hunter Street South, with a southern secondary frontage to Warriewood Road.

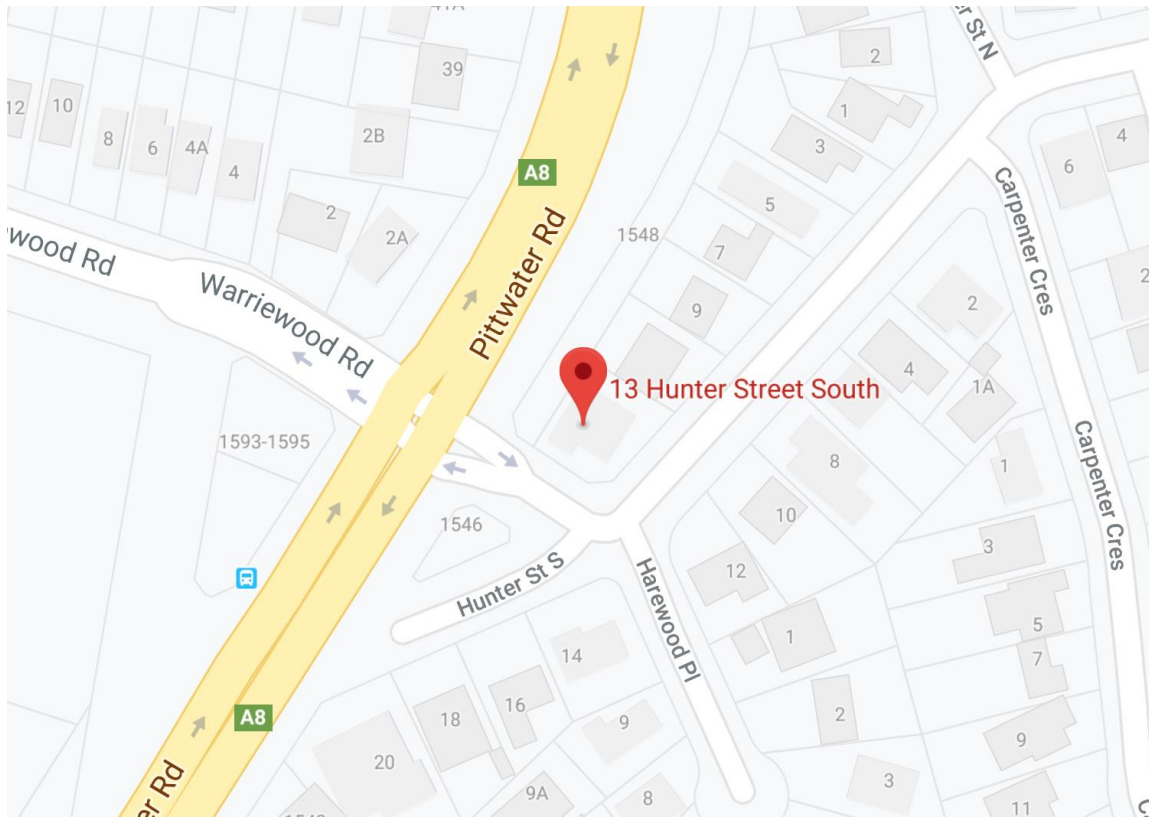
The land has a slight fall from the eastern frontage to the south-western corner, with stormwater from the site directed towards the street gutter in Warriewood Road.

The site is irregular in shape, with an eastern frontage to Hunter Street South measuring 24.625m, a south-eastern splay corner of 6.225m, a secondary frontage to Warriewood Road of 17.31m and northern and western side boundaries measuring 21.015m and 27.43m respectively. The total site area is 665.8m<sup>2</sup>.

The site is currently developed with a two storey brick and clad dwelling with a metal roof and an attached garage. There is an existing inground swimming pool within the northern yard of the site.

Vehicular access to the site is currently provided via a concrete driveway from Hunter Street South.

The details of the lots which comprise the parcel are contained within the survey report prepared by CMS Surveyors Pty Limited, Project No. 18584detail, dated 11 June 2019, which accompanies the DA submission.



**Fig 1: Location of Subject Site**  
(Source: Google Maps)



**Fig 2: View of subject site, looking north from Hunter Street South**



**Fig 3: View of subject site, looking north-east from Hunter Street South**





**Fig 4: View of existing entry portico to eb enclosed, looking north**



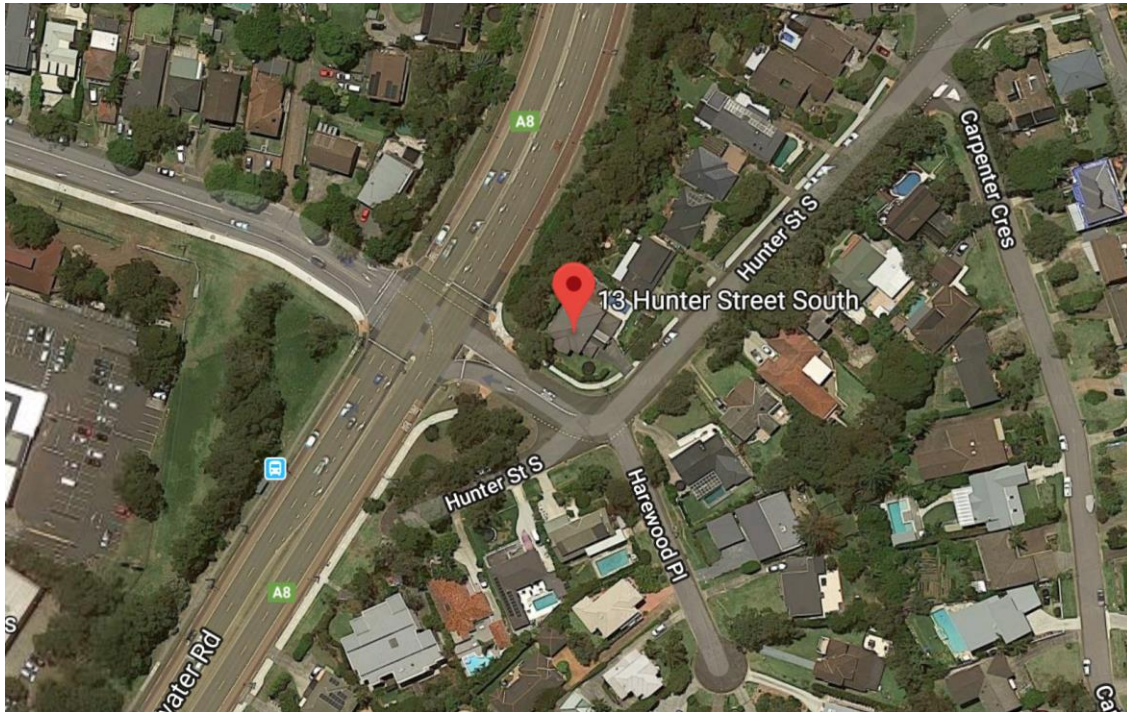
**Fig 5: View of subject site, looking west from Hunter Street**

#### 4.0 The Surrounding Environment

The general vicinity of the site along Hunter Street South is characterised by irregular shaped allotments, with a low density single residential development scale.

The yard areas surrounding the dwelling support a range of ancillary outbuildings and swimming pools.

Immediately to the west, Warriewood Road intersects with Pittwater Road.



**Fig 6: Aerial Photograph**  
(Source: Google maps)

## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of alterations and additions to an existing dwelling, comprising:

**Ground Floor** Proposed alterations and additions to existing ground floor level to provide for new entry, study and family room with gas fireplace

**External Works** Proposed new skylight over extension

The external finishes of the new works will comprise timber cladding with metal roof sheeting, which will complement the existing dwelling. The colours and finishes are detailed on sheet N2 and A4 – A7.

The proposal will retain the existing driveway and garage.

The new roof areas are to be connected to the existing stormwater system.

The development indices for the development are summarised as:

Site Area	665.8m <sup>2</sup>
Required landscape area	50% or 332.9m <sup>2</sup>
Existing landscape area	46.3% or 293.81m <sup>2</sup>
Proposed landscape area	42.33% or 281.84m <sup>2</sup>



## **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 (Vegetation in Non-Rural Areas) 2017**

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

*The aims of this Policy are:*

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

## 6.4 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.

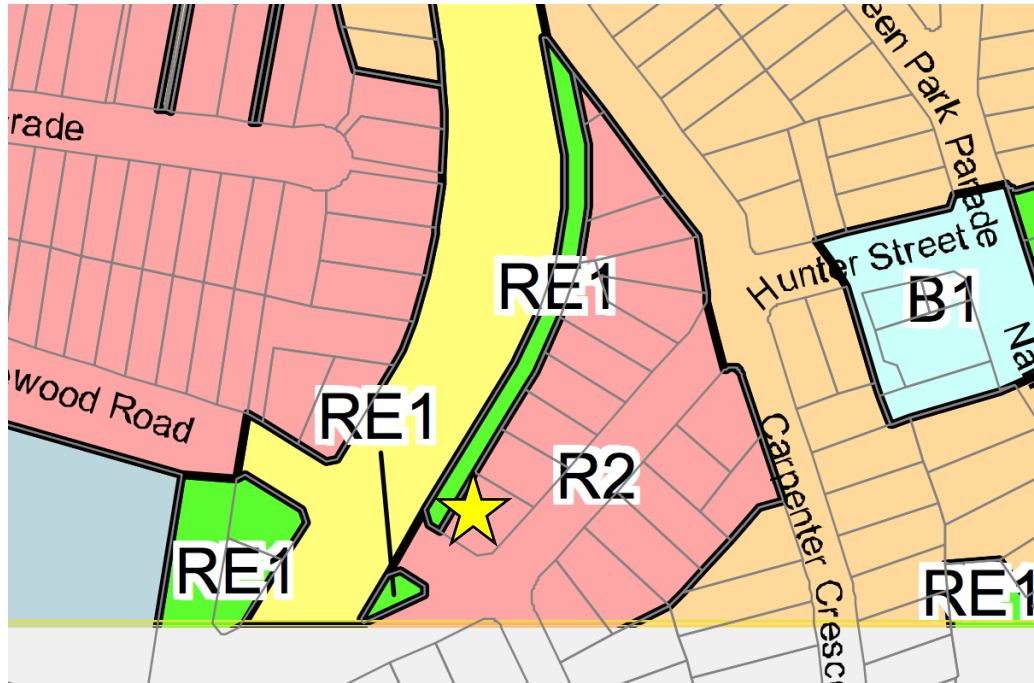


Fig 7: Extract of Pittwater LEP Zoning Map

The proposed alterations and additions are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential is consistent with the zone objectives, which are noted as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

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

- The proposal provides for a new addition to the existing ground floor level, which will maintain consistency with and complement the existing detached style housing within the locality.

- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposal does not have any adverse impact on long distance views.
- The proposal will largely maintain the existing soft landscaping, and will not see the removal of any significant vegetation.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Warriewood is 8.5m. The proposal provides a height of up to approximately 4.3m and therefore readily complies with this control.

#### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within an area affected by Acid Sulfate Soils Class 5. The proposal will not see any substantial excavation of the site. It is therefore not anticipated that acid sulfate soils will be encountered.

#### **Clause 7.2 – Earthworks**

The proposed new works will not require any substantial disturbance of the existing site conditions. All works will be carried out in accordance with the recommendations of a suitably qualified Structural Engineer.

#### **Clause 7.3 – Flood Planning**

The site is identified as Low Risk Flood Prone Land. As such, no further investigation is required.

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

## **6.5 Pittwater 21 Development Control Plan**

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D14 Warriewood 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 Section A Introduction**

#### ***D14 Warriewood Locality***

##### *Desired Character*

*The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.*

*Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies (detached) will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.*

*Warriewood Square will meet the retail needs of the local and regional community as well as some smaller neighbourhood centres.*

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

It is considered that the proposal is consistent with the desired character of the locality by providing for alterations and additions to an existing dwelling which maintains consistency with the scale and style of development in the vicinity.

The proposed additions are modest and the new works are well set back from the street and will not be prominently visible from Hunter Street South.

The proposal will not require the removal of any significant vegetation and will largely retain the existing area of soft landscaping.



### 6.5.2 Section B General Controls

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

#### **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The controls seek to achieve the outcomes:

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

The proposal will not see the removal of any existing significant trees on site and maintains an appropriate area of soft landscaping. The proposal is therefore in keeping with this control.

#### **B5.8 Stormwater Management – On-Site Stormwater Detention**

The controls seek to achieve the outcomes:

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

The proposal will see some additional roofing over the extension to the dwelling. New downpipes will be attached to the new roof areas and connected to the existing stormwater system as noted within Sheet No. S7.

#### **B5.10 Stormwater Discharge into Public Drainage System**

The controls seek to achieve the outcomes:

*All new development to have no adverse environmental impact at the discharge location (En, S)*

New downpipes will be attached to the new roof areas and connected to the existing stormwater system. Given the minor nature of the new works, the proposal is not considered to result in any adverse impacts on the public drainage system.

#### **B6.1 Access driveways and works on the public road reserve – Dwelling Houses and Dual Occupancy Development**

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)*

The existing driveway and crossing will be retained. Parking on site is provided within the existing attached garage.

#### **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 contaminated run-off from driveways.*

The existing driveway and garage will be retained in its current form.

#### **B6.3 Off-street Vehicle Parking Requirements**

The controls seek to achieve the outcomes:

- Safe and convenient parking (En, S)*

The controls require a minimum of 2 parking spaces for a dwelling containing two bedrooms or more.

The proposal will retain the existing single garage with additional parking available on the existing driveway.

#### **B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation and construction not to have an adverse impact. (En)*
- Excavation operations not to cause damage on the development or adjoining property. (S)*

The proposed works will require some minor excavation. The works will be carried out under the supervision of the consulting Structural Engineer.

#### **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)*

Some minor excavation is required to accommodate the proposed works. Erosion and sediment management will be carried out as required.

### **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 dominated and complemented by landscaping. (En)*

*Landscaping that reflects the scale and form of development. (En)*

*Retention of canopy trees by encouraging the use of pier and beam footings. (En)*

*Development does not result in significant loss of the urban forest. (En)*

*Reduced risk of landslip. (En, Ec)*

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 see the removal of any significant trees, and largely maintains the existing area of soft landscaping on the site. The property boundaries are capable of accommodating future plantings. The proposal therefore complies with the provisions of this clause.

#### **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 proposed works will not impact on the existing safety or security of the site. Casual surveillance of the street area will be maintained from the internal living areas of the existing dwelling.

#### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (S)*

*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*

*Canopy trees take priority over views. (En, S)*

The subject and adjoining properties currently enjoy district views. The proposal is not considered to have any implications on the views enjoyed by neighbouring properties.

#### **C1.4 Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*

*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*

*Reduce usage and/dependence for artificial lighting. (En)*

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

The proposed new works are single storey only, and the proposal will not see any change to the existing overall height of the dwelling. The proposal is therefore not expected to result in any additional overshadowing for neighbouring properties.

#### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

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

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

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

The proposal limits provides highlight windows within the northern elevation to minimise potential overlooking to the neighbouring dwelling to the north. The proposal will therefore maintain suitable privacy for neighbouring properties.

#### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

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

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

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



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

#### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

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

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

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

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

Private open space areas are available for occupants in accordance with the provisions of this clause.

#### **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 Seniors or People with a Disability are accessible, adaptable and safe. (S)*

*Equitable access in the public domain. (S)*

The required controls to achieve the outcomes are to ensure that reasonable and convenient access is maintained to the site and the development for the occupants and visitors.

The works will retain appropriate vehicular and pedestrian access to the site.

#### **C 1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

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

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

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

#### 6.5.4 Section D Locality Specific Development Controls

The **D14 Warriewood 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 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 development will not place any significant demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D14 Warriewood Locality** is provided below:

##### **D14.1 Character As Viewed From A Public Place**

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

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

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

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

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

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

*To preserve and enhance district and local views which reinforce and protect 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 maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

It is considered that the proposal is consistent with the desired character of the locality by providing for alterations and additions to an existing dwelling which maintains consistency with the scale and style of development in the vicinity.

The proposal will largely retain its existing façade when viewed from Hunter Street South, with the proposed new additions being sited at the ground floor level with a generous setback from the street. The site and will maintain its landscaped setting when viewed from the street.

The proposal will not result in the loss of any significant vegetation and will largely retain the existing area of soft landscaping.

#### **D14.2 Scenic Protection - General**

The control seeks to achieve the outcomes:

*Achieve the desired future character of the Locality.*

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

*Preservation of the visual significance of the Ingleside/Warriewood Escarpment. (En,S)*

The proposed alterations and additions are in keeping with the extent of development in the locality, and the development will not be prominently visible from any waterway or from the local escarpments.

As outlined above, the proposal will not see the removal of any significant vegetation.

#### **D14.3 Building Colours, Materials and Construction**

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. The proposal will provide for earthy colours which complement the existing dwelling and the locality. The colours and finished are detailed on sheet N2 and A4 – A7.

#### **D14.7 Front Building Line**

The controls seek to achieve the outcomes:

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

The control to achieve this outcome is to provide a setback of 6.5m. A secondary setback of 3.25m applies. The proposed new works will stand a minimum of 15.08m from the front boundary, and the enclosure of the entry portico will retain the existing 5.3m setback to the southern boundary, and therefore comply with the front and secondary setback controls.

#### **D14.8 Side and rear building line**

The controls seek to achieve the outcomes:

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

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

The proposed new works will stand a minimum of 1.01m and 3.47m from the northern and western side boundaries respectively, and therefore comply with the side boundary setback control. As the site is a corner allotment, the development is not subject to the rear setback control.



#### **D14.11 Building Envelope**

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

As noted within Drawing No. A7 & A8, the proposal readily complies with the building envelope control.

#### **D14.12 Landscaped Area – General**

The controls seek to achieve the outcomes:

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

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

The proposal provides a soft landscaped area of 281.84m<sup>2</sup> or 42.33% of the site area. The site presents an existing variation to the landscaped area control, and the proposal results in a minor reduction in landscaped area of only 11.97m<sup>2</sup>.

Having regard for the 6% concession for functional landscape treatments, the proposal will largely comply with this control. The proposal will not require the removal of any significant vegetation. The bushland character of the site is maintained and the works will not see the removal of any native plants or vegetation.

## **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), and**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

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

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

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

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the landscaped area 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 landscaped area criteria.

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

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

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

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

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

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

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

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

**7.7 The suitability of the site for the development**

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

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

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

**7.9 The public interest**

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

## **8.0 Conclusion**

The principal objective of this development is to provide for the construction of alterations and additions to existing dwelling, which respects and complements the site's location.

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

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

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