



D-PLAN
URBAN PLANNING CONSULTANTS PTY LTD

STATEMENT OF ENVIRONMENTAL EFFECTS

D-PLAN URBAN PLANNING CONSULTANTS PTY LTD

PO Box 201 Liverpool NSW 1871
Ph: (02) 9802 5030 Mob: 0410 331 467
E-mail: david@dplan.com.au
www.dplan.com.au

**TO CONSTRUCT A TWO STOREY
DWELLING HOUSE ON A VACANT
ALLOTMENT**

**53 LORIKEET GROVE, WARRIEWOOD
(LOT 2 DP 271139)**

14/1/2020

D-Plan Urban Planning Consultants Pty Ltd

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	1
2.0	SITE/LOCALITY DESCRIPTION	2
3.0	THE PROPOSAL	4
4.0	RELEVANT PLANNING CONTROLS	5
4.1	<u>SEPP (Coastal Management) 2018</u>	5
4.2	<u>Pittwater Local Environmental Plan 2014</u>	6
	Clause 4.3 – Height of Buildings	7
	Clause 4.6 – Exceptions to development standards	7
	Clause 5.10 – Heritage Conservation	7
	Clause 6.1 – Warriewood Valley Release Area	7
	Clause 6.2 – Development requiring the preparation of a DCP	7
	Clause 7.1 – Acid Sulfate Soils	7
	Clause 7.2 – Earthworks	8
	Clause 7.3 – Flood Planning	8
	Clause 7.6 – Biodiversity	8
	Clause 7.10 – Essential Services	8
4.3	<u>Pittwater 21 DCP</u>	9
	<u>Locality Controls (Part A)</u>	9
	Desired Character	9
	<u>General Controls (Part B)</u>	10
	Hazard Controls	10
	Controls Relating to Natural Environment	10
	Water Management Plan & Stormwater Harvesting	10
	Access & Parking	10
	Site Works Management	11
	<u>Development Type Controls (Part C)</u>	11
	Design Criteria for Residential Development	11
	Landscaping	11
	Safety & Security	11
	Solar Access	12
	Visual & Acoustic Privacy	12
	Private Open Space	12
	Waste & Recycling Facilities	12
	Eaves	12
	<u>Locality Specific Development Controls (Part D)</u>	13
	Warriewood Valley Locality (D16)	13
	Character as viewed from a Public Place	13
	Water Management for Individual Allotment	14
	Landscaped Area for Newly Created Individual Allotments	14
	Front Building Line	14
	Side & Rear Building Line	15
	Solar Access	15
	Private & Communal Open Space Areas	15
	Form of construction including retaining walls..	15
	Fences	15
	Building Colours & Materials	15
4.4	<u>Other Requirements</u>	16
	Energy & Water Conservation	16
	Waste Management	16
	Bushfire	16
4.5	<u>Non-Compliance</u>	17
	Landscaped Area	17
	Side Setback	18
	Garage Dimensions	19
5.0	CONCLUSION	20

ATTACHMENTS

1. Control Table

1.0 EXECUTIVE SUMMARY

The Warriewood locality provides good opportunity for development because of existing infrastructure including the availability of public transport. A variety of housing choice will encourage a greater demographic mix of residents in the locality and the utilisation of existing facilities.

The design of the proposed dwelling promotes best planning practice, including the principles of:

- Sustainability;
- Biodiversity;
- Variety (i.e., a quality affordable home); and
- Enhancement of the amenity of the locality.

The urban design qualities of the proposed development are complementary to the emerging character of the locality and incorporate the following:

- Well balanced façade and varied rooflines to produce an aesthetically pleasing presentation to the street;
- Base middle and top appearance to minimise the bulk and scale of the building;
- Subservient garage;
- Formalised landscaping; and
- Passive surveillance opportunities from habitable room windows and a first-floor balcony.

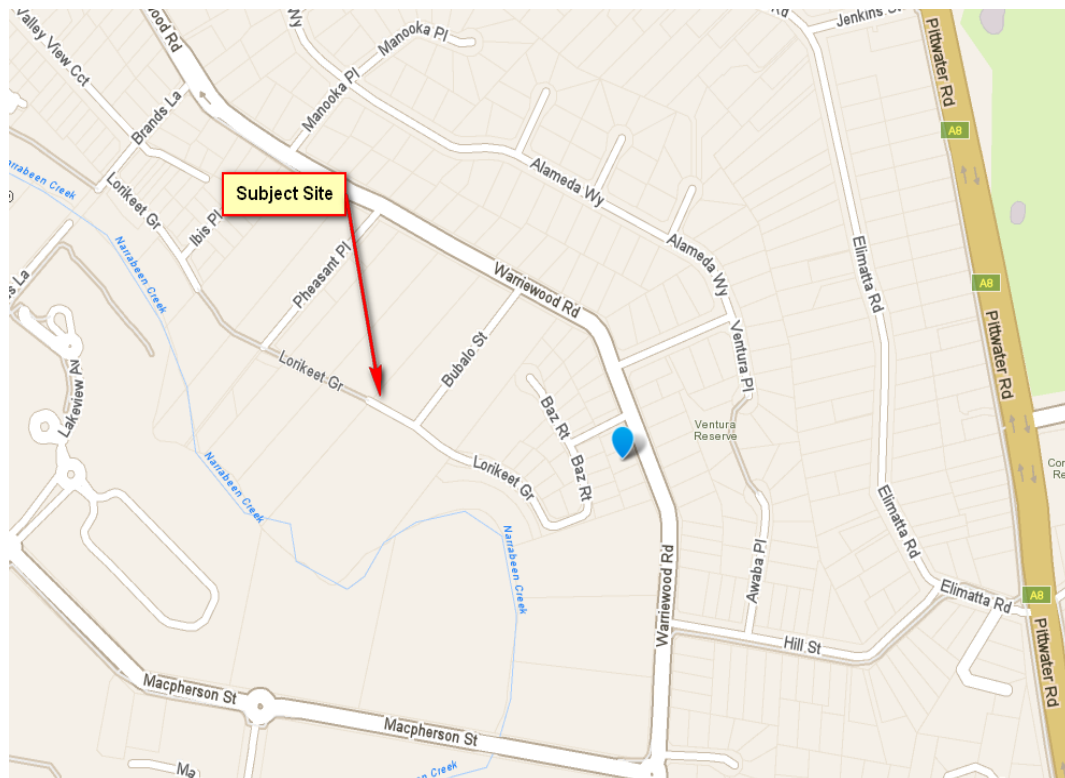
The proposed development satisfies most of the requirements of Council's development control plan for dwelling house development in Warriewood and warrants approval.

2.0 SITE/LOCALITY DESCRIPTION

The subject land, known as No. 53 (Lot 2 in DP 271139) Lorikeet Grove, Warriewood (previously 41 Warriewood Road) is located on the northeastern side of the road, west of Bubalo Street. The site is trapezoidal in shape with a frontage of 9.915m and a minimum length of 30m, comprising a total site area of **290.7m²**.

The site is currently vacant. The immediate locality is characterised by the following:

- Various sized dwellings of contemporary architectural styles and a common colour palette;
- Relatively consistent front setbacks;
- Paved nature strips; and
- Predominately low scale or no front fencing.



www.whereis.com

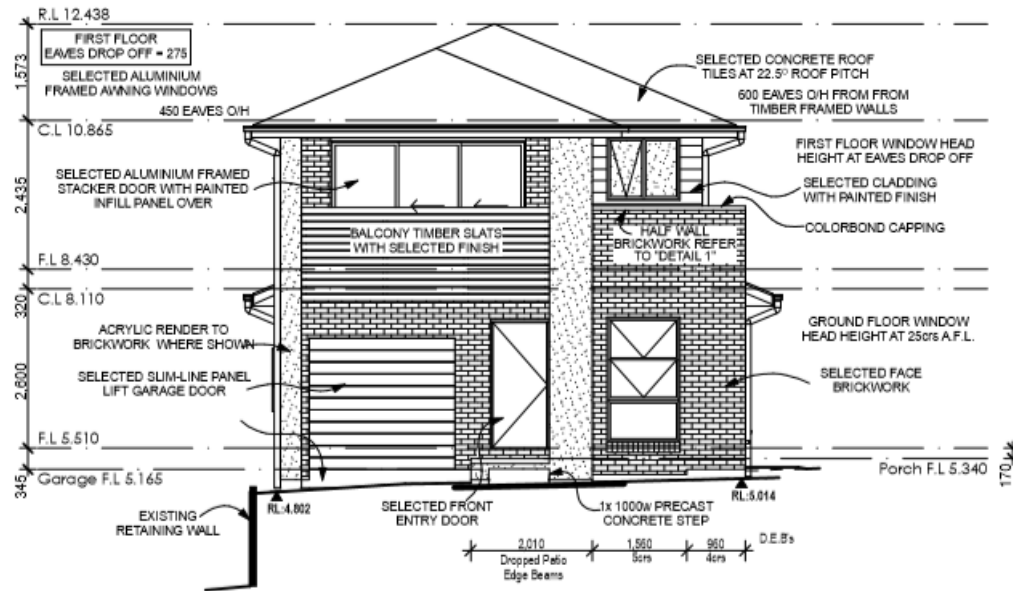
Locality Map



Photo - Subject site

3.0 THE PROPOSAL

The proposal is to construct a two storey dwelling house on a vacant allotment.



Front Elevation

4.0 RELEVANT PLANNING CONTROLS

4.1 State Environmental Planning Policy (Coastal Management) 2018

The policy identifies sites within the coastal environment area and requires certain considerations for development applications under each respective heading/clause.

It is evident from the map below that the site is not within any identified category.



Coastal Environment Area Map

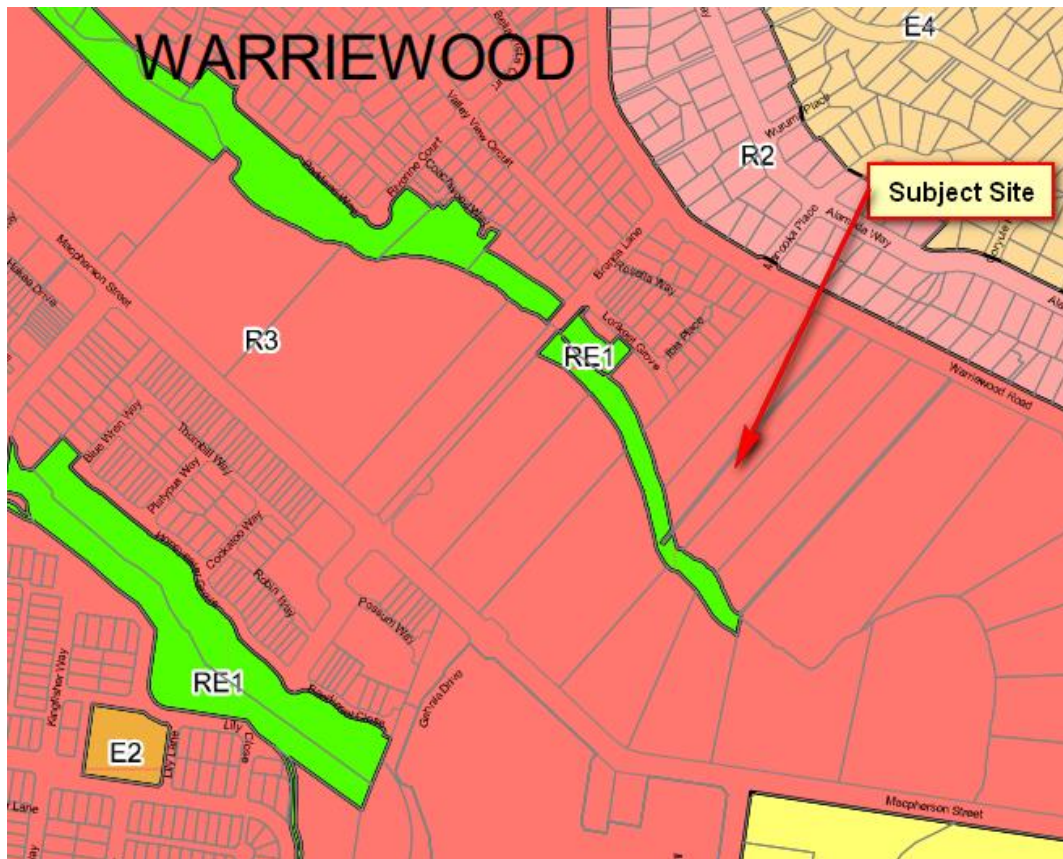
Coastal Use Area Map

Coastal Use Area Map

4.2 Pittwater Local Environmental Plan 2014 (LEP)

The subject site is within Zone R3 – Medium Density Residential under Pittwater Local Environmental Plan 2014 (LEP). The proposed development falls within the definition of ‘dwelling house’ development and is permissible with the consent of Council, viz:

dwelling house means a building containing only one dwelling.



Zoning Map

The objectives of the zone are:

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

It is considered that the proposed development satisfies the relevant zone objectives contained in the LEP as follows:

- A permissible form of development is being provided on an allotment of land that is large enough to accommodate a dwelling house development with all residential amenities;
- Consideration has been given to the existing amenity and character of the area and it is considered that the proposed development is sympathetic and harmonious with nearby development and will complement the emerging character of the locality;
- The proposed development will enhance the amenity of the residential area by the provision of new housing stock and landscaping; and
- The development will add to the range of housing in the zone through the provision of an average size family dwelling.

Relevant Clause	Comment
Clause 4.3 – Height of Buildings The Height of Building Map categorises the site within the maximum 10.5m building height limit.	The proposed development has a maximum height of 7.396m which satisfies the requirements of the clause.
Clause 4.6 – Exceptions to development standards Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	In this regard, NO variation requests are required as the proposal complies with all development standards contained in PLEP 2014.
Clause 5.10 - Heritage Conservation	The subject site is not listed as a heritage item and is not within the visual context of the listed heritage items.
Clause 6.1 - Warriewood Valley Release Area Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following— <ul style="list-style-type: none"> (a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors, (b) the water quality and flows within creek line corridors, (c) the stability of the bed, shore, and banks of any watercourse within creek line corridors. 	<p>The dwelling yield was considered in the assessment and approval of the subdivision application creating the subject site.</p> <p>Likewise, the ecological attributes of the locality were also considered, particularly the potential impacts on Narrabeen Creek (i.e., the mapped biodiversity area of the original site was identified and assessed). The subdivided lots for residential development are outside of the identified area (i.e., the intent being to preserve its natural state). The residual lot containing the ecological communities will be limited in works to a WSUD basin aimed at improving water quality and detain urban runoff before discharge to Narrabeen Creek.</p>
Clause 6.2 - Development requiring the preparation of a DCP	Pittwater 21 DCP is the applicable DCP for the site.
Clause 7.1 - Acid Sulfate Soils	According to the Acid Sulfate Soils Map, the subject site is not within any category which may limit excavation of the kind proposed (i.e., Class 5 - the site works would not affect the structural viability of the building due to the existing soil conditions).

<p>Clause 7.2 - Earthworks</p>	<p>Standard slab construction is required to establish the building platforms at the required levels.</p> <p>The application is accompanied by a Hydraulic Details Plan, prepared by a suitably qualified Engineer, as such, no detrimental impacts are envisaged.</p> <p>The proposal aims to achieve the highest and best use of the site, therefore, the future housing needs of the community are being accommodated for.</p> <p>Contamination issues were addressed at subdivision stage, therefore, excavated material taken from the site is unlikely to be contaminated.</p> <p>The design of the proposed development takes into account the preservation of amenity to adjoining properties, particularly in relation to controlled stormwater drainage and reasonable ground floor levels.</p> <p>Being a recently established residential area, it is unlikely that any relics will be found on the site.</p> <p>There are no natural water courses in the immediate vicinity of the subject site (i.e., Narrabeen Creek is located approximately 100m (min) away).</p>
<p>Clause 7.3 – Flood Planning</p>	<p>The Flood Analysis that accompanied the initial subdivision application concluded that:</p> <ul style="list-style-type: none"> • <i>No additional flood prone lots are created within the proposed subdivision.</i> • <i>The vast majority of the development (including all of the allocated lots) are flood free at the PMF event.</i>
<p>Clause 7.6 – Biodiversity</p>	<p>The lot was created as part of an approved subdivision within the Warriewood Valley Release Area. The site was cleared, is not adjacent to the riparian zone and a Vegetation Management Plan forms part of the Community Title subdivision. The development will not have a significant effect on biodiversity</p>
<p>Clause 7.10 - Essential Services</p>	<p>All services are available to the site.</p>

4.3 Pittwater 21 Development Control Plan

Before granting development consent, Council must be satisfied that the development is consistent with:

- (i) *Pittwater LEP 2014; and*
- (ii) *The desired character of the locality; and*
- (iii) *The development controls applicable to the development.*

Council will also have regard to Clause 4.15 (previously section 79C) of the Environmental Planning and Assessment Act 1979.

Council may also consider the provisions of a neighbouring locality to the extent to which it affects the subject site.

COMMENTS

1. As discussed earlier in the Statement, the proposed development complies with all relevant clauses under Pittwater LEP 2014.
2. It is considered that the design of the proposed development is sympathetic to the existing character of the locality as well as the desired future character.
3. All relevant numeric DCP requirements have been tabulated and are provided as ***Attachment 1 – Control Table*** with additional discussion in the following paragraphs.

Locality Controls (Part A)

Desired Character

The future character of the Warriewood Valley Release Area will continue to be developed as a mix of low to medium density housing with dwellings up to a maximum height of two storeys.

In this regard, the proposed development (i.e., a single dwelling on an existing allotment of 290.7m²) is considered a sympathetic response to the intentions of Council for the following reasons:

- The proposed dwelling is in keeping with the low to medium scale character of the locality;
- An aesthetically pleasing street fronting dwelling is proposed;
- Offsets mostly comply with the DCP requirement;
- Landscaping opportunities are available at the front and rear of the site; and
- The bulk and scale of the building is comparable to adjoining and nearby development and is consistent with traditional suburban design.

Overall, the proposed development will contribute to the character of development in the locality which is consistent with the desired future character. The existing parcel of land is large enough to accommodate the proposed dwelling, together with all residential amenities, without compromising the environment or adversely affecting adjoining residentially zoned land. As such, it is considered that the proposed development is within the environmental capacity of the zone.

General Controls (Part B)

Hazard Controls

Acid Sulfate - the proposal does not involve extensive excavation that would affect the structural viability of the building due to the existing soil conditions. The construction method will not result in alterations to the water table.

Contaminated Land – addressed at subdivision stage.

Flooding – the Flood Analysis that accompanied the initial subdivision application concluded that:

- *No additional flood prone lots are created within the proposed subdivision.*
- *The vast majority of the development (including all of the allocated lots) are flood free at the PMF event.*

Controls Relating to Natural Environment

Preservation of Trees or Bushland Vegetation - the proposed development does not involve the removal of any trees and there are no endangered flora and fauna habitats in the immediate locality, therefore, the proposed development will not impact on vulnerable species, endangered populations or endangered ecological communities.

A Landscape Plan accompanies the application and nominates native species of trees and shrubs to enhance biodiversity in the locality.

Water Management Plan & Stormwater Harvesting

Council's goal is to develop long term improvements to the health of waterways, which in turn enhances the ecological integrity of the system, whilst balancing the need to manage flooding, wastewater and stormwater. To achieve this goal the proposed development provides the following:

- A Hydraulic Details Plan, which demonstrates that stormwater can be collected, stored (rainwater tank) and discharged in a controlled manner to the street, ensuring that there will be no adverse impact on Council's stormwater system, the development itself or adjoining properties;
- Rainwater harvesting and soft soil areas also assist in reducing runoff from the site; and
- Erosion and sedimentation control measures will be implemented during construction

Access and Parking

Two parking spaces have been provided for the dwelling in the form of a single width garage with a tandem space available on the driveway. The garage component of the development is setback 8.8m from the front boundary, which assists in overcoming any garage dominance issues.

Landscaping will be provided in the front yard to soften the visual appearance of the hard-standing areas.

Site Works Management

A relatively level site ensures minimal site works to establish the building platforms at the required level. It should be noted, approximately equal amounts of cut and fill are proposed to limit the overall height of the building.

The plans demonstrate best management practice measures to be implemented during construction to control erosion and sediments from leaving the site.

Development Type Controls (Part C)

Design Criteria for Residential Development

Landscaping

A landscaped area consisting of **21%** of the site is proposed which is less than the minimum stipulated in *Section D - Locality Specific Development Controls* (i.e., 35% min), therefore, a DCP variation is request and is discussed further in the report under the heading "Non-Compliance".

Nevertheless, the amount of open space available and the selection of planting nominated on the Landscape Plan will achieve the objectives outlined in the DCP as follows:

- Screening between adjoining properties;
- Softening the visual impact of hard surface areas and car parking spaces;
- Appropriate species selection for the climate and the locality; and
- Enhancement of the streetscape amenity.

Inter-allotment drainage patterns will not be significantly affected as a result of the development, given that a reasonable portion of the site will remain as soft soil.

Safety and Security

Design guidelines outlined in the Crime Prevention through Environmental Design (CPTED) were considered and incorporated as follows:

- Provision of a clearly visible entry point which faces the street;
- Passive surveillance treatment has been provided through the provision of habitable room windows and a balcony;
- Suitable landscaping and fencing will produce a defensible open space at the front resulting in some interaction with the public domain beyond; and
- Fencing will be provided to prevent intruders from accessing the private open space areas.

Solar Access

The dwelling is designed to maximise access to natural sunlight with northern exposure to habitable rooms, where possible. The private open space area also receives sunlight exposure for 2hrs between 9am and 3pm during the winter months.

Shadows cast by the dwelling are primarily contained within the expected path determined by the building envelope of each block and single storey elements further limit the extent of shadows.

Visual & Acoustic Privacy

Visual and acoustic privacy concerns have been addressed as follows:

- Positioning low impact rooms such as bedrooms and bathroom amenities on the first-floor level;
- Raised/lowered sills and obscure glazing where required;
- Limiting the number of first floor window openings facing side boundaries;
- Separation between adjoining properties;
- A 1.8m high fence; and
- Provision of landscape planting between adjoining properties.

There are no noise sources that would affect the development in proximity of the site.

Private Open Space

The Private Open Space area of the dwelling is in excess of the minimum DCP requirement (i.e., the minimum POS area requirement in this instance is 20m² contained in Part D of the DCP which prevails, with the proposal comprising a POS area of **44.2m²** and dimensions greater than 4m). The POS area relates to the internal living areas of the dwelling and new landscape planting will be provided as indicated on the Landscape Plan, incorporating native species of trees and shrubs to improve local biodiversity and continue the landscape theme along the street.

Waste and Recycling Facilities

There is sufficient space to store waste and recycling bins.

Eaves

The dwelling incorporates eaves on all elevations.

Locality Specific Development Controls (Part D)

Warriewood Valley Locality (D16)

Character as viewed from a Public Place

Any building façade to a public place must incorporate at least two of the following design features:

- (i) entry feature or portico;
- (ii) awnings or other features over windows;
- (iii) verandahs, balconies or window box treatment to any first floor element;
- (iv) recessing or projecting architectural elements;
- (v) open, deep verandahs; or
- (vi) verandahs, pergolas or similar features above garage doors. The bulkiness of buildings must be minimised.

Comment

Buildings are to be predominately masonry construction for base elements. Lightweight cladding material can be used for the middle section, with the top section to be roof tiled.

The proposed development incorporates modern architectural themes with articulation and tiled pitched roof design. Light-weight materials occupy the middle section of the building to assist in reducing the bulk and scale of the building.

The proposed development includes the following features to articulate the street façade:

- Well defined entry portico and design features;
- Balcony;
- Base elements; and
- Varied roof lines to break up the bulk of the building.

Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.

Comment

The proposed garage is setback behind the front building line, occupies less than 50% of the lot frontage and is made subservient by being positioned behind main building elements, the use of design elements and the selection of colours.

Water Management for Individual Allotment

Council's goal is to develop the long-term improvement of waterway health, which enhances the ecological integrity of the system, whilst balancing the need to manage flooding, wastewater and stormwater. To achieve this goal the proposed development provides the following:

- A Hydraulic Details Plan, demonstrating that stormwater can be collected, stored and discharged to the street at an acceptable rate of flow, ensuring that there will be no adverse impact on Council's stormwater system, the development itself or adjoining properties;
- Rainwater harvesting and soft soil areas within the site also assist in reducing runoff from the site; and
- Erosion and sedimentation control measures will be implemented during construction.

Landscaped Area for Newly Created Individual Allotments

The total landscaped area on individual allotments is to be in accordance with the following requirements:

Residential Development	Minimum percentage (%) of site area	Minimum dimensions in metres
Residential Flat Buildings	25	3m (at ground level)
Multi Dwelling Housing	25	3m
All other dwellings on lots less than 9m wide	25	3m
All other dwellings on lots 9m to 14m wide	35	4m
All other dwellings on lots greater than or equal to 14m wide	45	4m

Soft soil landscaping opportunities are available in the front and rear yards of the dwelling, which is consistent with Council's 'Block Principle'. The amount of soft soil, open space available (21% of the site) and the selection of planting nominated on the Landscape Plan will achieve the objectives outlined in the DCP as follows:

- Screening between adjoining properties;
- Softening the visual impact of hard surface areas and car parking spaces;
- Appropriate species selection for the climate; and
- Enhancement of the streetscape amenity.

Notwithstanding the shortfall, the available open space areas within the front and rear yards of the dwelling are sufficient for the needs of its occupants, with the Private Open Space area significantly exceeding 20m² (i.e., 44.2m²).

Front Building Line

The proposed development satisfies the performance-based requirements of the DCP in relation to this consideration (i.e., a minimum front setback of 6.5m is proposed).

Side and Rear Building Line

The DCP stipulates a minimum side and rear building line of:

Detached dwelling 9 to 14m wide	One side: 0.9m and 1.5m for upper level
	Other side: 0.9m at ground floor and 1.5m for upper level
Front loaded lots greater than or equal to 20 m deep.	4m to ground level and 6m to upper level.

In this regard, minimum Ground Floor side setbacks of **930mm** and **900mm** comply with the requirement, however, the Upper Floor setbacks of **930mm** and **1650mm**, falls short along one side and is discussed further in the report under the heading “Non-Compliance”, whilst a minimum rear setback of **4.137m (GF)** and **6.731m (UF)** complies with the requirement.

Solar Access

Discussed earlier in the report.

Private and Communal Open Space Areas

The available open space areas within the front and rear yards of the dwelling are sufficient for the needs of its occupants, with the Private Open Space area significantly exceeding 20m² (i.e., **44.2m²**).

Form of construction including retaining walls, terracing and undercroft areas

Minimal site works are required to establish the building platform of the proposed dwelling, well within acceptable limits.

Fences

The Landscape Plan details planting to define the front boundary. Any inconsistencies with the DCP can be addressed through appropriate conditions of consent.

Building Colours and Materials

Details of finished surface materials are provided with the application. The selection is consistent with the established colour palette for the release area.

4.4 Other Requirements

Energy & Water Conservation

On the 1st of July 2004, the State Government introduced BASIX, which consolidates planning provisions relating to water consumption and greenhouse gas emissions. A BASIX Certificate is provided with the application demonstrating the applicant's commitments in achieving the objectives of the state government's policy.

Energy conservation principles will be achieved through the construction method and orientation of the building, together with thoughtful planting of trees and shrubs and the use of materials with thermal massing properties.

Waste Management

A Waste Management Plan accompanies the application as a separate document. The plan adopts the principles of ***Avoid Reuse Recycle and Dispose*** to minimise landfill waste.

Bushfire

Bushfire mitigation measures were prescribed and implemented as part of the Subdivision Approval, whereby the NSW Rural Fire Service guide "Planning for Bushfire Protection" was considered and Asset Protection Zones were established as part of a comprehensive assessment.

Ecological Australia's Report accompanies the application.

Any specific additional requirements can be dealt with by conditions of consent.

4.5 Non-Compliance

Landscaped Area

The proposed landscape area of 21% of the site is deficient, hence a variation to the DCP requirement is sought.

The objectives/outcomes of the development control are:

- *Conservation of significant natural features of the site and contribution to the effective management of biodiversity.* – **no existing site features to retain (i.e., the site is vacant of trees).**
- *Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place* – **a large front setback enables canopy trees to be planted and upon completion of the development, the proposal will contribute to the landscape quality of Warriewood Valley.**
- *Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.* – **the proposed Planting Schedule incorporates native species of trees and shrubs to enhance biodiversity and the ecological attributes of the sites surrounds. The departure from the landscaped area control will not have a significant impact in terms of this consideration.**
- *The area of site disturbance is minimised* – **minimal site works are proposed with this application.**
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels* – **the application is accompanied by a Hydraulic Details Plan prepared by a suitably qualified practitioner, which demonstrates that stormwater will be discharged in a controlled manner in accordance with Council's requirements.**
- *Landscaped areas should be predominately areas of deep soil* – **there are sufficient areas within the site to accommodate quality landscaping, including canopy trees.**
- *New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation* – **a large front setback provides scope for landscape planting to achieve this objective.**
- *To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties* – **privacy and amenity considerations have been incorporated in the design of the dwelling, resulting in a high level of residential amenity.**

The positioning of the dwelling on the site ensures that open space is available in the front and rear of the dwelling for landscaping opportunities to achieve the objectives outlined in the DCP viz:

- The open spaces are usable and appropriately located;
- It provides screening between adjoining properties;
- Softens the visual impact of hard surface areas and car parking spaces;
- Appropriate species selection for the climate; and
- Native species of trees and shrubs will be incorporated to improve local biodiversity.

In this particular case, a Positive Covenant within the front portion of the site makes it very difficult to fully comply with the excessive landscaped area requirement of 35%, nevertheless, the shortfall of 14% does not in any way diminish the intent of the control, or the achievement of the abovementioned objectives. In fact, the objectives of the control have been achieved to a better degree through quality landscaping.

Further, Council must recognise that some concession should be given for the building restriction (i.e., the dwelling must be positioned outside of the identified area and hence the need for a longer driveway and less available space for landscaping that strictly complies with the numeric requirements).

Compliance with the development control is seen as a hindrance on development, as a 35% Landscaped Area is considered to be excessive and at some point, becomes economically unviable to forgo more than 1/3 of the available site area as open space, particularly on small sites less than 300m². This is seen as a hindrance in obtaining the objectives of the EP & A Act 1979.

Side Setback

The DCP stipulates minimum side setbacks of:

Detached dwelling 9 to 14m wide

One side: 0.9m and 1.5m for upper level

Other side: 0.9m at ground floor and 1.5m for upper level

The proposed development demonstrates full compliance with the control from the southeastern side boundary and the ground floor level from the northwestern side boundary. The upper floor level of the building, however, does not step in to comply with the 1.5m side setback requirement. As such a variation to the control is sought.

The objectives behind the control are:

- *To achieve the desired future character of the Locality- the proposed development involves construction of a two storey dwelling with adequate articulation and roofline variation, which is consistent with the desired character of the Warriewood Valley Release Area.*
- *The area of site disturbance is minimised and soft surface is maximized – a relatively level site ensures minimal site works and the upper floor level has no bearing on this objective.*
- *The bulk and scale of the built form is minimised and the impact of the proposed development on the adjoining properties is minimised – the design of the proposed dwelling incorporates vertical and horizontal articulation where required. A 1.5m upper level setback from the northwestern boundary will not result in any improvement to the design and there are no environmental consequences resulting from the non-compliant elements.*
- *To create meaningful breaks between adjoining buildings and regular rhythm of built form, particularly with regard to the built forms presentation to public places – the proposal mostly complies with the side setback control and strict compliance of the upper floor level from the northwestern side boundary will not result in any design improvement when viewed from the public domain.*
- *To create usable curtilage areas around buildings for viable access, landscaping and open space – the proposal complies with the setback requirements at ground floor level, therefore, the considerations of this objective are satisfied.*
- *Equitable preservation of views and vistas to and/or from public/private places – the proposal will not have an unreasonable impact on 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 – the site does not contain any trees.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties - privacy and amenity considerations have been incorporated in the design of the dwelling, resulting in a high level of residential amenity.*

Garage Dimensions

It should be noted that the internal width of the single garage meets the minimum Australia Standard, therefore the purpose behind the DCP control has been achieved, viz:

- (a) To control the number, dimensions and location of vehicle access points. To reduce the visual impact of garages, carports, and parking areas on the streetscape – **the proposed garage is considered a subservient component of the dwelling;**
- (b) To provide safe, secure and convenient access to parking within garages, carports and parking areas, with casual surveillance of private driveways from dwellings and from the street – **access to the proposed garage is considered safe and efficient, meeting the Australian Standard. Passive surveillance opportunities of the driveway are available from habitable room windows and first floor balcony;**
- (c) To minimise conflict between pedestrians and vehicles at the junction of driveways and footpaths – **the proposed garage is setback the required distance to avoid encroachment into the public domain, as such there will be no conflict at the junction of the driveway and footpath area; and**
- (d) To provide predominantly on-site parking for residents – **adequate off-street parking has been provided.**

The heads of consideration under Clause 4.15 (previously Section 79C) of the Environmental Planning and Assessment Act 1979 set out the assessment criteria for development applications and the approach that assessing authorities should take. Sub clause (3A) states:

- (3A) **Development control plans** - If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*
- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
 - (b) if those provisions set standards with respect to an aspect of the development and the development application **does not comply** with those standards—is to be **flexible** in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
 - (c) may consider those provisions only in connection with the assessment of that development application.*

The non-compliances do not frustrate the objectives behind the controls, as such, it should not be a determining factor to the success of the application.

5.0 CONCLUSION

The proposed dwelling is sympathetic to the constraints of the site, the emerging character of the locality and nearby development. It is considered that the proposed development will complete the streetscape and improve the landscape quality of the site.

The current strategy of Council, which encourages the provision of a variety of housing choice in the Warriewood Valley Release Area, is being promoted by the development. Council's DCP requirements and good planning principles have been incorporated in the design, which has resulted in a high-quality development that warrants approval.



.....
David Bobinac
Town Planner

ATTACHMENT 1

NORTHERN BEACHES COUNCIL CONTROL TABLE – SINGLE DWELLING (WARRIWOOD VALLEY RELEASE AREA)

Control	LEP/DCP Requirement	Development Proposal	Complies
Site Area	N/A (existing allotment)	290.7m ²	N/A
Frontage	N/A (existing allotment)	9.915m	N/A
Building Height	10.5m (max)	7.396m	Yes
Landscaped Area	35% of site area (min)	21%	No
Private Open Space	20m ² (min) minimum dimension 4m	44.2m ²	Yes
<u>Setbacks</u> Front Articulation Zone Secondary Street Side Rear	3m & 5.5m (tandem parking) 1.5m (max) 2m GF – 0.9m (min) UL – 1.5m (min) GF - 4m (min) UL – 6m (min)	6.5m < 1.5m N/A GF – 0.9m UL – 0.93m 4.137m 6.731m	Yes Yes N/A Yes No Yes Yes
Parking	2 spaces	2 spaces	Yes
Garage Width	40% of frontage	24.3%	Yes
Garage Dimensions	3m x 6m (min)	Australian Standard	No