



*statement of environmental effects*



## **NEW DWELLING HOUSE**

**LOT 3**

**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 3 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

## *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 3, approved pursuant to DA2019/0263. Lot 3 is a trapezoidal shaped allotment, with a 10m frontage to Warriewood Road, a depth of 24.38m and a total area of 235.2m<sup>2</sup>. Lot 3 is located along the front boundary of 53B Warriewood Road, as shown on Figure 2, and experiences a fall from the front boundary down towards the rear.

Access to Lot 3 is to be gained from Warriewood Road, that is to be upgraded pursuant to DA2019/0263.



Figure 1 – Aerial view of 53B Warriewood Road and its surrounds  
Source: Six Maps

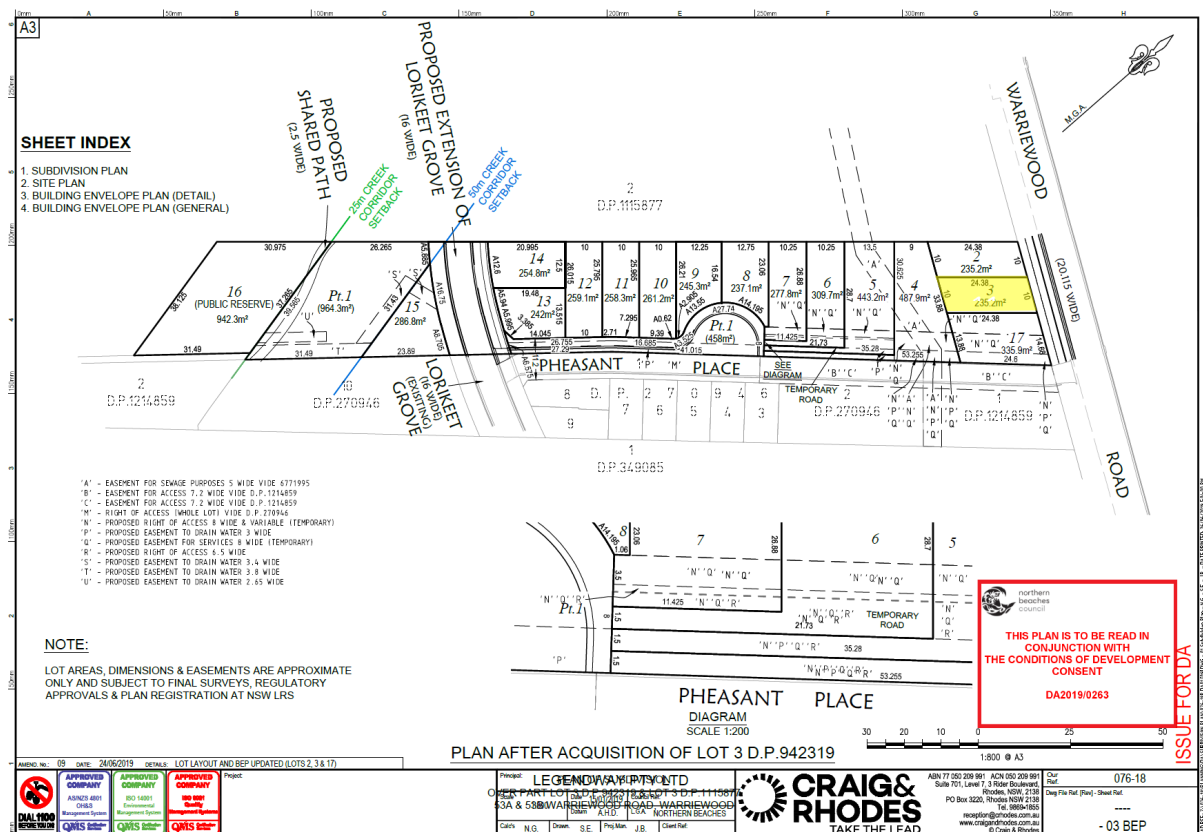
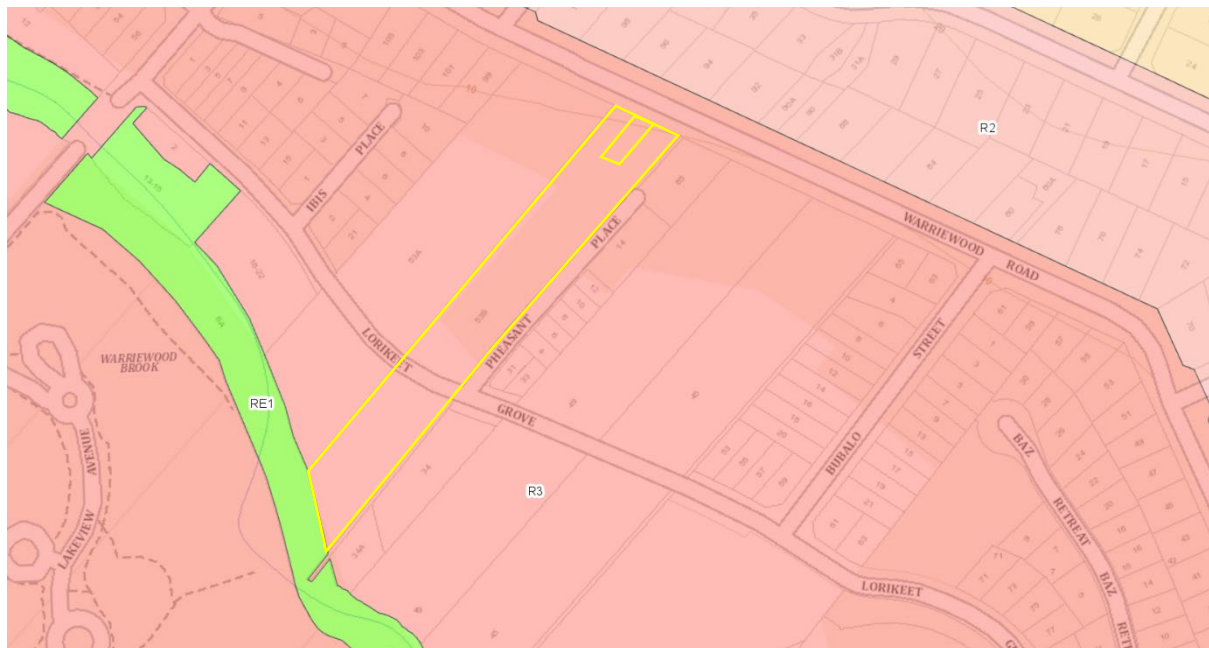


Figure 2 – Approved Subdivision Plan DA2019/0263 with Lot 3 highlighted in yellow  
Source: Northern Beaches Council



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 as seen from Warriewood Road (north-west)**  
**Source: NBP**



**Figure 6 – Existing development opposite Lot 3 (on the northern side of Warriewood Road)**  
**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 3, approved pursuant to DA2019/0263. Specifically, the new dwelling comprises:

### **Lower Floor**

- Living room
- Laundry
- Bathroom
- Bedroom
- Study

### **Ground Floor**

- Single garage
- Entrance porch
- Dining room
- Powder room
- Open plan kitchen and living
- Butler's pantry

### **First Floor**

- Master bedroom with ensuite
- 2 additional bedrooms
- Bathroom

### **External**

- Tandem hardstand parking space
- Covered terrace at lower floor
- Covered balcony at ground floor
- 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: 8.5m and 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:

<b>Clause</b>	<b>Provision</b>	<b>Comment</b>
(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>	The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement.
(b)	<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>	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.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.
(e)	<i>the public interest.</i>	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.

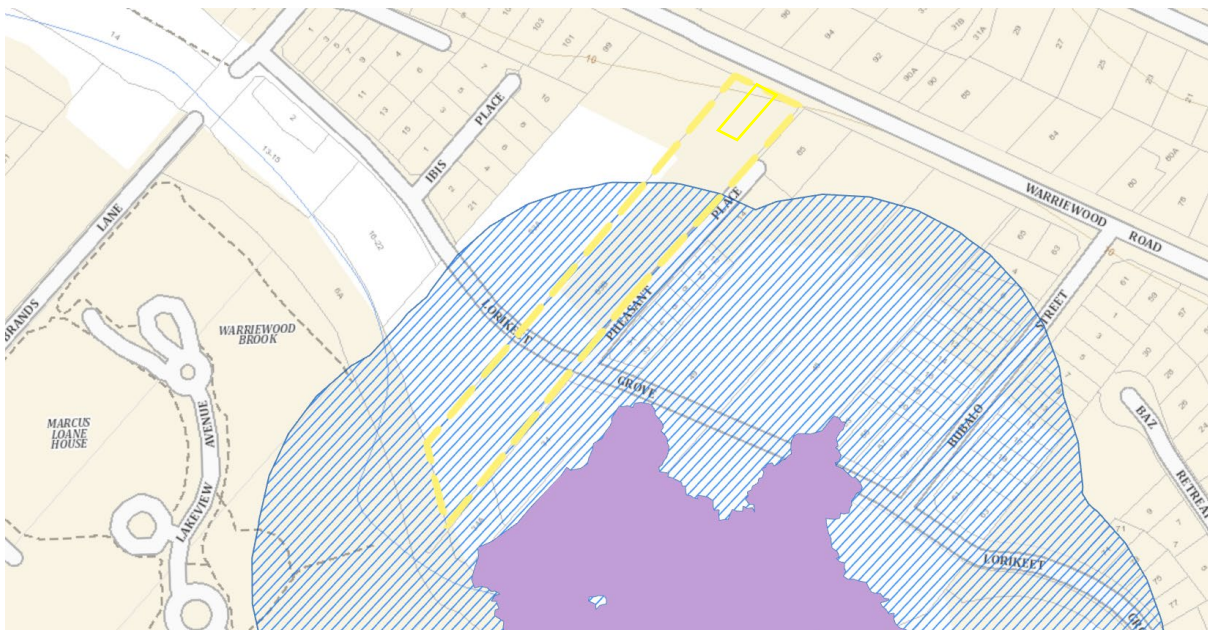


## *state environmental planning policy (resilience and hazards)*

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### **Coastal Hazard**

53B Warriewood Road is identified as land in the proximity area for coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map. However, as shown on Figure 7, the yet to be created Lot 2 is not within the mapped area. As such the provisions of Chapter 2 of SEPP (Resilience and Hazards) are not applicable in relation to the site and this proposal.



**Figure 7 – Extract of Coastal Wetlands and Littoral Rainforests Area Map**  
Source: ePlanning Spatial Viewer

### **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.

## *local environmental plan*

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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 See discussion
4.3 Height of buildings	8.5m (first 12.5m) 10.5m (rest of site)	8.5m (first 12.5m) 9.6m (rest of site)	Yes
5.21 Flood planning			N/A See discussion
6.1 Warriewood Valley Release Area			Yes See discussion
7.1 Acid sulfate soils	Class 5		Yes
7.2 Earthworks			Yes
7.10 Essential services			Yes 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 4.3 Height of buildings**

The site is identified within Area 6 on the Height of Buildings Map. Pursuant to clause 4.3(2F) of PLEP 2014, development on land within Area 6 must not exceed 8.5m within the area that is 12.5m measured from the boundary fronting Warriewood Road. The primary intent of this control is to ensure a two storey presentation to Warriewood Road, to mimic the scale of development on the opposite side of the street. The proposed new dwelling has a two storey presentation to Warriewood Road, and is wholly maintained below the 8.5m height limit within the front 12.5m of the site, and well below the 10.5m height limit that applies to the rest of the site.

#### **Clause 5.21 Flood planning**

53B Warriewood Road is identified as flood prone on the Flood Risk Precinct Maps of P21 DCP. The application is made with respect to yet to be created Lot 2 which is not currently flood affected, and which will not become flood affected as a result of the proposed works. Council can be satisfied that provisions of clause 5.21 of PLEP 2014 are not applicable to the proposed development.

#### **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 See discussion
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B3.11 Flood Prone Land			N/A See discussion
B6.3 Off-Street Vehicle Parking Requirements	2 spaces (minimum) Compliant with AS2890.1	2 spaces 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	Development 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, have a street presence and incorporate design elements	The proposed dwelling is a high-quality design solution that comprises a high degree of articulation and varied materiality to ensure that the bulk and scale of	Yes

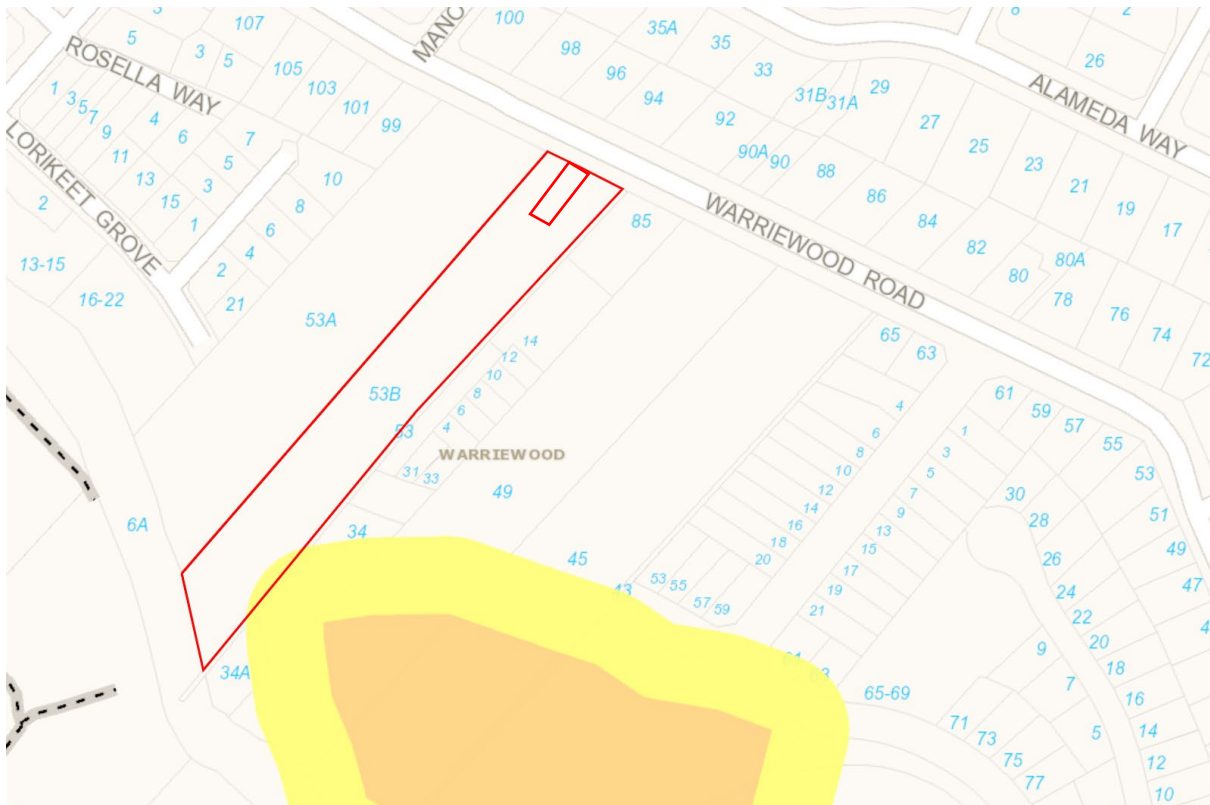
Clause	Control	Proposal	Compliance
	<p>that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>Landscaping is to be integrated with the building design to screen and soften the visual impact of the built form.</p> <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>Single garage with an opening <math>\leq 3\text{m}</math></p>	<p>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 2.7m.</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>62.18% impervious</p>	<p>Yes</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>Landscaped area: 37.82%</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>6.5m to dwelling</p> <p>5m to articulation zone</p>	<p>5.7m – 7.0m to dwelling</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>The remaining portion of the ground floor dwelling is to setback 0.9m.</p>	<p>0m at lower and ground floor on SE side for 12.2m.</p> <p>1.05m at lower and ground floor on NW side.</p>	<p><b>No</b></p> <p>See discussion</p>



Clause	Control	Proposal	Compliance
	<p>The upper level is to be setback 1.5m.</p> <p>Other side: 0.9m</p> <p>Rear: 4m to ground and 6m to upper levels</p>	<p><b>0.8m - 1.5m at upper level on SE side</b>, 1.5m on NW side</p> <p>6.0m at lower and ground floor to rear of dwelling, then <b>3m to pergola/deck</b></p> <p>6m 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 windows of the dining room at the front of the property.</p> <p>Given the orientation of the site 2 hours of direct sunlight is not available to the private open space at the rear of the site. However, the front setback area receives well in excess of 2 hours of direct sunlight throughout the day in midwinter.</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 8, over page. 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 8 - 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 consistent with the requirements of the Water Management Report approved pursuant to DA2019/0263, in so far as a 3000L water tank is provided on site and the development is consistent with the 65% maximum impervious area calculations relied upon to determine the size/volume of the bioretention basin.

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

The proposed development provides a total landscaped area of 88.9m<sup>2</sup> or 37.82% of the total site area, slightly in excess of the minimum landscaped area prescribed by clause D16.5 of P21 DCP. However, the proposed landscaped areas do not all have a minimum dimension of 4m, inconsistent with the dimensional requirements of clause D16.5 of P21 DCP.

The technical non-compliance with the dimensional requirement of the landscaped area calculation is reasonably 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.

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

Comment: Despite inconsistency with the minimum dimension 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 achieve a consistency with the 65% impervious area calculations relied upon in the Water Management Report approved pursuant to DA2019/0263 ensuring consistency with the water management solution for the wider site as a whole.



- *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.

- *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 dimensional requirements of this clause does not result in any adverse impacts to the privacy of future adjoining dwellings.

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

The proposed new dwelling has been designed with a stepped front façade in response to the angle of the front boundary. Whilst parts of the façade are maintained behind the 6.5m minimum setback prescribed by this control, others are slightly forward of this alignment, with a minimum setback of 5.7m. The siting and alignment of the proposed dwelling is an appropriate response to the context of the site and is reasonable in circumstances where the same setback control permits minor elements (articulation zone) within 5m of the front boundary. Further, the setbacks do not detract from consistency with the outcomes of the control, as follows:

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

Comment: The stepped front façade is a suitable design solution in response to the alignment of the angled front boundary, that does not detract from consistency with the character of the locality.

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

Comment: The proximity of the development to the street does not attribute to any additional site disturbance or excessive site coverage.

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

Comment: The dwelling house has a two storey presentation to Warriewood Road, and a highly articulated front façade, ensuring that the bulk and scale of the proposal is appropriately minimised.

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

Comment: The stepped front setback approach adopted with respect to Lot 3 is also to be adopted with respect to the other two lots fronting Warriewood Road, to ensure a consistent presentation to Warriewood Road. Furthermore, the proposed dwelling house maintains consistency with the alignment of other nearby development that presents to Warriewood Road. The proposed front setback will be landscaped, consistent with the requirements of D16.5 of P21 DCP, ensuring a cohesive streetscape.

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

Comment: The proposed front setback non-compliance will not result in any adverse 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: Lot 2 is a vacant site free of any existing landscaping or significant natural features. The proposed will result in an enhancement of landscaping on the site.

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

Comment: The proposed parking arrangement is a tandem arrangement.

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

Comment: The siting of the proposed dwelling in relation to the front property boundary does not result in any adverse impacts upon the amenity of adjoining properties.

#### **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 rear setback to the lower and ground floor pergola/decks and the side setback to the bathroom on the south-eastern side elevation of the upper floor.

The proposed pergola/deck is setback 3m from the rear boundary, inconsistent with the 4m minimum setback prescribed by this control. The proposed non-compliance is associated with a light-weight structure that is limited to approximately 50% of the lot width. The protrusion within the rear setback associated with the pergola/deck is offset by the 6m rear setbacks proposed the external wall of the dwelling being (in excess of the 4m minimum prescribed) and the open nature of the south-western rear corner, which maximises amenity and daylight for the adjoining dwelling on proposed Lot 4.

The proposed bathroom is located with a minimum setback of 0.8m to the south-eastern side boundary, inconsistent with the 1.5m minimum setback prescribed in relation to the upper floor. The non-compliance is limited in width, with setbacks to the remainder of the façade compliant with the 1.5m minimum setback prescribed.

The proposed variations to the setback control are 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 structures to the rear will not be readily visible from the public domain. The minor non-compliance along the upper floor south-eastern side setback is setback from the front façade and provides articulation along the side elevation. The non-compliances 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 (in excess of the minimum prescribed by 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 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 light-weight pergola/deck that only partially extends within the rear setback, is considered to be of minimal bulk and scale.

Each of the dwellings within the wider development site have been designed in consideration of those on adjoining sites. In this respect, Council can be satisfied that the proposed pergola/deck will not result in any adverse impacts upon the adjoining property, which has been designed with the placement of these proposed decks in mind (ie: with minimal openings along the northern elevation).

The non-compliance associated with the bathroom on the upper level is setback from the front facade and provides articulation along the side elevation.

- *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 setback between the proposed pergola/deck and the rear boundary will not be apparent from the public domain. Further, the setback to the bathroom at the upper floor will not adversely impact upon the pattern of surrounding development, as compliant setbacks are achieved at the front of the dwelling.

- *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, in close proximity to the primary living areas at the ground floor.

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

Comment: The proposed setback non-compliances 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 associated with the pergola/deck will not attribute to any adverse impacts upon solar access or visual privacy. As above, the roof structure will provide enhanced amenity to occupants by providing a covered area of private open space that is protected from the weather.

The non-compliance associated with the bathroom will not attribute to any unreasonable impacts to the neighbouring property.

Whilst the proposal will overshadow the rear of the adjoining property to the south (Proposed Lot 16), the overshadowing is associated with the central part of the dwelling and built form that is entirely consistent with the provisions of P21 DCP.

*\*Note: The proposed housing product seeks to employ a zero lot line along the south-eastern 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 exceptional 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 minor areas of non-compliance with the front setback prescribed by clause D16.6 of P21 DCP and the rear and upper floor side setback controls prescribed by clause D16.7 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 that the outcomes of these controls are nonetheless achieved.

Overall, the proposed development will positively contribute to the Warriewood Road 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 house, as the new lots are beyond the area mapped as being bushfire prone?

Thanks,  
Bec



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

**Director | Northern Beaches Planning**

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