



*statement of environmental effects*



## **NEW DWELLING HOUSE**

**LOT 9**

**53B WARRIEWOOD ROAD**

**WARRIEWOOD NSW 2102**

### **Disclaimer**

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## *introduction*

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This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Rise Projects to accompany the lodgement of a development application for the construction of a new dwelling at the yet to be created Lot 9 of 53B Warriewood Road, Warriewood.

This statement is informed and accompanied by the following documentation:

- Architectural Plans by Rise Projects
- Landscape Plan by Rise Projects
- Stormwater Management Plans by Rise Projects
- BASIX Certificate and Energy Efficiency Report by Energy Advance
- Waste Management Plan by Rise Projects
- Stormwater Drainage System Letter from J. Wyndham Prince Consulting Civil Infrastructure Engineers

## *site details*

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The existing site is legally identified as Lot 3 in Deposited Plan 1115877, and is commonly referred to as 53B Warriewood Road, Warriewood. 53B Warriewood Road is also known as Buffer Area 1C within the Warriewood Valley Release Area, as identified on the Urban Release Area Map of Pittwater Local Environmental Plan 2014.

53B Warriewood Road is irregular in shape, with a 32.77m wide frontage to Warriewood Road, a maximum depth of 216.63m and a total area of 6836m<sup>2</sup>. 53B Warriewood Road currently contains a large single dwelling house, multiple outbuildings and a swimming pool, and adjoins Narrabeen Creek to the rear.

53B Warriewood Road experiences a fall of approximately 10.5m from the upper front boundary (north-east) down towards Narrabeen Creek (south-west), with a slope of approximately 4%. Whilst a number of significant canopy trees remain present, clearing has occurred along the creekline. 53B Warriewood Road is identified as being flood affected and prone to bushfire. An aerial view of 53B Warriewood Road is provided in Figure 1.

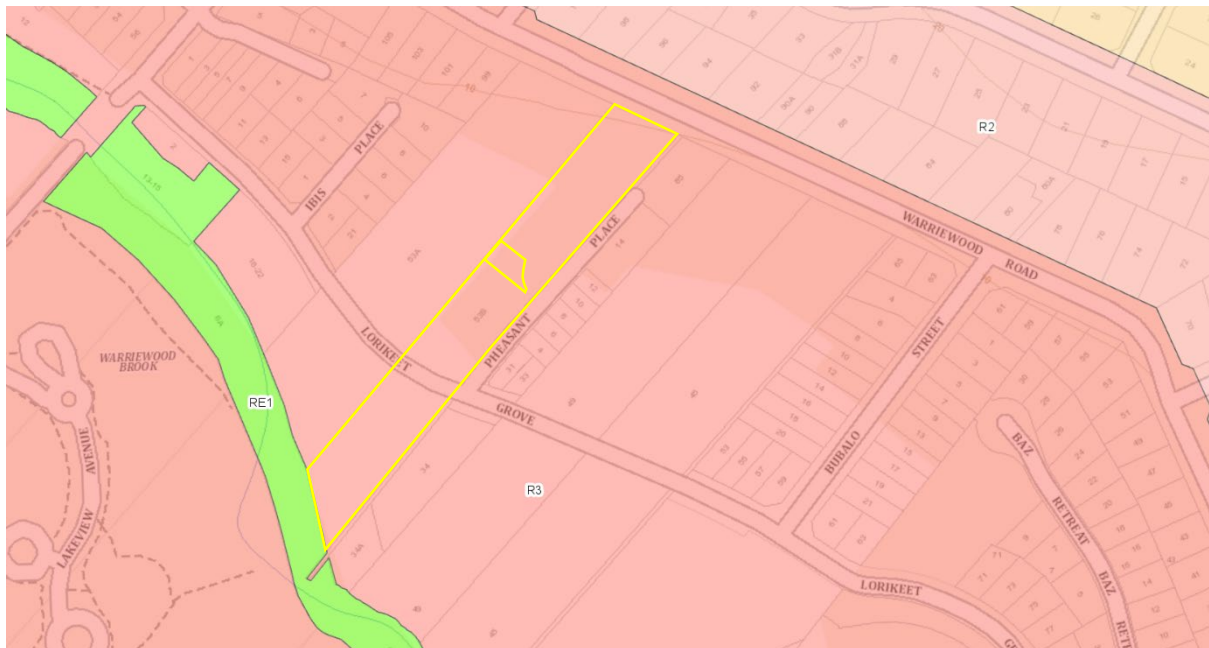
However, the works the subject of this application are limited to the yet to be created Lot 9, approved pursuant to DA2019/0263. Lot 9 is irregular in shape, with a 16.455m wide curved frontage to the cul-de-sac of Pheasant Place, a varied depth of between 16.54m and 26.21m, and a total area of 245.3m<sup>2</sup>. Lot 9 is located generally centrally within the residential lots approved pursuant to DA2019/0263, as shown on Figure 2, with approximate ground levels at RL 6.7m AHD.

Access to Lot 9 is to be gained from Pheasant Place, that is to be upgraded pursuant to DA2019/0263. Access to Pheasant Place is currently gained via a temporary road connection to Warriewood Road. However, access to Pheasant Place will ultimately be gained via Lorikeet Grove.





The site is and will remain zoned R3 Medium Density under the provisions of PLEP 2014 and is surrounded by land of the same zoning, as shown in Figure 3. The site to the south-east on the opposite side of Pheasant Place (formerly known as 53C Warriewood Road) contains 7 x 3 storey dwelling houses and attached dwellings, with development consent for the construction of a 3 storey residential flat building to the land on the southern side of Lorikeet Grove that is yet to be constructed. Land to the north-west at 53A Warriewood Road is currently vacant, with no valid development consent for residential development.



**Figure 3 – Zoning Map**  
Source: ePlanning Spatial Viewer

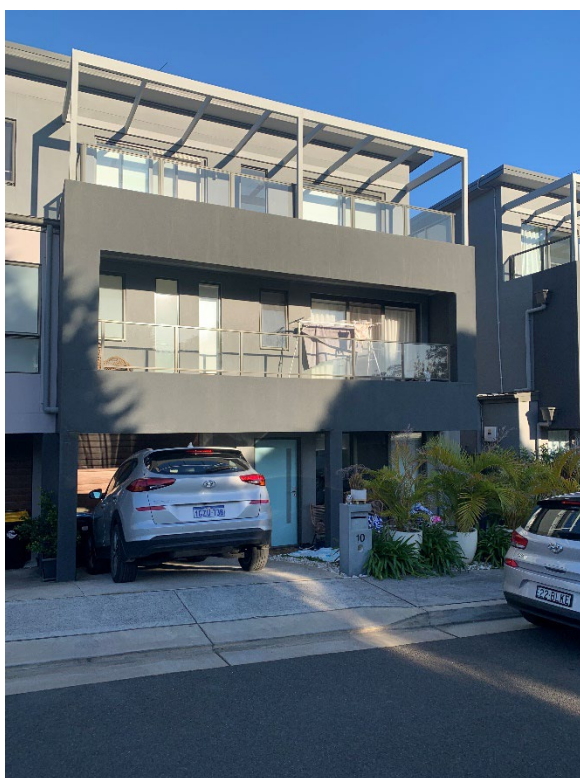


**Figure 4 – Street view of 53B Warriewood Road (right) with temporary road access to Pheasant PI (left)**  
Source: NBP





**Figure 5 – 53B Warriewood Road (right) and existing development on Pheasant Pl (left)**  
Source: NBP



**Figure 6 – Existing development opposite Lot 9**  
Source: NBP



**Figure 7 – Existing development opposite Lot 9**  
Source: NBP

## *proposed development*

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The application seeks consent for the construction of a new dwelling house at the yet to be created Lot 9, approved pursuant to DA2019/0263. Specifically, the new dwelling comprises:

### **Ground Floor**

- Double garage
- Entrance porch
- Study
- Open plan kitchen, living and dining,
- Laundry
- Bathroom

### **First Floor**

- Master bedroom with ensuite and WIR
- 2 additional bedrooms
- Bathroom
- Rumpus room

### **External**

- Access driveway
- Covered terrace
- Landscaping
- Stormwater infrastructure

## *legislation, plans and policies*

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The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
  - Acid Sulfate Soils Map: Class 5
  - Land Zoning Map: R3 Medium Density Residential
  - Height of Buildings Map: 10.5m
  - Urban Release Area Map: Buffer Area 1C
- Pittwater 21 Development Control Plan (**P21 DCP**)
  - Warriewood Valley Locality

## *environmental planning and assessment act*

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The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

| Clause | Provision  | Comment   |
|--------|--|---|
| (a)    | <p><i>the provisions of—</i></p> <ul style="list-style-type: none"><li><i>i. any environmental planning instrument, and</i></li><li><i>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></li><li><i>iii. any development control plan, and</i></li><li><i>iv. 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</i></li><li><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></li></ul> <p><i>that apply to the land to which the development application relates,</i></p> | <p>The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement.</p>  |
| (b)    | <p><i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>   | <p>The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.</p> |
| (c)    | <p><i>the suitability of the site for the development,</i></p>   | <p>The subject site is suitable for the proposed development.</p>   |
| (d)    | <p><i>any submissions made in accordance with this Act or the regulations,</i></p>   | <p>The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.</p>  |
| (e)    | <p><i>the public interest.</i></p>   | <p>The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of PLEP 2014 and P21 DCP.</p>   |



## *state environmental planning policy (resilience and hazards)*

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### **Coastal Hazard**

The site is identified as land in the proximity area for coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map, and as such, the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable in relation to the site and this proposal.



**Figure 8 – Extract of Coastal Wetlands and Littoral Rainforests Area Map**  
Source: ePlanning Spatial Viewer

### Development on land in proximity to coastal wetlands

The consent authority can be satisfied that the proposed development will not significantly impact upon the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland, consistent with the provisions of section 2.8 of this policy. The proposed development is consistent with that anticipated by DA2019/0263 and is designed to connect to the approved stormwater retention basin adjacent to the creekline corridor, within the community lot. The approved stormwater retention basin has been designed in strict accordance with Council's Water Management Specification, with appropriate stormwater quality improvement devices and outlet into the creek.

### Coastal Zone

The proposed development is not likely to cause increased risk of coastal hazards on the land or other land, and the consent authority can be satisfied with respect to section 2.12 of this policy.

The proposed development is consistent with the relevant provisions of Chapter 2 of SEPP (Resilience and Hazards)

## Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The application is made with respect to a yet to be created lot approved pursuant to DA2019/0263.

DA2019/0263 was supported by Phase 1 and Phase 2 Contamination Assessment Reports that provided a series of recommendations to ensure that the site is suitable for residential development. In circumstances where the construction of the proposed dwelling is to be deferred until all works approved pursuant to DA2019/0263 are completed, Council can be reasonably satisfied that there is no contamination risk in relation to the proposal.

The proposed development is consistent with the relevant provisions of Chapter 4 of SEPP (Resilience and Hazards)

*state environmental planning policy  
(biodiversity and conservation)*

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## Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not seek consent for the removal of any existing trees or vegetation and is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

*state environmental planning policy  
(building sustainability index: basix)*

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The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

The site is identified on the Land Application Map of PLEP 2014 and the provisions of this policy are applicable in relation to the site and the proposed development.

The relevant provisions of PLEP 2014 are considered, as follows:

| Clause                             | Standard | Proposal | Compliance            |
|------------------------------------|----------|----------|-----------------------|
| Zone R3 Medium Density Residential |          |          | Yes<br>See discussion |
| 4.3 Height of buildings            | 10.5m    | 7.89m    | Yes                   |
| 5.21 Flood planning                |          |          | N/A<br>See discussion |
| 6.1 Warriewood Valley Release Area |          |          | Yes<br>See discussion |
| 7.1 Acid sulfate soils             | Class 5  |          | Yes                   |
| 7.2 Earthworks                     |          |          | Yes                   |
| 7.10 Essential services            |          |          | Yes<br>See discussion |

### **Zone R3 Medium Density Residential**

The site is zoned R3 Medium Density Residential under the provisions of PLEP 2014. Pursuant to the land use table in Part 2 of this instrument, dwelling houses are permissible with consent.

### **Clause 5.21 Flood planning**

53B Warriewood Road is identified as flood prone on the Flood Risk Precinct Maps of P21 DCP, as shown in Figure 9. However, as a result of the works approved pursuant to DA2019/0263, the buildable area of all lots will be above the flood planning level, as shown in Figure 10. As the application is made with respect to the yet to be created Lot 9 (shown in yellow on Figures 9 and 10), Council can be satisfied that the land will not be flood affected and the provisions of clause 5.21 of PLEP 2014 are not applicable to the proposed development.



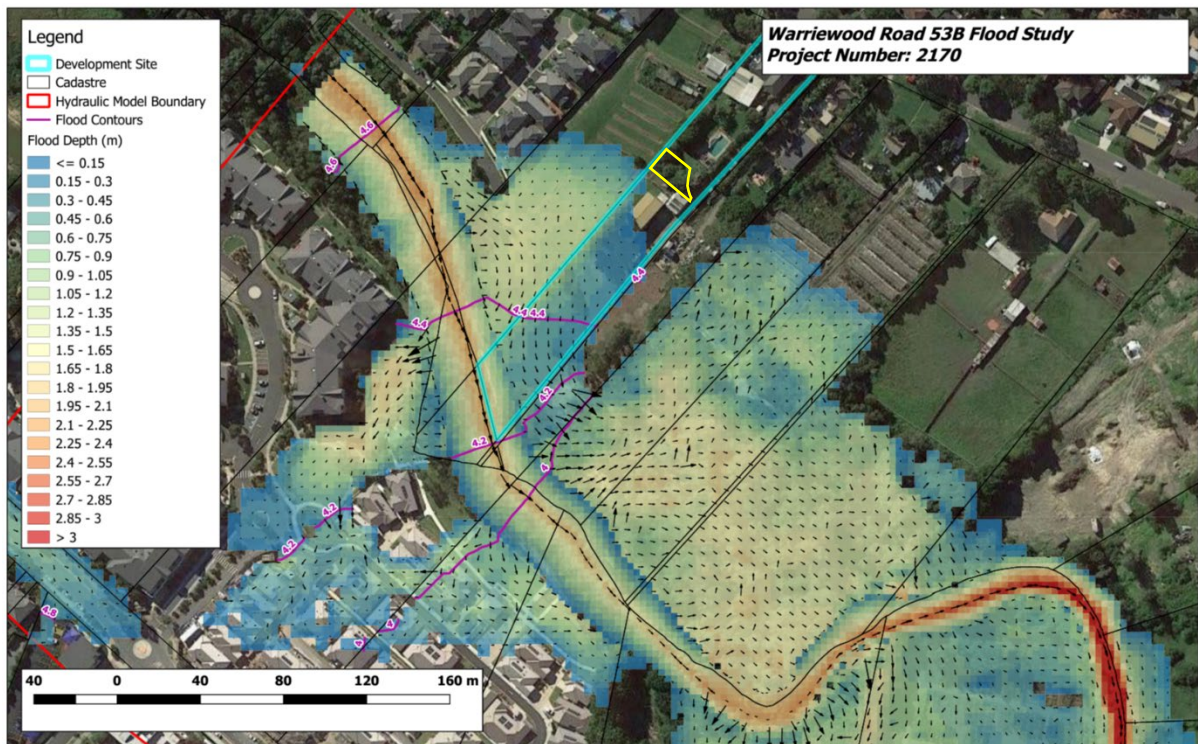


Figure 9 – Current flood conditions at 1% AEP with climate change  
Source: Approved Water Management Report, revision B, prepared by Craig & Rhodes, dated 26 June 2019

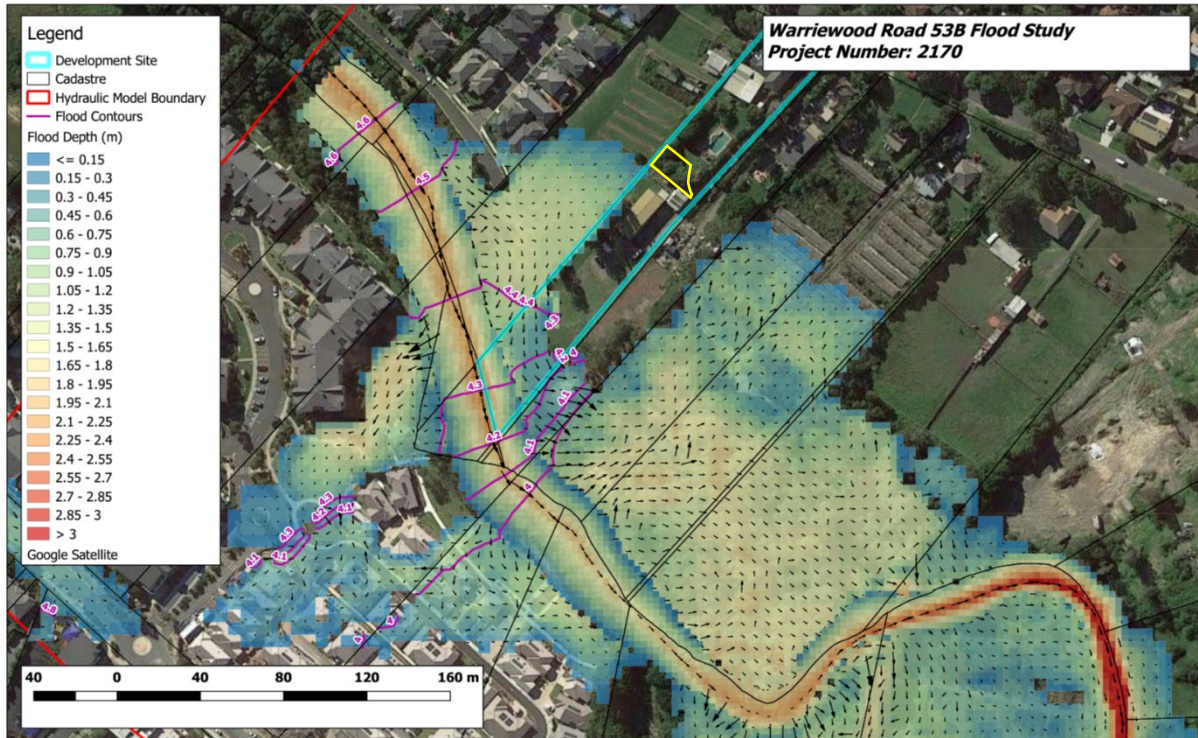


Figure 10 – Flood conditions post works approved pursuant to DA2019/0263 at 1% AEP with climate change  
Source: Approved Water Management Report, revision B, prepared by Craig & Rhodes, dated 26 June 2019

### **Clause 6.1 Warriewood Valley Release Area**

Clause 6.1(3) of PLEP 2014 prescribes a dwelling yield for development on land within the Warriewood Valley Release Area. As established by the NSW LEC in *Karimbla Construction Services (NSW) Pty Ltd v Pittwater Council* [2015] NSWLEC 83 and *Lotus Project Management Pty Ltd v Pittwater Council* [2015] NSWLEC 166, the dwelling yield prescribed is not a development standard that may be varied, but rather a threshold test that must be achieved.

The subdivision approved pursuant to DA2019/0263 will result in 15 residential allotments compliant with the dwelling yield prescribed. The proposed dwelling house (1 dwelling) is consistent with that anticipated by DA2019/0263 and remains compliant with the dwelling yield prescribed by clause 6.1(3) of PLEP 2014.

### **Clause 7.10 Essential Services**

The consent authority can be satisfied that the supply of water and electricity, the disposal and management of sewerage, stormwater drainage and suitable vehicular access will be readily available prior to the occupation of the proposed new dwelling, consistent with the provisions of clause 7.10 of PLEP 2014.

It is noted that the majority of such services are to be provided to the site pursuant to DA2019/0263.

## *development control plan*

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P21 DCP is applicable to the site and the proposed development. The site is identified within the Warriewood Valley Locality.

The relevant provisions of P21 DCP are considered, as follows:

| Clause   | Control   | Proposal   | Compliance            |
|--|---|--|-----------------------|
| A1.7 Considerations before consent is granted                | Have regard for the matters for consideration under section 4.15 of the EP&A Act.   | The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above). | Yes                   |
| A4.16 Warriewood Valley Locality                             |   |  | Yes                   |
| B1.4 Aboriginal Heritage                                     |   |  | Yes                   |
| B3.2 Bushfire Hazard   | 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. |  | N/A<br>See discussion |
| B3.6 Contaminated Land and Potentially Contaminated Land     |   |  | Yes                   |
| B3.11 Flood Prone Land                                       |   |  | N/A<br>See discussion |
| B6.3 Off-Street Vehicle Parking Requirements                 | 2 spaces (minimum)<br>Compliant with AS2890.1   | 2 spaces<br>Compliant with AS2890.1  | Yes                   |
| B8.1 Construction and Demolition – Excavation and Fill       |   |  | Yes                   |
| B8.3 Construction and Demolition – Waste Minimisation        |   |  | Yes                   |
| B8.4 Construction and Demolition – Site Fencing and Security |   |  | Yes                   |
| C1.3 View Sharing  | All new development is to be designed to achieve a reasonable sharing of views  | The proposed development will not result in any  | Yes                   |



| Clause   | Control  | Proposal   | Compliance |
|--|--|--|------------|
|  | available from surrounding and nearby properties.  | unreasonable impacts upon views.   |            |
| C1.12 Waste and Recycling Facilities                                   | 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  | The application is accompanied by a Waste Management Plan demonstrating consistency with Council's Waste Management Guidelines.  | Yes        |
| C6.3 Ecologically Sustainable Development, Safety and Social Inclusion | <p>An ecologically sustainable environment is developed and maintained.</p> <p>Ensure that development is designed on a 'whole of development/site' approach by applying the principles and processes that contribute to Ecological Sustainable Development</p> <p>Ensure that the development has incorporated the CPTED principles of surveillance, access control, territorial management and space management control into its design.</p> | <p>The proposed development feeds into the stormwater bioretention basin and water quality treatment system approved pursuant to DA2019/0263, being a 'whole of site solution' for water management.</p> <p>The application is supported by a BASIX Certificate and Energy Efficiency Report confirming that the proposed development appropriately performs with respect to industry standards.</p> <p>The design of the dwelling house encompasses the DPTED design principles, with a design that provides for passive surveillance of the public domain and the ability to see visitors before opening the door.</p> | Yes        |
| C6.5 Utilities, Services and Infrastructure Provision                  | Ensure that utility services are capable to meet the demands of increased development in Warriewood Valley.  | All essential services are to be provided pursuant to DA2019/0263.   | Yes        |
| D16.1 Character as Viewed from a Public Place                          | The facades of buildings presenting to any public place must address these public places, provide visual interest,   | The proposed dwelling is a high-quality design solution that comprises a high degree of articulation and   | Yes        |

| Clause  | Control  | Proposal  | Compliance                             |
|---|--|---|--|
|   | <p>have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>Landscaping is to be integrated with the building design to screen and soften the visual impact of the built form.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.</p> <p>Double garage with an opening <math>\leq 6\text{m}</math> or 40% of lot width, whichever is the lesser.</p> | <p>varied materiality to ensure that the bulk and scale of the dwelling is appropriately minimised.</p> <p>The dwelling will have a positive contribution to the streetscape, with many of the design elements desired by this control.</p> <p>Landscaping is integrated into the design to ensure that the visual impact of the dwelling is screened and softened.</p> <p>The garage is appropriately recessed and is not the dominant feature of the front façade.</p> <p>The width of the garage door is 4.8m.</p> |  |
| D16.4 Water Management for Individual Allotments              | <p>Consistency with the water management scheme approved pursuant to DA2019/0263:</p> <ul style="list-style-type: none"> <li>Assumes 3000L rainwater tank</li> <li>65% impervious surface area (max).</li> </ul>   | <p>3000L rainwater tank</p> <p>68.3% impervious</p>   | <p><b>No</b></p> <p>See discussion</p> |
| D16.5 Landscaped Area for newly created individual allotments | <p>Min. landscaped area: 35%</p> <p>Min. dimensions: 4m</p> <p>1 small tree in front setback</p> <p>1 small tree in rear setback</p> <p>Small tree = 6m at maturity</p>  | <p><b>Landscaped area: 31.7%</b></p> <p><b>Min. dimensions: <math>\leq 4\text{m}</math></b></p> <p>1 small tree in front setback</p> <p>1 small tree in rear setback</p>  | <p><b>No</b></p> <p>See discussion</p> |
| D16.6 Front Building Lines                                    | <p>4m to garage</p> <p>3m to dwelling</p> <p>1.5m to articulation zone</p>   | <p><b>2.4m</b> – 4.1m to garage</p> <p><b>1.7m</b> – 5.5m to dwelling</p> <p><b>0.6m</b> to articulation zone</p>   | <p><b>No</b></p> <p>See discussion</p> |
| D16.7 Side and Rear Building Lines                            | <p>One side: 0m at ground floor for a maximum wall length of 13m.</p>  | <p>0m at ground floor on SW side for 13.0m.</p>   | <p><b>No</b></p> <p>See discussion</p> |

| Clause                                       | Control   | Proposal   | Compliance |
|--|---|--|------------|
|  | <p>The remaining portion of the ground floor dwelling is to setback 0.9m.</p> <p>The upper level is to be setback 1.5m.</p> <p>Other side: 0.9m</p> <p>Rear: 4m</p>   | <p>1.05m at ground floor on NE side</p> <p>1.5m at upper level to both sides</p> <p>4.0m at ground floor to rear of dwelling, then <b>1.2m to pergola</b></p> <p>4m to rear at upper floor</p>   |            |
| D16.9 Solar Access                           | <p>2 hours of sunlight between 9am and 3pm in midwinter to private open space and windows to principal living area.</p> <p>Adjoining dwellings to maintain 3 hours of sunlight between 9am and 3pm in midwinter to private open space and windows to principal living area.</p> | <p>In excess of 2 hours of direct sunlight is received to the rear area of private open space and to the windows associated with the upper floor rumpus room.</p> <p>The property will not adversely impact the development potential of adjoining land with regards to solar access, with adjoining lots to both sides able to take advantage of the northerly rear aspect.</p> | Yes        |
| D16.10 Private and Communal Open Space Areas | <p>Min. area of private open space: 20m<sup>2</sup></p> <p>Min. dimensions: 4m</p>  | <p>Private open space: &gt;20m<sup>2</sup>, with dimensions greater than 4m</p>  | Yes        |
| D16.13 Building Colours and Materials        | <p>External colours and materials shall be natural tones.</p>   | <p>The application is supported by a Material Board that demonstrates the use of mid-dark natural tones, with minimal light coloured accents.</p>  | Yes        |



### Clause B3.2 Bushfire Hazard

A minor portion of 53B Warriewood Road is identified as Vegetation Buffer Area on Council's Bushfire Hazard Map. However, the subject application relates to a yet to be created lot that will be outside the Vegetation Buffer Area, as highlighted in Figure 11, below.

Prior to the lodgement of the subject application, Council confirmed via email that a Bushfire Report was not required in this instance. A copy of this correspondence is annexed to this report.

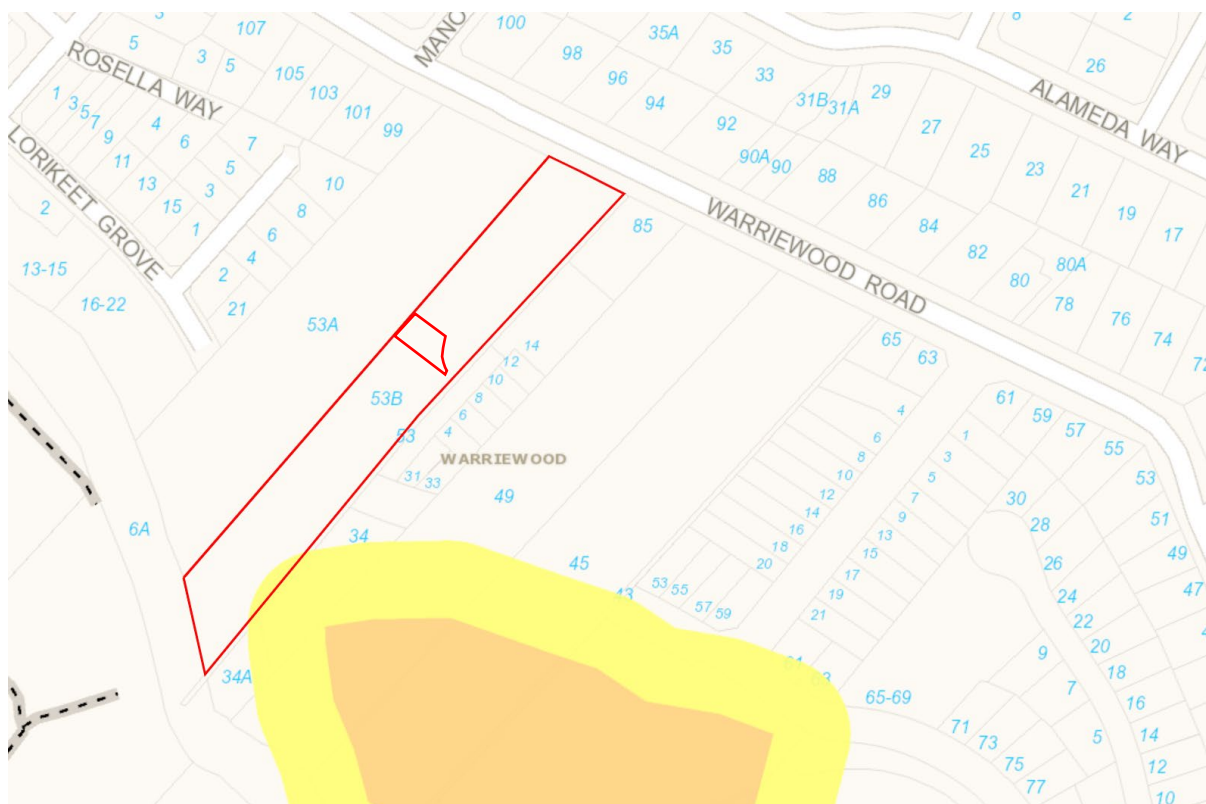


Figure 11 - Extract of Council's Bushfire Hazard Map  
Source: NBC Mapping

### Clause B3.11 Flood Prone Land

As discussed with regard to clause 5.21 of PLEP 2014, the resultant lot will not be flood affected and as such, the provisions of this control are not applicable to this application.

### Clause D16.4 Water Management for Individual Allotments

The provisions of clause D16.4 of P21 DCP do not technically apply in relation to land within Buffer Area 1C of the Urban Release Area Map of PLEP 2014. Nonetheless, Council can be satisfied that the proposed dwelling has been designed to be generally consistent with the requirements of the Water Management Report approved pursuant to DA2019/0263.

Whilst the proposed new dwelling slightly exceeds the 65% maximum impervious area relied upon in the Approved Water Management Report, the application is supported by certification from J.

Wyndham Prince Consulting Civil Infrastructure Engineers that confirms that the stormwater drainage system has been designed to accommodate 80% impervious area within each of the proposed residential lots, and in turn, the approved water management system can tolerate/accommodate the additional hard surface area proposed.

The proposal incorporates a 3,000L water tank beneath the proposed driveway, consistent with the requirements of the Approved Water Management Report and the BASIX Certificate that accompanies this application.

#### **Clause D16.5 Landscaped Area for newly created individual allotments**

The proposed development provides a total landscaped area of 78m<sup>2</sup> or 31.73% of the total site area, which falls just shy of the 35% minimum prescribed by clause D16.5 of P21 DCP. Furthermore, the proposed landscaped areas do not all have a minimum dimension of 4m, inconsistent with the dimensional requirements of this control.

The proposed non-compliance with the requirements of the landscaped area control is considered to be supportable on merit, as the proposed development is otherwise consistent with the landscaped requirements of clause D16.5 of P21 DCP and the objectives of control, as follows:

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.*

Comment: The proposed development relates to a vacant, yet to be created allotment resulting from the subdivision approved pursuant to DA2019/0263. The proposed development will not result in any adverse impacts upon the remaining natural features of the wider site, being the creekline corridor. The proposed development will provide an enhancement of landscaping on the site, consistent with the requirements of this clause.

- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.*

Comment: The proposed development will positively contribute to the character of the Warriewood Valley Locality by providing a landscaped outcome that is commensurate with existing and surrounding development. Furthermore, the siting and scale of development on proposed Lot 9 is entirely consistent with that proposed on nearby and adjoining lots within the Community Title subdivision.

- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.*

Comment: Despite inconsistency with the minimum requirements, the proposed development provides the desired landscaped treatment for the site, specifically one small tree in the front yard and one in the rear yard. Further, the site provides a considered design

solution that provides high levels of amenity for future occupants of the proposed development, with appropriate shade and weather protection to the northern façade of the development, ensuring a sustainable housing product.

- *The area of site disturbance is minimised.*

Comment: Site disturbance is minimised, with only minor areas of fill to provide a level building platform. Non-compliance with the minimum dimension requirements does not attribute to excessive site disturbance.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment: Of most importance, the proposed development has been designed to feed into the water management system approved pursuant to DA2019/0263. The application is supported by correspondence from the Civil Engineer to confirm that the proposed landscape area calculations are consistent with the capacity of the approved system.

- *Landscaped areas should be predominately areas of deep soil.*

Comment: The areas included in the landscape area calculation are comprised entirely of areas of deep soil.

- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.*

Comment: The landscaped character of the resultant development will be entirely consistent with the landscaped treatment of Pheasant Place and the wider Warriewood Valley Locality. The proposal will achieve a unified setback of houses along the streetscape.

- *To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.*

Comment: The proposed development has been designed to maximise privacy for occupants of the proposed development and all adjoining properties. The proposed non-compliance with the requirements of this clause does not result in any adverse impacts to the privacy of future adjoining dwellings.

#### **Clause D16.6 Front Building Lines**

With setbacks to the front façade of the proposed dwelling house ranging between 1.7m and 5.5m from the front boundary, and a portion of the roof over the front porch (articulation zone) setback 0.6m from the front boundary, the proposal is non-compliant with the minimum setbacks prescribed



by clause D16.6 of P21 DCP. The proposed non-compliance is largely attributable to the irregular configuration of the subject site, which has a curved frontage in response to the cul-de-sac of Pheasant Place.

Despite non-compliance, the proposed dwelling house has been designed to appropriately respond to both the likely setbacks of adjoining properties and the alignment of the roadway, with setbacks not dissimilar to those anticipated on secondary street frontages (being 1m – 2m, as prescribed by this control).

The control includes an expressed variation for lots with a depth less than 22m, which is reasonably applicable in relation to the subject site that has a varied depth of 16.54m to 26.21m, or an average depth of approximately 21m. The variation associated with the limited depth of the site is warranted in this instance, as the proposal is otherwise consistent with the objectives of the control, as follows:

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

Comment: The desired character statement for the Warriewood Valley Locality is for the area to be continued to be developed in accordance with relevant policy. The proposal is consistent with an expressed variation, and in turn, is consistent with the desired character.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment: The proposed level of site disturbance is not excessive and is not increased or altered as a result of the proposed area of non-compliance. The quality and quantity of soft surface area is commensurate with that of adjoining sites within the subject Buffer Area and also those on the opposite side of Pheasant Place.

- *The bulk and scale of the built form is minimised.*

Comment: The proposed development is highly articulated and is maintained well below the maximum building height limit. The bulk and scale of the proposal is commensurate with that of surrounding and nearby development within the Warriewood Valley Land Release Area.

- *To achieve a consistent built form alignment in the streetscape, which is spacious and attractive, enhanced by tree planting within the front setback.*

Comment: Despite non-compliance with the minimum front setbacks prescribed, the proposed dwelling will be maintained behind the alignment of other dwellings along Pheasant Place. Furthermore, it is noted that the subject site will not be readily visible from the public domain (Lorikeet Grove or Warriewood Road), noting that Pheasant Place is a private road.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The proposed development will not result in any unreasonable impacts upon views.

- *Vegetation and natural features of the site are retained and enhanced within the site design to screen the visual impact of the built form.*

Comment: Existing (approved) street trees around the Pheasant Place cul-de-sac are to be retained and complemented by further tree planting and landscaping on the subject site.

- *Encourage tandem carparking opportunities on narrow lots and minimise the visual prominence of parking structures in the streetscape.*

Comment: A tandem parking arrangement is somewhat precluded by the limited depth of the subject site. Further, the double garage arrangement is anticipated by P21 DCP with regard to the width of the site and by DA2019/0263, noting that a double width driveway to Pheasant Place has been approved in the parent subdivision application.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment: The proposed non-compliance does not result in any adverse impacts upon the amenity of adjoining properties. Despite the technical breach to the front setbacks, the subject dwelling is sited at the greatest distance from the existing dwellings on the opposite side of Pheasant Place as a result of the shape of the cul-de-sac.

#### **Clause D16.7 Side and Rear Building Lines**

The proposed development is consistent with the minimum side and rear building lines prescribed in relation to a zero lot line dwelling\* on a lot less than 14m in width, with the exception of the setback to the ground floor pergola and adjacent awning over the breakfast window. The proposed pergola is setback 1.2m from the rear boundary and the proposed awning is setback 2.5m from the rear boundary, inconsistent with the 4m minimum setback prescribed by this control.

The proposed non-compliance is associated with a light-weight single storey structure, that is limited to approximately 50% of the lot width. The proposed variation to the rear setback control is supportable on merit, as the outcomes of the control are nonetheless achieved, as follows:

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

Comment: The proposed roof structure is a minor, lightweight building element that will not be seen from the streetscape. As the roof form is limited in area/width, tree plantings consistent with that prescribed by clause D16.5 of P21 DCP can still be achieved. The proposed non-compliance will not detract from consistency with the desired character of the locality.

- *The area of site disturbance is minimised and soft surface is maximised.*

Comment: The proposed development does not involve excessive site disturbance and soft surfaces across the site are maximised, consistent with the provisions of clause D16.5 of P21 DCP.

- *The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised.*

Comment: The proposed development is highly articulated and is maintained well below the 10.5m maximum building height development standard. Noting that the same control permits 3 storey residential flat buildings and multi-dwelling housing within 3m of the rear setback, the setback of the proposed dwelling house and in particular, the single storey pergola that only partially extends within the rear setback, is considered to be of minimal bulk and scale.

The light-weight structure does not result in any adverse impacts to adjoining properties. Rather, the roof is considered to provide increased amenity for both the future occupants of the subject dwelling and any adjoining dwellings, as it provides a covered area of private open space that prevents overlooking from upper level windows.

The proposed pergola could be undertaken under the provisions of SEPP (Exempt and Complying Development), which further emphasises the minor nature of the structure proposed.

- *To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places.*

Comment: Meaningful breaks will be achieved between dwellings, with ample space for the provision of the canopy trees required by clause D16.5 of P21 DCP. The non-compliance is limited to a minor portion of the rear yard, that will not be seen from the public domain.

- *To create usable curtilage areas around buildings for viable access, landscaping and open space.*

Comment: As above, the proposed area of non-compliance does not detract from achieving the landscaped intent prescribed by D16.5 of P21 DCP. Further, it provides a more usable area of private open space that is protected from the weather and any overlooking from future adjoining properties.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The proposed rear setback non-compliance will not result in any adverse impacts upon views.

- *Vegetation and natural features of the site is retained and enhanced within the development site design to screen the visual impact of the built form.*

Comment: The proposed development does not result in any adverse impacts upon existing vegetation and a suitable landscape treatment is proposed for the site, consistent with the provisions of D16.5 of P21 DCP.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

Comment: The non-compliance is limited to the ground floor pergola area and awning over the breakfast bar, that will not attribute to any adverse impacts upon solar access or visual privacy. As above, the roof structures will provide enhanced amenity to occupants by providing a covered area of private open space that is protected from the weather and overlooking from upper levels of adjoining properties.

*\*Note: The proposed housing product seeks to employ a zero lot line along the western side boundary. The applicant will be creating necessary easements on the adjoining land parcel and makes no objection to the imposition of a condition of consent in this regard.*

## *conclusion*

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The proposal is a well resolved and considered design solution for the site, which provides a high-quality home with exception amenity for future occupants. The design has appropriate regard for the likely development of adjoining sites and appropriately reflects the desired future character of the Warriewood Valley Locality.

The proposal involves non-compliance with the front setback prescribed by clause D16.6 of P21 DCP, the ground floor rear setback control prescribed by clause D16.7 of P21 DCP and the minimum landscaped area requirements of clause D16.5 of P21 DCP. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting the irregular shape of the allotment and that the outcomes of these controls are nonetheless achieved.

Overall, the proposed development will positively contribute to the Pheasant Place streetscape and the wider Warriewood Valley locality, and the application warrants Council's support in this regard.



**Rebecca Englund**

B Arch Studies | M Plan | MPIA

**Director | Northern Beaches Planning**



## annexure one

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**From:** [DAS Mailbox](#)  
**To:** [Rebecca Englund](#)  
**Subject:** RE: Lodgement Requirements  
**Date:** Wednesday, 30 March 2022 12:08:31 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Hi Bec,

No surveys required.

As long as the new lots sit outside the mapped bushfire prone land, no bushfire reports are required.

Regards,

**Daniel Milliken**  
Acting Manager, Development Assessments

Development Advisory Services Team  
t 02 8495 6491 m 0423 170 172  
[daniel.milliken@northernbeaches.nsw.gov.au](mailto:daniel.milliken@northernbeaches.nsw.gov.au)  
[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)



northern  
beaches  
council

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**From:** Rebecca Englund <[rebecca@northernbeachesplanning.com.au](mailto:rebecca@northernbeachesplanning.com.au)>  
**Sent:** Tuesday, 29 March 2022 1:01 PM  
**To:** DAS Mailbox <[das@northernbeaches.nsw.gov.au](mailto:das@northernbeaches.nsw.gov.au)>  
**Subject:** Lodgement Requirements

Hello,

My client is preparing to lodge development applications for the construction of new dwellings at 53 and 53B Warriewood Road, Warriewood. The applications will be lodged with respect to the yet to be created lots approved pursuant to DA2019/0263.

Can you please confirm whether boundary surveys are required for each lot noting that the boundaries are yet to be created and the land is to be altered by virtue of the approved subdivision works?

Also, can you please confirm that bushfire reports would not be required for each dwelling

Thanks,  
Bec



**Rebecca Englund**  
B Arch Studies | M Plan

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