

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF AN EXISTING OUTBUILDING & THE
CONSTRUCTION OF A NEW DETACHED SECONDARY DWELLING**

LOCATED AT

14 NARRABEEN PARK PARADE, WARRIEWOOD

FOR

JOHN & NATALIE LAWSON

**Prepared
December 2020**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	3
4.0	The Surrounding Environment.....	5
5.0	Proposed Development	6
6.0	Zoning and Development Controls	7
6.1	State Environmental Planning Policy No. 55 – Remediation of Land	7
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	7
6.4	Pittwater Local Environmental Plan 2014	7
6.5	Pittwater 21 Development Control Plan	15
6.5.1	Shaping Development in Pittwater– Desired Character	15
6.5.2	Section B General Controls	16
6.5.3	Section C Development Type Controls	17
6.5.4	Section D Locality Specific Development Controls	22
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979.	27
7.1	The provisions of any environmental planning instrument	27
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	27
7.3	Any development control plan.....	27
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and.....	28
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	28
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality	28
7.7	The suitability of the site for the development.....	28
7.8	Any submissions made in accordance with this Act or the regulations	28
7.9	The public interest.....	28
8.0	Conclusion.....	29

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared Watershed Design on behalf of John & Natalie Lawson, Job No. 15023, Sheets DA00-DA08 & DA 13, Issue A, dated 6 November 2020 to detail the demolition of an existing outbuilding and the construction of a detached single-storey secondary dwelling at **14 Narrabeen Park Parade, Warriewood.**

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 14 Narrabeen Park Parade, Warriewood, being Lot 31 within Deposited Plan 15763 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified within the Class 5 Acid Sulfate Soils area. This matter will be discussed in further detail within this report.

The site is not affected by any further hazards.

3.0 Site Description

The site is located on the eastern side of Sydney Road, and slopes down from the street to the rear, western boundary. Stormwater from the site is currently dispersed within the rear yard of the site.

The site is rectangular in shape with a width of 15.24m and a length of up to 43.735m. The total site area is 666.3m².

The site is currently developed with a two and three storey clad residence with a metal roof, together with a detached single storey outbuilding within the rear yard.

Vehicular access to the site is currently provided via a concrete driveway, to an existing concrete hardstand in the rear yard.

Council has previously issued development consent for “Alterations and additions to existing dwelling and existing secondary dwelling, new carport and pool” under DA N0138/16 and Notice of Determination dated 24 May 2016.

Notably, Condition No 4 within the Notice of Determination of DA N0138/16 specifically noted that the consent did not authorise the existing secondary dwelling located in the rear yard. Accordingly, this application will seek formal consent for the inclusion of a secondary dwelling within the proposed new outbuilding.

The approved swimming pool has not been constructed as yet.

The details of the lots which comprise the parcel are contained within the survey report prepared by C.M.S Surveyors, Reference No. 11921, dated 19 May 2020, which accompanies the DA submission.

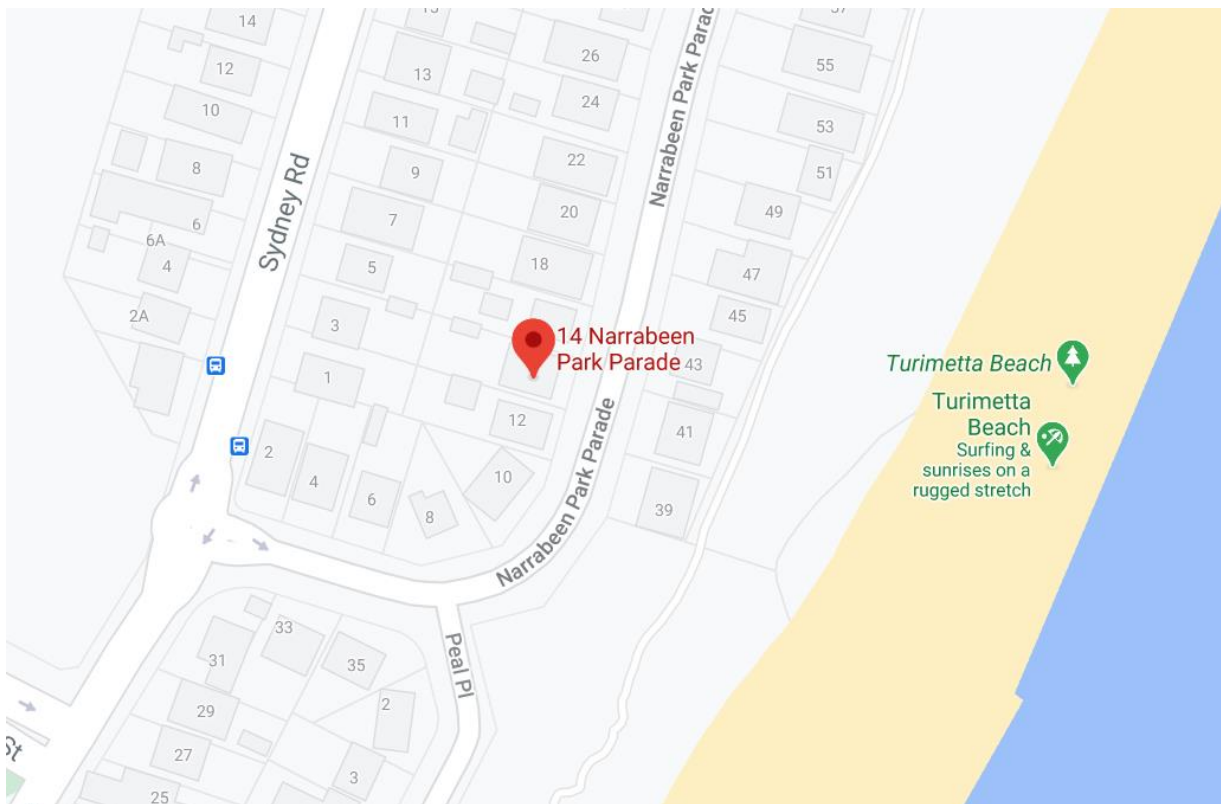


Fig 1: Location of Subject Site
(Source: Google Maps)

4.0 The Surrounding Environment

The general vicinity of the site is characterised by regular shaped allotments within a natural setting, with a low density single residential development scale.

The sites have been improved with a range of one and two storey low density residential developments within landscaped settings.

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



Fig 2: Aerial Photograph
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of the existing single storey outbuilding and the construction of new single storey detached secondary dwelling within the rear yard.

The design of the new detached secondary dwelling, prepared by Watershed Design provides for a new modest single storey structure with a low pitch skillion roof form, which will complement the design and style of the existing dwelling.

The construction of the proposed secondary dwelling will comprise a concrete floor slab, which is stepped to follow the sloping site, together with timber framing, lightweight external cladding and a colour bond metal roof.

The proposed secondary dwelling will provide for a formal entry, single bedroom, open plan kitchen/living/dining area, bathroom and laundry facilities within the kitchen.

The proposed secondary dwelling will have a floor area of 52m².

The development indices for the development are summarised as:

Site Area	666.3m ²
Required Minimum Landscaped Area:	60% or 399.78m ²
Proposed Landscaped Area:	49.5% or 330m ² (See DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated 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 Coastal Management Act 2016 states within **Clause 3**:

The stated Aim of the Policy under Clause 3 is to:

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- (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.*



Fig 3: Extract of SEPP Coastal Management mapping

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and

- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the demolition of an existing single-storey outbuilding and the construction of a new single storey detached secondary dwelling.

The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity of the site will be maintained.

The collected stormwater will be directed to the existing system which disperses stormwater within the rear of the site. The proposed stormwater management system will comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and**
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and**
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.**
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The proposal will not result in the removal of any existing public access along the foreshore.

As the proposed secondary dwelling will maintain a modest single storey height, it is not anticipated that will be any significant overshadowing of the neighbouring properties and there will be no direct

impacts to the foreshore area.

By being located within the rear yard of the site, the proposed new development will not be visible from Narrabeen Park Parade and there will be no loss of public views towards the foreshore area.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

The proposal provides for the demolition of the existing outbuildings and construction of a new lightweight single storey secondary dwelling within the rear yard of the site. The proposed construction of a secondary dwelling will not require any significant site disturbance and therefore it is not expected that there will be any risk of coastal hazards to the land or any adjoining sites.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*

- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

Comment

Noted

6.4 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.



Fig 4: Extract of Pittwater Local Environmental Plan 2014

The proposed demolition of the existing outbuilding and the construction of a new single storey detached secondary dwelling is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

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

It is considered that the proposed works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for the demolition of the existing outbuilding of the construction of a new single storey secondary dwelling, which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Warriewood is 8.5m. The proposed new works will provide a maximum overall height of approximately 3.85m for the detached secondary dwelling and therefore complies with this control.

Clause 4.3 (2FA) is also a relevant consideration for the proposal.

This clause notes :

(2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker's dwelling in Zone E4 Environmental Living or Zone RU2 Rural Landscape is 5.5 metres if the secondary dwelling or rural worker's dwelling is separate from the principal dwelling.

The site is zoned E4 Environmental Living and therefore the detached secondary dwelling is subject to a maximum height of 5.5m.

The design provides for a modest single storey detached secondary dwelling with a maximum height of 3.85m, which therefore complies with the requirements of this clause.

Clause 5.4 – Controls relating to miscellaneous permissible uses

Clause 5.4(9) provides the following in relation to secondary dwellings:

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- 1. 60 square metres,*
- 2. 25% of the total floor area of the principal dwelling.*

The proposed secondary dwelling has a floor area of 52m² and therefore complies with this control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils Class 5. The proposal will not see any substantial excavation of the site, and the nature of the proposed works is not considered to lower the water table. It is therefore not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The proposed alterations and additions are mostly within the footprint of the existing outbuilding and no major excavation required. The works will be carried out in accordance with the recommendations of a qualified Structural Engineer, and therefore satisfy the provisions of this clause.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

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

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section A (Shaping Development in Pittwater), Section B (General Controls), Section C (Development Type Controls) and Section D14 Warriewood Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.5.1 Shaping Development in Pittwater– Desired Character

The desired outcomes for the Warriewood Locality, in which this site falls, are as follows:

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

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a modest secondary dwelling which will allow for further housing choice within the locality and by being of a single storey height, will be below the tree line and be secondary in its bulk and scale to the primary dwelling.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

6.5.2 Section B General Controls

The General Controls applicable to the proposed new works are summarised as:

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

The controls seek to achieve the outcomes:

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

The proposal largely retains the existing planting within the site and maintains an appropriate area of soft landscaping. The proposal is therefore in keeping with this control.

B5.8 Stormwater Management - Water Quality - Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

The stormwater from the new roof areas will be connected to the existing stormwater drainage system which disperses stormwater within the rear yard of the site.

As the stormwater is direct run off from the roof and paved areas, there will not be any significant issue in terms of water quality.

B6.1 Access driveways and Works on the Public Road Reserve

The controls seek to achieve the outcomes:

Safe and convenient access. (S)
Adverse visual impact of driveways is reduced. (En)
Pedestrian safety. (S)
An effective road drainage system. (En, S)

The works will retain the existing crossing and driveway within the site. The proposed works will not see any reduction in on-site car parking, with the current access driveway and access parking to be unaffected by the subject works.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

Safe and convenient access. (S)
Reduce visual impact of driveways. (S)
Pedestrian safety. (S)
An effective road drainage system. (En, S)

*Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.*

The existing driveway will be unaltered as a result of the proposed works. Retained and widened to provide appropriate access to the rear hardstand parking area.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

*An adequate number of parking and service spaces that meets the demands generated by the development.
Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

The proposal maintains existing compliant on-site parking for the existing single dwelling. Council's controls encourage the provision of an additional car space for a secondary dwelling however given the site conditions do not readily allow for an additional car space, a variation to permit the structure and rely on the on street parking opportunity as required for an additional car is requested. In this instance, it is suggested that the proposal will not place unreasonable demand on the availability parking in the area.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

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

The proposal will require minimal excavation to accommodate the proposed works. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

The proposal will not require any demolition to accommodate the proposed works.

All waste material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.5.3 Section C Development Type Controls

The Development Type Controls applicable to the proposed development are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- A built form dominated and complemented by landscaping. (En)*
- Landscaping that reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development does not result in significant loss of the urban forest. (En)*
- Reduced risk of landslip. (En, Ec)*

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

As discussed, the proposal largely retains the existing planting within the site and maintains an appropriate area of soft landscaping. The proposal is therefore in keeping with this control.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimized. (S, Ec)*

The proposed works will not impact on the existing safety or security of the site. Casual surveillance of the street area will continue to be available from the existing principal dwelling.

C1.3 View Sharing

The controls seek to achieve the outcomes:

- A reasonable sharing of views amongst dwellings. (S)*
- Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*
- Canopy trees take priority over views. (En, S)*

The subject and adjoining properties do not receive any significant views. Given the modest height of the new works, no significant impacts to the outlook of the neighbouring properties are expected.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

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

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

The proposal will retain a modest single storey height and it is not expected that there will be any substantial change to the existing shadows cast onto neighbouring properties.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

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

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

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

The new works will be located largely in the location of the existing outbuilding and as the floor level is stepped to follow the sloping site, it is not expected that there will be any further adverse impacts upon visual privacy enjoyed by residents and neighbouring properties. Window openings along the side boundaries have been limited and where possible, the primary glazing is located above eye level to reduce overlooking whilst still providing natural lighting.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

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

C1.7 Private Open Space

The controls seek to achieve the outcomes:

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

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

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

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

Existing private open space will be retained within the rear yard of the dwelling.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

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

Equitable access in the public domain. (S)

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

The works will see improved vehicular and pedestrian access to the site.

C1.11 Secondary Dwellings and Rural Worker's Dwellings

The controls seek to achieve the outcomes:

Limitation of the visual bulk and scale of development. (En, S)

Provision of design flexibility for second storey development.

Restriction of the footprint of development site. (En)

Retention of natural vegetation and facilitation planting of additional landscaping. (En)

Provision of rental accommodation. (S)

The proposal is compliant with Council's DCP control, in so far as:

- The development of the secondary dwelling will result in not more than two (2) dwellings being erected on an allotment of land.
- The proposal will not be visually prominent within the locality.
- The site will retain suitable areas of perimeter planting.
- The detached secondary dwelling will comprise a modest storey height.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

6.5.4 Section D Locality Specific Development Controls

The **D14 Warriewood Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in significant additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

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

D14.1 Character as Viewed from a Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

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

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls to achieve the outcomes are to ensure that the building achieve a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The application seeks consent for the demolition of the existing outbuildings and construction of a single storey detached secondary dwelling, which will respect and maintain the predominant character of the locality.

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The elevations provided with the DA submission confirm that the proposed roof line of the new works will be complimentary in terms of bulk and scale to the existing surrounding development, which generally comprises one and two storey dwellings.

The setbacks provided generally reflect the setbacks of the nearby properties.

D14.2 Scenic protection - General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

The new works are modest in their scale which will not introduce a prominent built form in the immediate area.

The proposal will not result in the removal of any significant vegetation, and maintains a suitable area of soft landscaping.

D14.3 Building Colours and Materials

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will utilise colours and

finishes which complement the existing building.

D14.7 Front Building Line

The controls seek to achieve the outcomes:

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

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The proposed works are located within the rear yard and will not reduce the existing setback to Narrabeen Park Parade.

D14.8 Side and rear building line

The controls seek to achieve the outcomes:

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

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

The proposal provides for a side setbacks of 0.95m to the northern boundary and approximately 9.31m to the southern boundary.

The rear building line of the dwelling will stand a minimum of 4.215m from the rear boundary,

which whilst marginally less than the required setback of 6.5m, will replicate the current setback of the existing outbuilding. And therefore readily complies with this control.

The proposal results in an appropriate bulk and scale which results from the modest single storey height and scale, with the building height stepping down to follow the sloping rear yard, and therefore it is considered to be in keeping with the desired future character of the locality. The proposal maintains good privacy and solar access for occupants of the subject site and neighbouring properties.

The proposal maintains the natural landscape of the site and does not see the removal of any significant trees.

D14.11 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

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

Given the modest single storey height of the building, the proposal will constantly comply with Council's building envelope control.

The setbacks are consistent with the form of the neighbouring dwellings and the principal dwelling on the subject site.

D14.12 Landscaped Area – General

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

To preserve and enhance the rural and bushland character of the area. (En, S)
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area or 399.78m².

The proposed provides for a landscaped area of 330m² or 49.5%, .

The proposal does not seek to remove any significant trees, and the more significant existing plantings on site will be retained in accordance with the requirements of this clause.

The proposed secondary dwelling is modest in bulk and scale, and will not result in any adverse impacts for neighbouring properties in terms of views, solar access, privacy or general amenity.

Stormwater from the development will be connected to the existing stormwater system, and is therefore suitably managed.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the rear building setback and landscaped area control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects these built form criteria.

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the demolition of the existing outbuilding the construction of a new single storey detached secondary dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

7.7 The suitability of the site for the development

The subject land is currently E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

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

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

7.9 The public interest

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

The proposed residential use of the land also sees the economic and orderly use of the land to provide

for additional housing within the area, which will be designed and constructed in an environmentally friendly and sustainable manner, to the benefit of the wider community.

8.0 Conclusion

The principal objective of this development is to provide for the demolition of the existing structures and the construction of a new single storey detached secondary dwelling within the rear yard of the site.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

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

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