

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED DEMOLITION OF AN EXISTING GARAGE AND
THE CONSTRUCTION OF A SECONDARY DWELLING, WORKSHOP,
CARPORT, DRIVEWAY, SWIMMING POOL AND GAZEBO**

LOCATED AT

30 NARRABEEN PARK PARADE, WARRIEWOOD

FOR

BON KAIN

**Prepared
September 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Michal Korecky, Project No. 19006, Sheets DA1 - DA20, dated 11 September 2019, prepared on behalf of Bon Kain to detail the proposed demolition of existing garage and construction of a secondary dwelling, workshop, carport, driveway, swimming pool and gazebo at **30 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*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 30 Narrabeen Park Parade, Warriewood, being Lot 23 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.

The site is noted as being within a coastal zone. This will be addressed in further detail within this report with reference to *State Environmental Planning Policy (Coastal Management) 2018*.

The site is noted as being within Geotechnical Hazard Zone H1. A Geotechnical report has been prepared by White Geotechnical Group, Reference No. J1998, dated 26 June 2019. This will be discussed in further detail within this submission.

The site is not noted as being affected by any other hazards.

3.0 Site Description

The site is located on the western, lower side of Narrabeen Park Parade.

The land has a slope from the eastern, street frontage to the western, rear boundary of approximately 8m. Stormwater to be discharged from the new roof areas to the street gutter along Narrabeen Park Parade.

The site is rectangular in shape, with the eastern & western boundaries measuring 15.245m & 15.45m respectively and the northern & southern boundaries measuring 38.99m & 38.48m

The total site area is 590.2m².

The site is currently developed with a brick and weatherboard dwelling with a metal roof and a detached brick and weatherboard garage with a metal roof.

Vehicular access to the site is currently provided via a concrete driveway from Narrabeen Park Parade.

The details of the lots which comprise the parcel are contained within the survey report prepared by Detailed Surveys, Reference No. 095/18, dated 6 November 2017, which accompanies the DA submission.

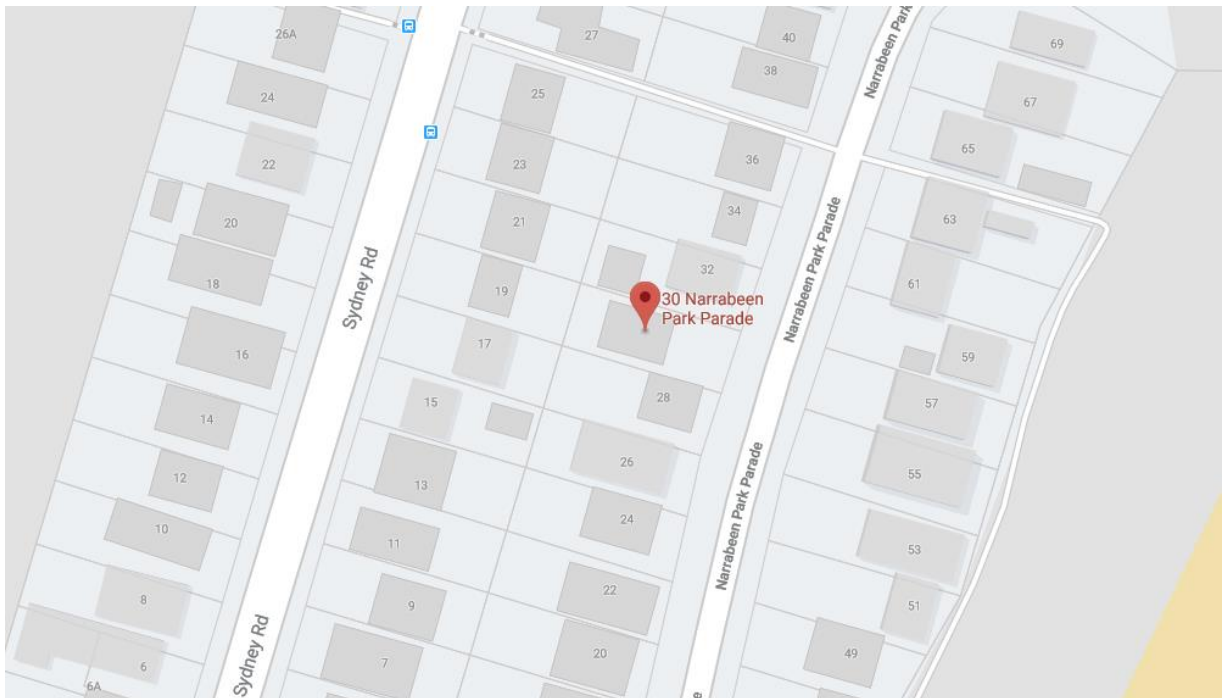


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site and existing garage and steep driveway, looking west from Narrabeen Park Parade



Fig 3: View of neighbouring carport at street level at No 32 Narrabeen Park Parade, looking from north-west



Fig 4: Street view of adjoining site at No 28 Narrabeen Park Parade, looking west

4.0 The Surrounding Environment

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

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



Fig 5: Aerial Photograph
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of a secondary dwelling, workshop, carport, driveway, swimming pool and gazebo.

The works provide for a secondary dwelling with a workshop area and bathroom below and a carport above.

The proposal will see the demolition of the existing brick and weatherboard garage and removal of decking in the rear yard. The existing driveway serving the garage is steep and does not provide for transitions in accordance with Council's controls. The new carport will provide level and safe access to the street, in a similar manner to the adjacent carport at No 32 Narrabeen Park Parade.

The area below the carport will be developed for a new secondary dwelling, which will see an open plan living and kitchen, a bathroom and two bedrooms.

A pool equipment and garden storage area with bathroom facilities will be provided to the eastern side of the new secondary dwelling.

A new swimming pool and open gazebo to be constructed next to the new secondary dwelling.

The proposal includes a new 1200mm high fence, comprising rendered brick piers with a dwarf wall with open timber horizontal slat infills.

The external finishes of the new works have been designed to complement and match the existing primary dwelling.

The development indices for the development are summarised as:

Site Area	590.2m ²
Required landscape area	60% or 354.12m ²
Proposed landscape area	40% or 235.39m 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 **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 matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

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 the existing garage and the construction of a new secondary dwelling, workshop, carport, driveway, swimming pool and gazebo. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be partly directed to the existing on site dispersal system, with the new carport roof area to be directed to the street gutter.

The proposed stormwater management system will be designed to 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.

Shadow diagrams have been prepared (Drawing No. DA-17, 18, 19) which demonstrate that the proposal will not result in any overshadowing to the foreshore area.

The proposed new works are modest in height and scale, and will not result in any loss of views to the foreshore area. By being stepped to follow the sloping topography of the site, the proposal will protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

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 existing garage and the construction of a new secondary dwelling, workshop, carport, driveway, swimming pool and gazebo. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

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 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

6.5 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.

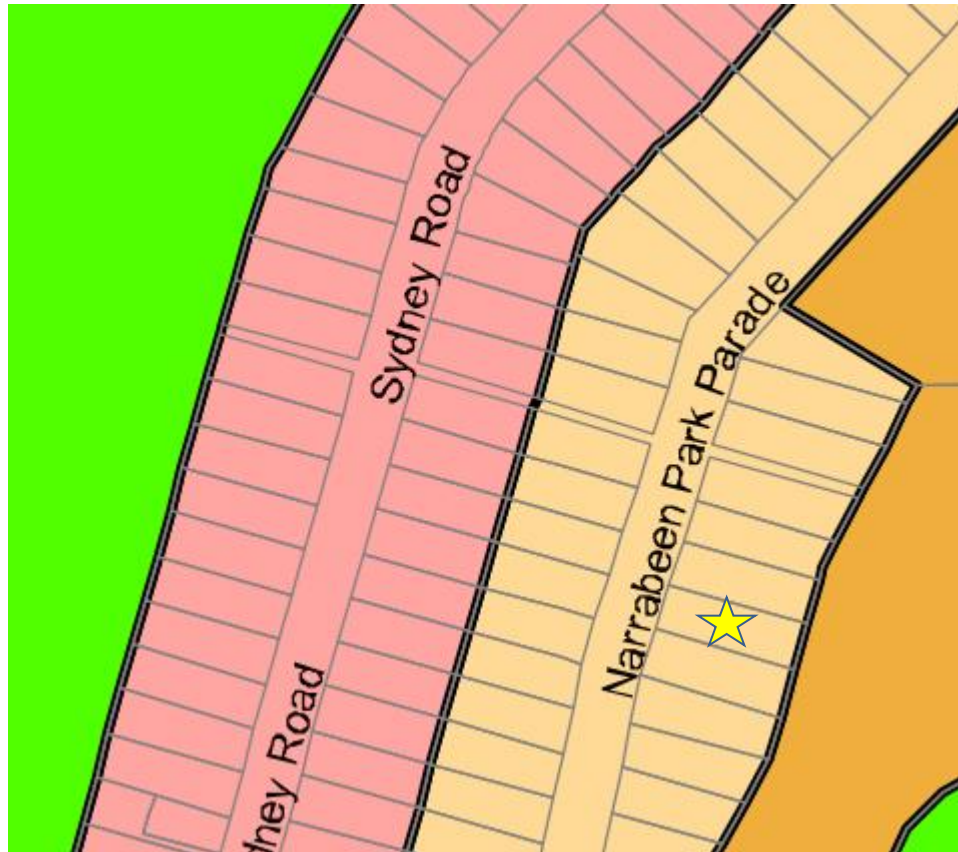


Fig 6: Extract of Pittwater LEP Zoning Map

The proposed alterations and additions are 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 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 demolition of the existing garage and construction of a new secondary dwelling, workshop, carport, driveway, swimming pool and gazebo will be consistent with

the desired future character of the surrounding locality for the following reasons:

- The proposal provides for a new secondary dwelling and attached carport, which will maintain consistency 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 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 proposal presents a height of up to 6m which complies with the maximum height control.

Clause 4.3 (2FA) restricts the maximum height of a detached secondary dwelling in the E4 Environmental Living Zone is 5.5m. The proposed secondary dwelling is restricted to the undercroft area of the carport and the secondary dwelling element of the new works will not exceed a height of 5.5m above ground.

Clause 5.4 – Controls relating to miscellaneous permissible uses

(9) Secondary dwellings

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

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling

The proposed secondary dwelling will have a floor area of 54m², which complies with Council's 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 excavation of the site. It is therefore not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The proposed new works will not require any excavation. All works will be carried out in accordance with the recommendations of a suitably qualified Structural Engineer.

Clause 7.7 – Geotechnical Hazards

The site is located within Geotechnical Hazard Zone H1. A report has been prepared by White Geotechnical Group, Reference No. J1998, dated 26 June 2019. The report states:

The proposed development is suitable for the site and no geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

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

6.6 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP 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.

6.6.1 Section A Introduction

D14 Warriewood Locality

Desired Character

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 alterations and additions to an existing dwelling which maintains consistency with the scale and style of development in the vicinity.

The proposed carport, which is the new element that will be visible to the street, is modest in extent and given the slope of the sites in the area, is a common form of parking treatment.

The proposal will have no impact on the existing protected tree canopy and will retain the existing substantial area of soft landscaping.

6.6.2 Section B General Controls

The General Controls applicable to the proposed alterations and additions to the existing dwelling and secondary dwelling 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 will not see the removal of any existing significant trees on site and maintains an appropriate area of soft landscaping. The proposal is therefore in keeping with this control.

B5.8 Stormwater Management – On-Site Stormwater Detention

The controls seek to achieve the outcomes:

Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)

The proposal will see a minor increase in site coverage, with the introduction of the pool and associated recreation areas. As the carport will be provided at street level, in order to provide for a safe and accessible parking area, the roofwater from the carport roof can be directed to the street gutter in Narrabeen Park Parade.

With the roof area from the carport being directed to the street gutter, together with the overflow from the pool area being drained to the sewer, the total volume of water being dispersed within the site will be reduced, which eases future issues for downstream properties.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

All new development to have no adverse environmental impact at the discharge location (En, S)

As discussed above the roofwater from the proposed carport will be directed to the street gutter.

B6.1 Access driveways and works on the public road reserve – Dwelling Houses and Dual Occupancy Development

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 provide for a new layback, crossing and level access driveway, for parking at the street level.

The current driveway is steep and does not provide for transition levels in accordance with Council's controls. The new street level parking facility will provide for safe and functional access to the site, with public safety improved through the removal of the current steep reversing car movement required to access the site.

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 contaminated run-off from driveways.*

The new level driveway will provide for a safer off street parking access.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

- Safe and convenient parking (En, S)*

The controls require a minimum of 2 parking spaces for a dwelling containing two bedrooms or more. The proposed carport will suitably provide for two off street spaces, with access levels and grade sin accordance with Council's controls.

Council's control requires an additional off street parking space for the secondary dwelling, however variations can be considered on merit.

In this instance, the site's sloping topography presents a challenge to providing for three off street spaces. As Narrabeen Park Parade is not a major road and adequate on street parking is available, a variation to the DCP requirements for the additional off street parking space is requested.

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 proposed works will involve some excavation to allow for the undercroft area to the

carport to be developed, however the works will be carried out under the supervision of the consulting Structural Engineer.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites.

(En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

Erosion and sediment management will be carried out as required and have been detailed in Sheet 14.

6.6.3 Section C Development Type Controls for Residential Development

The Development Controls applicable to the proposed development are summarised over 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.

The proposal will not see the removal of any significant trees, and with the introduction of the pool and recreation area, will allow for the perimeter landscaping to be enhanced. The proposal therefore complies with the provisions of this clause.

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 minimised. (S, Ec)

The proposed works will not impact on the existing safety or security of the site. Casual surveillance of the entry to the site and the front yard area will be maintained from the principal dwelling.

Views to the street and from the carport will be available.

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 currently enjoy district views towards the west. The proposal is not considered to have any significant implications on the views enjoyed by neighbouring properties. Views over and past the proposed carport will be maintained for the properties on the eastern, higher side of Narrabeen Park Parade.

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 architectural submission includes a shadow analysis that confirms the adjoining dwelling at No 28 Narrabeen Park Parade will continue to receive at least three hours of solar access to the outdoor recreation space within the rear yard during the 9.00am – 3.00pm period.

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 proposal does not introduce any elevated outdoor areas that will unreasonably impact on the neighbouring properties. The north facing windows at the first floor level to minimise potential overlooking to neighbouring dwelling. The north facing kitchen window to the kitchen is at bench level and as the kitchen bench provides a suitable setback for persons within the kitchen, the extent of overlooking to the north is not considered to be unreasonable.

The proposed west facing living and kitchen windows are provide as narrow, taller windows to reduce the sense of overlooking to the adjacent properties.

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.

The pool filter equipment will be located within the storeroom under the carport, which further minimises the potential acoustic impacts to the neighbours.

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.

The proposed polo and attached gazebo and outdoor recreational area will see a significant improvement in the quality of the outdoor recreation space.

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 retain appropriate vehicular and pedestrian access to the site.

C1.11 Secondary Dwellings and Rural Worker's Dwelling

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 proposed works see the construction of a new secondary dwelling, which with its modest one storey scale will maintain compliance with the provisions of this clause. The construction of the secondary dwelling will not require the removal of any significant native trees or vegetation.

C 1.12 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 within the site for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.6.4 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 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 development will not place any significant 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 scale 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 maintains 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.

It is considered that the proposal is consistent with the desired character of the locality by providing for alterations and additions to an existing dwelling which maintains consistency with

the scale and style of development in the vicinity.

The proposed carport will be the elements that will be visible from the public domain and presents a similar open style car parking structure to the adjacent structure at No 32 Narrabeen Park Parade.

The proposal will have no impact on the existing protected tree canopy and will enhance the existing areas of soft landscaping, particularly to the perimeter of the site.

D14.2 Scenic Protection - General

The control seeks to achieve the outcomes:

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 Ingleside/Warriewood Escarpment. (En,S)

The proposed alterations and additions are in keeping with the extent of development in the locality, and the development will not be prominently visible from any waterway or from the local escarpments.

D14.3 Building Colours, Materials and Construction

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. The proposal will provide for earthy colours which complement the existing dwelling and the locality.

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)
Preserve and enhance the rural and bushland character of the non-urban area of the locality. (En, 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. The proposed carport will be provided as an elevated structure at street level, as the existing sloping driveway exceeds Council's maximum grades and required transitions.

The carport will stand to a setback of between 1006mm – 1205mm to the front boundary, which slightly exceeds the setback of the adjacent carport at No 32 Narrabeen Park Parade.

Given the challenges presented by the fall in levels, from the street boundary, a relation of the front setback control for an open style carport is considered to be reasonable in this instance.

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 to at least one side, 1.0m for the other side and a rear boundary of 6.5m.

The proposed carport and works under will maintain the existing 900mm setback to the northern boundary.

The proposed carport is considered to be modest in bulk and scale and will not be a prominent structure on the Narrabeen Park Parade streetscape.

The proposed carport will not see a significant reduction in the extent of the available views or amenity for neighbouring properties.

Notwithstanding the proposed minor variation of the carport and secondary dwelling and workshop under, the proposal is not considered to result in any amenity impacts for the neighbouring properties, and is therefore deemed acceptable on merit.

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°.

Given the slope of the site to the west, portions of the carport and secondary dwelling facade will present a non-compliance with the building height plane controls to the northern boundary.

Notwithstanding the non-compliance to the side elevations, the building will continue to maintain appropriate access to the available views and levels of solar access in accordance with Council's policy for the primary living and outdoor recreation spaces for both the neighbouring and subject dwellings.

D14.13 Landscaped Area – Environmentally Sensitive Land

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 to a minimum landscaped area of 60% of the site area.

In this instance, the proposal will, see the inclusion of the pool and paved outdoor recreation area, which will result in a soft landscaped area of 235.39m² or 40%, exclusive of the 6% variation for functional landscaped area.

Give the works are set well down below the road and do not result in any significant visual or amenity issues for the neighbouring sites, consideration of the inclusion of an additional 35.41m² for proposed paved recreation space, to a total soft landscaped area of 270.80m² or 46% is requested in this instance.

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 Planning 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 building envelope control 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 the landscaped area 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 proposed construction of alterations and additions to an existing dwelling comprising an elevated carport, secondary dwelling, swimming pool & outdoor recreation facilities and associated landscaping, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

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

7.7 The suitability of the site for the development

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

8.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to existing dwelling, comprising an elevated carport, secondary dwelling, swimming pool & outdoor recreation facilities and associated landscaping, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

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.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)