



Minto Planning Services

Town Planning Consultants

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

**NEW DA - MODIFICATION OF EXISTING CONSENT
PROPOSED DWELLING ALTERATIONS &
ADDITIONS AND NEW SWIMMING POOL**

92 NARRABEEN PARK PARADE, WARRIEWOOD

**On Behalf of
Paul and Angela Simmons**

26th February 2025

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**New DA - Modification of Existing Consent - Proposed Dwelling Alterations &
Additions and New Swimming Pool**

at

92 NARRABEEN PARK PARADE, WARRIEWOOD

Prepared under instructions from

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Paul and Angela Simmons. The proposal seeks for the modification of the existing consent which was approved via DA2023/0049, so as to seek modifications to the approved dwelling alterations & additions to a dwelling house and swimming pool upon land identified as Lot 25 in DP 23008 and which is known as 92 Narrabeen Park Parade, Warriewood.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater Development Control Plan*

By way of background, it is advised that DA2023/0049 was approved by the Council on the 16th June 2023. The consent granted approval for *alterations and additions to a dwelling house including a swimming pool* subject to conditions. It is advised that demolition works associated with the construction of the dwelling alterations and additions have been physically commenced.

The demolition works identified a series of structural issues with the existing building which will require the demolition of the existing building fabric. Once demolished it is proposed to re-build the dwelling so as to have a similar appearance and configuration as to that previously approved by the Council via DA2023/0049. It is noted that there are further modifications proposed by this application.

It is acknowledged that the above works would not constitute dwelling alterations and additions and would not result in substantially the same development. Accordingly, S4.55 of the Act does not apply and a new DA which seeks to modify the existing consent is proposed.

This application is made consistent with the decision of the Court in *Waverley Council v CM Hairis Architects* (2002) NSWLEC 180 where it was established that a later development consent can “amend” an earlier development consent on the same property without the need for the earlier consent to be the subject of a modification application pursuant to section 4.55 of the Act. This is particularly the case where the subsequent consent does not satisfy the substantially the same test.

There is no statutory or other legal constraint upon the number of development applications that a person can make in respect of the same land. There can be more than one valid and operating consent in existence at any one time and it is possible to undertake works pursuant to more than one consent at a time, per *Waverley Council v CM Hairis Architects*.

Additional information to support this application includes:

- Boundary Identification & Detail Survey Plan prepared by DP Surveying, Ref. No. 803 and dated 09/02/2021.
- Architectural Plans, Shadow Diagrams, Finishes Schedule & 3D Views prepared by ID Studios Architecture and Interiors, Project No. 2210, Drawing No's A0000 to A0001, A5002 (Issue D), A0002 (Issue B), A0003 to A0005, A9101 (Issue A), A1000, A9000 (Issue E), A1100 to A1102 (Issue H), A1104 to A3001 (Issue F) and A1100 to A1102 (Issue D) and dated 09/01/2023.
- Landscape Plans prepared by Jamie King Landscape Architect, Project No. 22057, Dwg No. Sht-101 to Sht-106, Issue F and dated 24/05/2023.
 - Landscape Plan Addendum Letter prepared by Jamie King Landscape Architect, Ref No. project 22057, Issue F and dated 24/02/2025.
- Geotechnical Assessment prepared by JK Geotechnics P/L, Ref. No. 34538BrptRev1 and dated 01/11/2022.
 - Geotechnical Addendum Letter prepared by JK Geotechnics, Ref No. 34538PNE2let and dated 007/02/2025.
- Stormwater Management Plans prepared by Sparks and Partners Consulting Engineers, Project No. 22370, Dwg No's. DA101 to DA405 Revision 1 and dated 22/12/2020.
 - Stormwater Management Plan Addendum Letter prepared by Sparks and Partners Consulting Engineers and dated 21/02/2025.
- BASIX Certificate No. A476647_04 and dated 15/01/2025.
- Structural Engineering Limited Condition Report prepared by Northern Beaches Consulting Engineers P/L, Job No. 2307015 and dated 17/02/2025.
- Waste Management Plan.
- QS Report prepared by Rina Neville (Notte) and dated 24/2/25.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

As a result of that 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.

2. THE SITE

The subject site is identified as Lot 25 in DP 23008 and is known as 92 Narrabeen Park Parade, Warriewood. The subject site is an irregular shaped allotment located on the south western side of Narrabeen Park Parade to the east of its intersection with Sydney Road.

The site has an area of 769m² with a street frontage of 27.43m and a maximum site depth of 35.355m.

The site location is depicted in the following street map extract:



Site Location Map

The property is a moderately sloping allotment having a fall from the site's front eastern corner (RL 31.20) to the rear south western portion (RL 27.42). The total fall over the length of the site is approximately 3.78m. Stormwater from the property is understood to currently be disposed of to the existing pit located within an inter-allotment drainage easement to the rear southern corner. The proposal seeks to maintain this arrangement.

Prior to the current construction work occurring on site, a part two and three storey rendered dwelling house comprising of 3 levels with a metal roof was supported on the site. The structure is located centrally upon the front half of the allotment. It is advised demolition works have commenced on the approved alterations and additions to the subject dwelling house as approved under DA2023/0049.

Upon works commencing on the subject site under DA2023/0049, the dwelling house was found to have structural inadequacies due to foundation movement and improper building design. Further, it was revealed structural mechanisms within the roof structure cannot be repaired without reconstruction. Demolition works have allowed for water to cause irreparable damage to internal elements of the dwelling which were intended to remain.

It will therefore be necessary to demolish significant portions of the existing dwelling prior to any reconstruction.

The existing dwelling is not heritage listed and is not considered to have any heritage significance which would prevent the proposal. The site is not located within a HCA.

Other improvements located upon the property include brick and concrete block retaining walls to the rear of the existing dwelling to provide a level yard.

Vehicular access is provided by a concrete crossing and driveway which enters the site within the northern corner and adjoins the north western boundary.

The driveway provides access to the basement level garage. A concrete parking area adjoins the driveway.

Vegetation located upon the property comprises mainly of exotic tree/shrub species together with lawn areas. The proposal does not require the removal of any protected vegetation.



View of the subject site from Narrabeen Park Parade



An aerial view of the subject site

3. THE SURROUNDING LOCALITY

The subject property is located in a low density residential locality comprising of a combination of traditional dwellings and recently constructed contemporary two and three storey dwellings.

Adjoining residential development comprises of single, two and three storey development comprising of predominantly original dwelling houses.

The subject site and adjoining properties enjoy views to the north over Warriewood Beach and Warriewood Beach Reserve and the Pacific Ocean to the east.

The sites relationship with its surrounding properties is depicted in the following aerial photograph.



An aerial view of the subject and adjoining properties

4. THE PROPOSAL

The proposal seeks approval for the modification of the existing consent which was approved via DA20213/0049; so as to seek approval for the demolition of the existing dwelling house and the construction of a new dwelling with a design substantially the same as that approved under DA2023/0049; upon land identified as Lot 25 in DP 23008 which is known as 92 Narrabeen Park Parade, Warriewood. The demolition of the existing structure is considered necessary on engineering grounds.

By way of background, it is advised that DA2023/0049 was approved by the Council on the 16th June 2023. The consent granted approval for *alterations and additions to a dwelling house including a swimming pool* subject to conditions. It is advised that demolition works associated with the construction of the dwelling alterations and additions have been physically commenced.

This application relates to the dwelling house component of the approved development and seeks approval for the demolition of the dwelling house and all commenced new works, and the reconstruction of the dwelling with a design substantially the same as that approved under DA2023/0049.

Council is advised that during approved demolition works and site investigations, it was discovered that the existing structure is structurally inadequate and requires demolition and reconstruction.

The following excerpt is provided from the Structural Engineering Limited Condition Report prepared by Northern Beaches Consulting Engineers which accompanies this application:

“From test pits dug on site, it has been found that the existing footings are 300mm deep and not in accordance with the current Australian Standards. It is believed that the footings were built to the requirements of ordinance 70, a standard that was superseded in 1989. The house exhibits many cracks in the façade. Whilst hairline, these cracks indicate foundation movement (refer Photo 1-4).

Further, soft demolition revealed areas of structural mechanisms in the roof structure that cannot be repaired without reconstruction (refer Photo 5 & 6).

After the soft demolition and removal of external cladding, the structure has been left exposed to weather and internal floor coverings have been destroyed and cannot be salvaged. In addition, water has entered the internal areas of the building that were intended to be retained which are now damaged beyond repair (refer Photo 7&8).”

Council is advised that it has been recommended by the Engineer that the existing structure be demolished.

This application seeks approval for the modification of the existing consent so as to permit the demolition and reconstruction of the dwelling house.

Further to the demolition and reconstruction of the dwelling house, the application also seeks consent for the below modifications which are considered to be minor:

BASEMENT

1. Recessed garage door
2. Adjusted layout to basement
3. Lowered slab to garage and driveway
4. Window added to eastern wall
5. Existing doors changed to slider

GROUND FLOOR

6. Removed kitchen splashback window
7. Screen outside front door removed
8. Window to ensuite
9. Ensuite sliding door changed to window
10. Built in planters removed from main terrace and replaced with glass balustrades
11. Bedroom 3 and dining door sizes to allow for recessed pocket. Pocket to kitchen slider
12. Internal stair location changed

FIRST FLOOR

13. Terrace paving extends to concrete upturn hob
14. Roof to terrace below solid (removed operable louvres), all at one level (removed step in roof)
15. Adjusted window line on southern wall and increased window head heights
16. Trafficable balcony outside master bedroom
17. Increased slider size to bedroom 2
18. Increased window head heights
19. Solid roof over terrace

ELEVATIONS / SECTIONS

20. Simplified Internal floor levels

ROOF

21. Existing roof framing demolished, new roof and framing

SCHEDULE OF FINISHES

22. Update to soffit, upper-level cladding and gutters

The proposed dwelling once completed will comprise the following layout which is substantially the same as the dwelling alterations approved under DA2023/0049:

Basement Floor:	Two bedrooms, bathroom, Rumpus, double garage, plant room, storage, shed and outdoor terrace.
Ground Floor:	Entry, two bedrooms (with ensuite), laundry, WC, dining, living, kitchen, front and rear terraces and new swimming pool.
First Floor:	Two bedrooms (Master with ensuite and walk in robe), WC, study, living, study nook and terrace.

Swimming Pool - Unchanged

The proposed swimming pool design is to remain unchanged to that approved under DA20238/0049.

The swimming pool has a capacity of 26,000 Litres and therefore the provisions of BASIX do not apply.

Ancillary Works - Unchanged

The proposed dwelling ancillary works are to be consistent with that approved under DA2023/0049 and will comprise:

- Rebuild garden planter wall adjoining existing driveway.
- Construction of extension to the western side of the existing driveway.
- Construction of new rendered blade walls and new stairs to rear garden.
- Construction of new stairs from basement floor rear terrace to ground floor terrace adjoining swimming pool.
- Construction of new stairs to plant room beneath swimming pool.
- Construction of rear terrace (ground floor) planter boxes and optional planter box to western side boundary.
- The proposal also includes the landscaping of the property as detailed on the accompanying landscape plan. No vegetation is required for removal to facilitate the proposal.

Stormwater - Unchanged

A detailed plan for the collection and disposal of all stormwater from the property has been prepared by Sparks and Partners Consulting Engineers and accompanies this application. The proposal provides for collected stormwater to be disposed to the existing drainage easement to the rear of the site via an existing retention/reuse tank having a capacity of 5,000L.

All new downpipes created as a result of the proposed dwelling house will be connected to the proposed system.

There are no other works proposed as part of this application.

Development Indices

The development indices for the proposal are as follows:

Site Area:	769m²
Proposed Landscaped Area:	374.2m² or 48.6% - Unchanged
Proposed Floor Space:	388m² or 0.504:1

5. ZONING & DEVELOPMENT CONTROLS

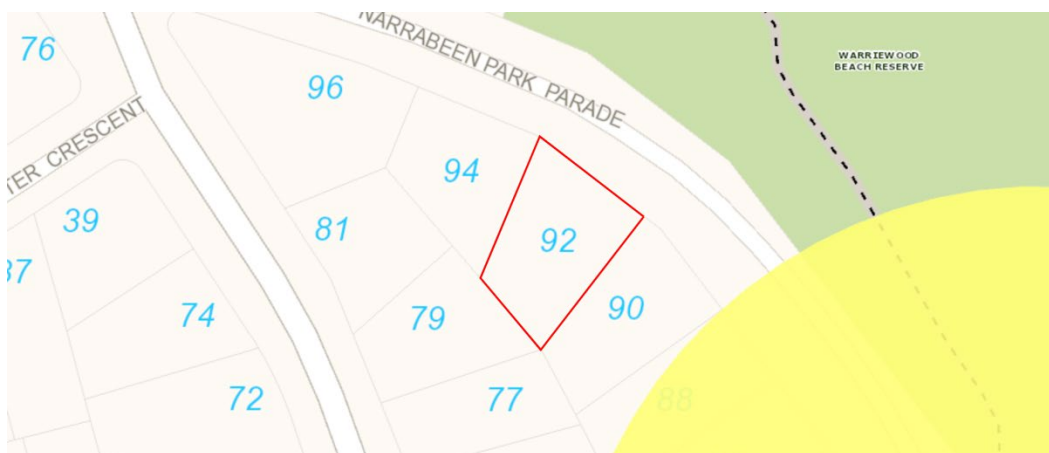
The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Pittwater Local Environmental Plan 2014.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 Planning for Bushfire Protection

The subject site is not identified as comprising bushfire prone land on Council's Bushfire Prone Lands Map.

Therefore, the provisions of Planning for Bushfire Protection do not apply to the subject application.



Extract of Council's Bushfire Prone Lands Map

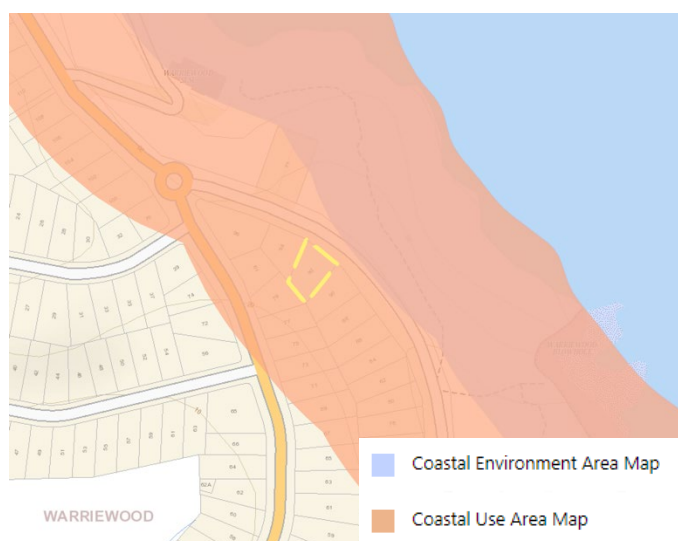
5.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 - Coastal Management

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

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

The assessment against Part 2.2 - Division 3 and Division 4 of the SEPP below demonstrates compliance with the aims of this policy.



Extract of Coastal Environment & Coastal Area Mapping

Division 3 - Coastal Environment Area

The land is not mapped as being located in the Coastal Environmental Area and therefore provisions of this Division do not apply to the proposal.

Division 4 - Coastal Use Area

An assessment of the proposal against Section 2.11 is provided in the table below.

SEPP Requirement	Response
<p>1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>ii) overshadowing, wind funnelling and the loss of</p>	<p><i>With regard to Subsection (a)(i), the proposed development is entirely on private property and will not affect public foreshore, beach, headland or rock platform access.</i></p> <p><i>With regard to Subsection (a)(ii), the proposal will not overshadow or reduce the visual amenity of the surrounding area when viewed from the public domain.</i></p> <p><i>With regard to Subsection (a)(iii), the proposal is considered unlikely to result in adverse</i></p>

<p>views from public places to foreshores,</p> <p>iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>iv) Aboriginal cultural heritage, practices and places,</p> <p>v) cultural and built environment heritage, and</p>	<p><i>impact to the visual amenity of the coast.</i></p> <p><i>With regard to (a)(iv), The site is not identified as containing land of Aboriginal Cultural Heritage.</i></p> <p><i>With regard to (a)(v), The subject site is not identified as comprising a heritage item and is not located within a Heritage Conservation Area and does not adjoin any identified heritage items. On this basis it is not considered to result in any adverse impacts on cultural and built environment heritage.</i></p>
<p>b) is satisfied that:</p> <p>i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>	<p><i>With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Section 2.11(1) for the matters considered herein.</i></p>
<p>c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	<p><i>Subsection (c) is further addressed in the DCP assessment below.</i></p> <p><i>The proposal is considered to be consistent with the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i></p>

(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.	<i>The land is not located within the Foreshores and Waterways Area within the meaning of the SEPP (Biodiversity and Conservation) 2021, Chapter 6.</i>
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Division 5 - General

Section 2.12

It is considered that the proposal will not result in an increased risk of coastal hazards to the subject site or surrounding properties. The proposal is accompanied by a Geotechnical Assessment prepared by JK Geotechnics P/L which considers the development to be very low to low risk. It is considered that the design will not result in an increased risk of geotechnical hazards to the subject site, surrounding properties or foreshore area.

Section 2.15

The subject site is not located within more than one coastal management area. An assessment of the development controls that apply to the 'coastal use area' is provided above.

Summary

It is my opinion based upon this assessment that the proposal satisfies the requirements of State Environmental Planning Policy (Resilience & Hazards) 2021.

5.3 Pittwater Local Environmental Plan 2014

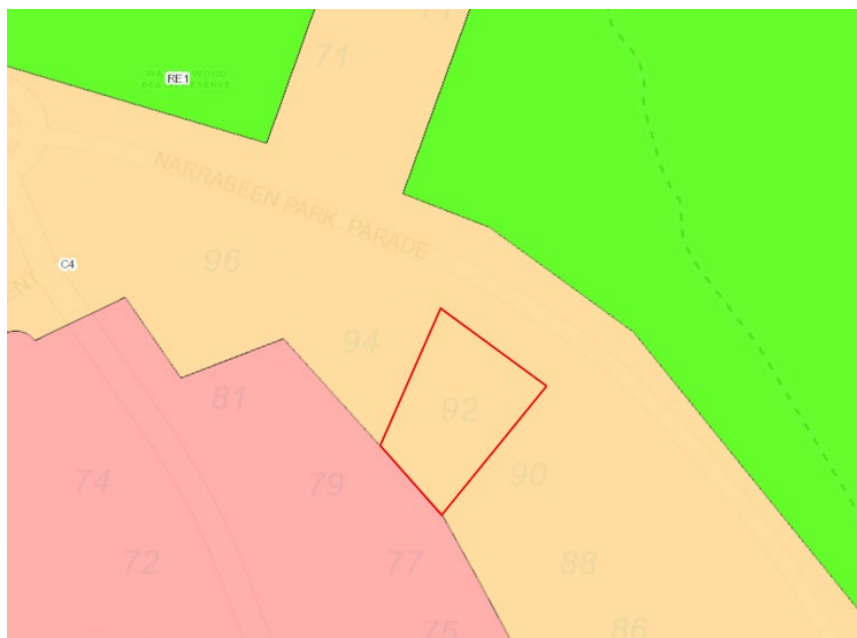
The subject land is zoned C4 - Environmental Living under the provisions of the Pittwater Local Environmental Plan 2014.

The objectives for development within the C4 zone are:

- *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.*

Under the C4 - Environmental Living zone a range of uses including that of a *dwelling house* are permissible with the consent of the Council.

The proposal which seeks to modify the existing consent to allow for the demolition and reconstruction of the existing dwelling house and approved alterations and additions upon the site, is considered to be consistent with the above objectives and is development permissible with the consent of the Council.



Extract from Council Zoning Map

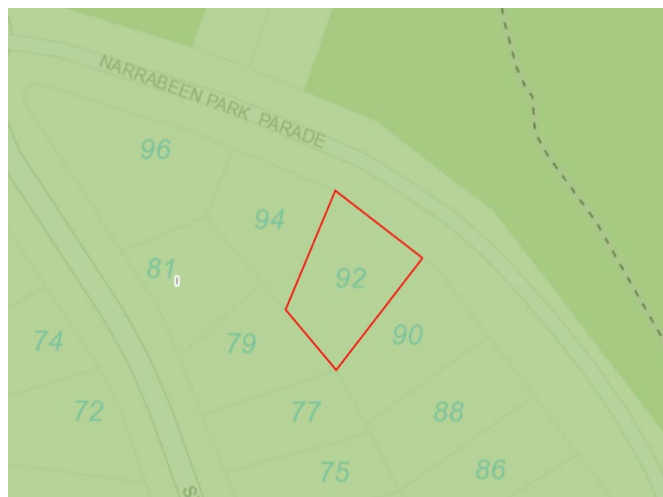
The following provisions of the Pittwater Local Environmental Plan 2014 are considered applicable to the subject site.

Clause 4.3 - Height of Buildings

The subject site is located within Building Height Area “I” and is therefore subject to a maximum building height control of 8.5m.

The proposal provides for a maximum height of less than 8.5m which complies with this clause.

It is therefore considered that the proposal satisfies the requirements of this clause of the LEP.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

There is no floor space ratio control applicable to the subject site.

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item nor is it located within a heritage conservation area. It is not considered to have any heritage significance which would prevent the subject application from proceeding.

The proposal is therefore considered to satisfy the requirements of this Clause.



Extract from Council Heritage Map

Clause 7.1 - Acid Sulfate Soils

The subject site is identified as containing Class 5 Acid Sulfate soils.

It is not considered that the proposal includes works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

On this basis the proposal is considered to satisfy the requirements of this Clause of the LEP.



Extract of Council Acid Sulfate Map

Clause 7.6 - Biodiversity protection

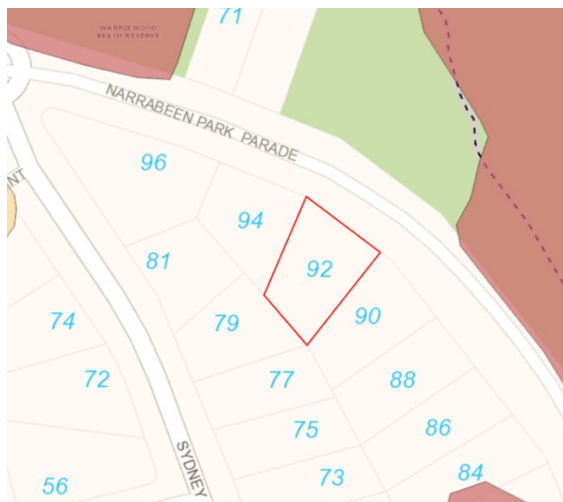
The site is not mapped as containing land of biodiversity significance and therefore the provisions of this clause do not apply.



Extract of Council Biodiversity Map

Clause 7.7 - Geotechnical Hazards

The subject site is not identified as being subject to Geotechnical Hazard H1 or H2 on the Geotechnical Hazards Map. Therefore, the provisions of this clause do not apply.



Extract of Council Geotechnical Hazard Map

Summary

There are no other provisions of the LEP which it is considered are relevant to the proposal.

It is my opinion based upon this assessment that the proposal is compliant with the aims, objectives and the applicable prescriptive requirements of the Pittwater LEP and is therefore permissible upon the subject site with the consent of the Council.

5.4 Pittwater 21 Development Control Plan 2014

Council's Development Control Plan applies to all forms of development with Sections B, C and D being specifically applicable to residential development.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Section B - General Controls

Section B3 - Hazard Controls

A Geotechnical Assessment has been prepared in support of the proposal by JK Geotechnics P/L and their report forms part of the information accompanying this application. That report within Section 5.2 - Risk Analysis states that:

The attached Table A summarises our qualitative assessment of each potential landslide hazard and of the consequences to property should the landslide hazard occur. The terminology adopted for this qualitative assessment is in accordance with Table A1 given in Appendix A. Table A indicates that the assessed risk to property varies between 'Very Low' and 'Low', which would be considered 'acceptable' in accordance with the criteria given in Reference 1 and the Pittwater Risk Management Policy.

We have also used the indicative probabilities associated with the assessed likelihood of instability to calculate the risk to life. The temporal and vulnerability factors that have been adopted are given in the attached Table B together with the resulting risk calculation. Our assessed risk to life for the person most at risk is about 9×10^{-7} . This would be considered to be 'acceptable' in relation to the criteria given in Reference 1 and the Pittwater Risk Management Policy.

Section B5 - Water Management

A detailed plan for the collection and disposal of all stormwater from the property has been prepared by Sparks and Partners Consulting Engineers and accompanies this application. The proposal provides for collected stormwater to be disposed to the existing drainage easement to the rear of the site via an existing retention/reuse tank having a capacity of 5,000L.

The proposal is therefore considered to provide for an outcome which is consistent with the requirements of this section of the DCP.

Section B6 - Access & Parking

The following table provides for an assessment of the proposal against this section of the DCP.

Off Street Parking Requirements			
Control	Required	Proposed	Compliance
Spaces required for a 2+ bedroom dwelling	2	2 spaces proposed	Yes
Minimum dimension for each internal space	2.4m x 5.5m	Carparks satisfy Australian Standards.	Yes

The proposal is also considered to be provided with a driveway which satisfies the requirements of this section of Council's DCP.

Section B8 - Site Works Management

An Erosion and Sediment Control Plan and Waste Management Plan form part of the accompanying DA documentation. It is considered that the plans are consistent with the outcomes and controls detailed in the DCP.

Section C - Development Type Controls

Section C1 - Design Criteria for Residential Development

Section C1.1 - Landscaping

It is considered that the proposal provides a landscape outcome in accordance with the requirements this section of Council's DCP. Reference is made to the accompanying Landscape Plans prepared by Jamie King Landscape Architect.

Section C1.2 - Safety & Security

The occupants of the development will be provided with a secure living environment.

Section C1.3 - View Sharing

The site is located along the ridgeline of a hill. Narrabeen Park Parade traverses along the ridgeline and therefore the properties opposite the site have a scenic view to the north and east. Nevertheless, the site will continue to have view corridors through the provision of compliant side setbacks and the proposed open terrace.

Section C1.4 - Solar Access

Shadow diagrams have been prepared in support of the proposal. Those diagrams indicate that the proposal will result in some overshadowing of the adjoining properties to the east and west.

Notwithstanding it is considered that each of the adjoining properties will continue to receive solar access in excess of the minimum requirements of the Council.

The proposal will not reduce solar access from that which was previously approved by the Council.

Section C1.5 - Visual Privacy

The development has generally been designed having regard to the visual and acoustic privacy of both the future residents of the development together with the adjoining property owners. This has primarily been achieved through the provision of appropriate setbacks to the side and rear property boundaries together with the considered location of windows and areas of open space. Screening is provided to the terraces (western elevation) to minimise any potential for loss of visual privacy.

In terms of internal visual privacy for future occupants of this development measures such as overall layout and vertical separation have all been incorporated into the design so as to ensure that there will be appropriate amenity provided to future residents of the development and the residents of neighbouring properties.

Section C1.6 - Acoustic Privacy

It is not considered that the proposal will result in any unreasonable acoustic impacts upon adjoining properties.

Section C1.7 - Private Open Space

The proposal is provided with an adequate area of private open space within the rear setback which comply with the minimum requirements of the DCP.

Section C1.12 - Waste & Recycling Facilities

A Waste Management Plan has been prepared in support of the proposal and forms part of the information accompanying this application.

The proposal includes an area for the storage of Council's waste storage containers following completion of the development. In this regard waste generated by the development will be collected from the kerb by Council's standard domestic waste collection service.

Section C1.13 - Pollution Control

A sediment and erosion control plan forms part of the information accompanying this application.

Section C1.15 - Storage Facilities

The proposal also includes the provision of dedicated storage areas in the ground floor of the proposed dwelling.

Section C1.17 - Swimming Pool Safety

An isolation pool fence will be provided around the pool in accordance with the Swimming Pools Act 1992 and Regulations.

Section C1.23 - Eaves

The proposal provides eaves in accordance with the minimum dimensions required to satisfy this section of Council's DCP.

Part D14 - Warriewood Locality

Section D14.1 - Character as Viewed from a Public Place

From the streetscape the proposed development will not be visually dominant. The proposal results in a minor increase in the overall building footprint and does not result in any increase in building height or the number of storeys.

The proposal sensitively relates to the spatial characteristics of the existing built and natural environment.

The proposal will not require the removal of any vegetation.

The proposal is considered to satisfy the requirements of this section of the DCP.

Section D14.2 - Scenic Protection

The proposal will not unreasonably impact the visual amenity of surrounding bushland or waterway landscapes within the Warriewood locality.

Section D14.3 - Building Colours & Materials

The proposed new dwelling will be finished with a combination of painted render and FC weatherboard cladding, timber batten privacy screens and garage door and feature sandstone clad elements. The new roof is to be constructed with Colourbond dune or similar sheeting. The proposed building colours and materials are considered to be compatible with the surrounding character.

Section D14.7 - Front Building Line

All land zoned C4 - Environmental Living is subject to a 6.5m front setback or established building line, whichever is the greater.

The proposal results in no change to the front building line of the existing dwelling measured to the external wall of the existing basement level.

Section D14.8 - Side and Rear Building Line

All land zoned C4 - Environmental Living is subject to a side setback of 2.5m to one side and 1m for the other side with a 6.5m rear setback.

The proposed setbacks are to be consistent with that approved under DA2023/0049 and is considered to comply with Council's setback requirements.

Section D14.11 Building Envelope

The proposal provides for a highly articulated design which is considered to largely comply with the requirements of the DCP and will make a positive contribution to the character of the locality.

Section D14.13 - Landscaped Area - Environmentally Sensitive Land

The minimum required landscaped area on C4 - Environmental Living land located in 'Area 1' is 60% as prescribed in the Pittwater DCP.

The existing landscaped area is 408.1m² or 53.1%. The proposal provides for 386.1m² or 50.3% of the total site area to be used as landscaped area resulting in a non-compliance with the numerical control.

A variation to this requirement is requested on the basis that the proposed landscape area remains unchanged to that previously approved under DA2023/0049, and which remains an active DA.

In addition to the above, it is noted that Council is currently considering a change in the zoning of the subject site from C4 - Environmental Living to R2 - Low Density Residential. If made, this change would have the effect

of reducing the landscape area requirement from 60% to 50% and which the proposal would comply with.

The proposal is therefore considered to satisfy the outcomes of this section of the DCP.

Summary

There are no other provisions of the DCP which it is considered are relevant to the proposal.

On the basis of the above the proposal is considered to achieve appropriate compliance with the requirements of Council's DCP and where a variation is proposed it is considered to be consistent with the aims and objectives of the relevant provision.

The proposal is therefore considered to be worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned C4 - Environmental Living under the provisions of the Pittwater Local Environmental Plan 2014. The proposed modification of the existing consent - *dwelling alterations and additions*, to permit the demolition and reconstruction of the approved dwelling house is permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 and both the Pittwater LEP 2014 and the Pittwater Development Control Plan as detailed within this report.

The proposal was found to generally satisfy the requirements of both policy documents. Where a variation is proposed it is considered to be consistent with the aims and objectives of the relevant provision.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area.

The proposed dwelling is considered to be of a design, which is in keeping with the character of the surrounding area and the desired future characteristics identified for this locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned C4 - Environmental Living under the Pittwater Local Environmental Plan 2014. The construction of a new dwelling, new swimming pool and ancillary works having a height of less than 8.5 metres is permissible with the consent of Council.

The subject site currently supports a dwelling house and in the absence of any unreasonable detrimental impact is thus considered suitable for the proposed development.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Pittwater Local Environmental Plan 2014 and has been assessed against the requirements of Section 4.15(1) of the Act, SEPP (Resilience and Hazards) 2021 and the Pittwater LEP & DCP. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal appropriately satisfies the aims and objectives and the applicable prescriptive requirements of the above controls.

Where a variation is proposed in relation to the requirements of Council's DCP it is considered that the proposal satisfies the aims and objectives of the relevant control, as supported through the approval of DA2023/0049.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed modification of the existing consent - dwelling alterations and additions and new swimming pool - to permit the demolition and reconstruction of the dwelling upon land at 92 Narrabeen Park Parade, Warriewood is worthy of the support of Council.



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