



STATEMENT OF ENVIRONMENTAL EFFECTS

**11 oak street
north narrabeen nsw**

Planning Approvals
Level 4, 29 Kiora Road
Miranda NSW 2228

Phone 02 9521 4310
Email jeremy@planningapprovals.com.au
www.planningapprovals.com.au

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SECTION 1 | Introduction

This report has been prepared on behalf of the property owner/s of the subject site.

This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 50 of the Environmental Planning and Assessment Regulation 2000. The purpose of this document is to describe the existing characteristics of the site, describe the proposed development, review the applicable planning controls relating to the proposal and site, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any detriment to environmental amenity have been addressed in this report.

Section 1.1 | Development Application Summary

Site Address	11 Oak Street North Narrabeen NSW 2101
Legal Title Identifier	Lot 27 DP 6544
Local Government Area	Northern Beaches Council
Proposed Development	Demolition of a dwelling house and outbuildings, removal of 5 trees, construction of a two (2) storey dwelling house, inground swimming pool and associated landscaping works.

Section 1.2 | Author

Jeremy Moy

Director | Planning Approvals Pty Ltd ABN 21 108 969 624

Contact 02 9521 4310 or jeremy@planningapprovals.com.au

Dated | 10 November 2021

Section 1.3 | Executive Summary

The development proposal relates to a new two storey dwelling to replace an ageing two storey dwelling house in North Narrabeen, R2 zone.

The subject site is owned by a person who is disabled and requires a walking frame. The dwelling house and exterior have been designed specifically to cater for the special needs of the occupant.

As such, the house requires wider access corridors and bathroom, a lift, wider pathways and covered outdoor space, and a swimming pool for hydrotherapy. These particular necessities contribute to a landscaped area deficit. The deficit, being approximately 50m², is not excessive and does not prevent the development from having high quality landscaped areas and gardens, and high quality private open space. The presentation of the proposed dwelling house, with front yard being extensively landscaped with plants and turfed areas, will integrate sympathetically with the existing streetscape. Overall, the proposed development will enhance the streetscape character despite the variation of landscaped area being requested.

The development proposal is otherwise compliant with all principal development standards and the remaining development controls.

In our opinion, the development proposal represents good development and we recommend support be given to the proposal as presented.

SECTION 2 | The Development Site

Section 2.1 | Locality

North Narrabeen is a Northern suburb Sydney being 25 kilometres North of the CBD and is within the Local Government Area of Northern Beaches Council.

North Narrabeen contains various land uses which include residential, commercial and industrial. Natural features of the locality include beaches, parks, creeks and public reserves.

The residential areas of North Narrabeen are characterised by single detached one or two storey dwellings in the context of a suburban setting.

Typically, dwellings in the immediate vicinity range in ages and feature a mix of façade designs comprising cladding material, face brickwork or rendered masonry, in a variety of conditions from fair to relatively new.

The immediate locality was a subdivision release around 1912 with a rigid subdivision pattern along Oak Street and Pittwater Road, running parallel to Oak Street.

The majority of dwellings are one or two storeys, contain both formal and informal landscaped front setback areas. There appears to be no predominant setback pattern or architectural style given the locality has been developed/redeveloped for over a century.

The area is relatively flat and being low lying, is within low and medium flood risk precincts being surrounded by Mullet Creek, Narrabeen Creek and South Creek.

Section 2.2 | Site Description

The site is a regular shaped allotment on the Eastern side of Oak Street, approximately 115m North of the Namona Street intersection.

The site dimensions are:

Front – Western boundary	15.24m
Rear – Eastern boundary	15.24m
Side – Southern boundary	45.7m
Side – Northern boundary	45.7m
Lot size	693.0m ²

The site is relatively flat with a gentle fall to the rear.

At the time of this Statement, the site contained a two storey dwelling house constructed around the 1960-70s era. The site contains several outbuildings, used as sheds and 6 trees.

Section 2.2.1 | Existing Use

The existing land use is *dwelling house*.

Section 2.2.2 | Bushfire Prone Land

The site is not considered Bushfire Prone Land according to RFS mapping.

Section 2.2.3 | Flood Hazards

The subject site is within a Medium Flood Risk Precinct and contains parts which are below the 1% AEP level (3.03m AHD).

Section 2.2.4 | Other Environmental Hazards

The site is identified as being wholly within Class 3 Acid Sulphate Soils land.

Section 2.2.5 | Heritage

The site does not contain a heritage item and is not within a Heritage Conservation Area. The site is not within the curtilage of a heritage item or conservation area.

Section 2.2.6 | Services

According to a recent Dial Before You Dig application, the availability of services to the site are as follows:

- Reticulated water supply –available (Sydney Water Corporation)
- Reticulated sewerage drainage – available (Sydney Water Corporation)
- Electricity – available (Ausgrid)
- Reticulated gas – available (Jemena Gas)
- Communications – available (Telstra & NBN Co)

Section 2.3 | Easements and Restrictions

The site is not burdened by easements or restrictions to User.

Section 2.4 | Site Photography



Image – Aerial view of the subject site (courtesy of NSW SIX Maps)



Image – Subject site as seen from Oak Street



Image – Oak Street facing South



Image – Oak Street facing North

SECTION 3 | Proposed Development



Image – photomontage of proposed dwelling house (courtesy of Daniel Siric Architects)

Section 3.1 | Site Preparation

- Demolition of two storey dwelling house
- Demolition of 5 outbuildings (sheds)
- Removal of driveways and hard surface areas
- Removal 5 trees

Section 3.2 | Construction

Ground Floor level

- Porch/verandah
- Entry foyer
- Integrated single garage
- Open plan kitchen / dining / lounge area
- Master bedroom
- Carers room
- Ensuite (accessible)
- Laundry
- WC

- Stairwell and lift
- Covered Alfresco area the rear

First Floor level

- 3 Bedrooms
- 1 Bathroom
- Therapy room
- Linen cupboard

External

- Replacement driveway & pathways
- Inground swimming/hydrotherapy pool
- Plantings & turf

Section 3.3 | Proposed Use

The proposed use will continue as a *dwelling house*.

SECTION 4 | Evaluation

Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 is considered in this section of the Statement of Environmental Effects.

Section 4.1 | State Environmental Planning Policies

The SEPPs relevant to this proposal and considered are:

- SEPP (Building Sustainability Index: BASIX) 2004

Section 4.1.1 | SEPP (Building Sustainability Index: BASIX) 2004

The proposed building (new dwelling house) is considered a Basix Affected building and will require Basix Certification.

As such, the Basix Certification and plan requirements will be submitted as part of the development application.

Section 4.2 | Local Environmental Plans

The following Local Environmental Plans are applicable to the subject site:

- Pittwater Local Environmental Plan 2014

Section 4.2.1 | Pittwater Local Environmental Plan 2014

The relevant clauses of the LEP are considered as follows:

Clause 2.3 | Zone objectives and Land Use Table

The site is zoned **R2 Low Density Residential**

Dwelling Houses are permissible subject to development consent within an R2 land use zone.

The objectives of the R2 zone under the LEP are:

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

The objectives of the zone are met in the following ways:

1. The proposed dwelling house is a permissible and desirable residential development type within a Low Density Residential zone;
2. The proposed development is purpose designed for the special needs of one of the occupants in the family permanently residing at the property;
3. The proposal will provide a quality architectural design that is sympathetic with the existing streetscape character;
4. The proposed development is architecturally detailed and modulated to complement surrounding development in terms of building bulk and visual intrusion;
5. The design and siting of the proposed development maintains view corridors between dwellings from the street and surrounding developments;

6. The development proposal will provide for an aesthetically pleasing development that is suitable to the locality;
7. The proposed development is contemplated by and is consistent with the applicable planning controls that apply to the site.

Clause 4.3 | Height of Buildings

“..

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

..”

According to the HOB Map, the maximum height permissible is 8.5m.

The dwelling will have a building height of 8.41m and is compliant with the building height development standard.

Clause 5.21 | Flood Planning

The subject site is within a Medium Flood Risk precinct and parts of the site are below the 1% AEP level. According to the Comprehensive Flood Information Request certificate dated 28/01/2021, the maximum Flood Planning Level for the site is 3.53m AHD.

A Flood Management Report has been provided by GRC Hydro consulting engineers. Generally, they support the proposal and provide a conclusion in their report.

Clause 7.1 | Acid sulfate soils

(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class 3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
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According to mapping below (NSW Planning Portal), the entire site is Class 3 land.

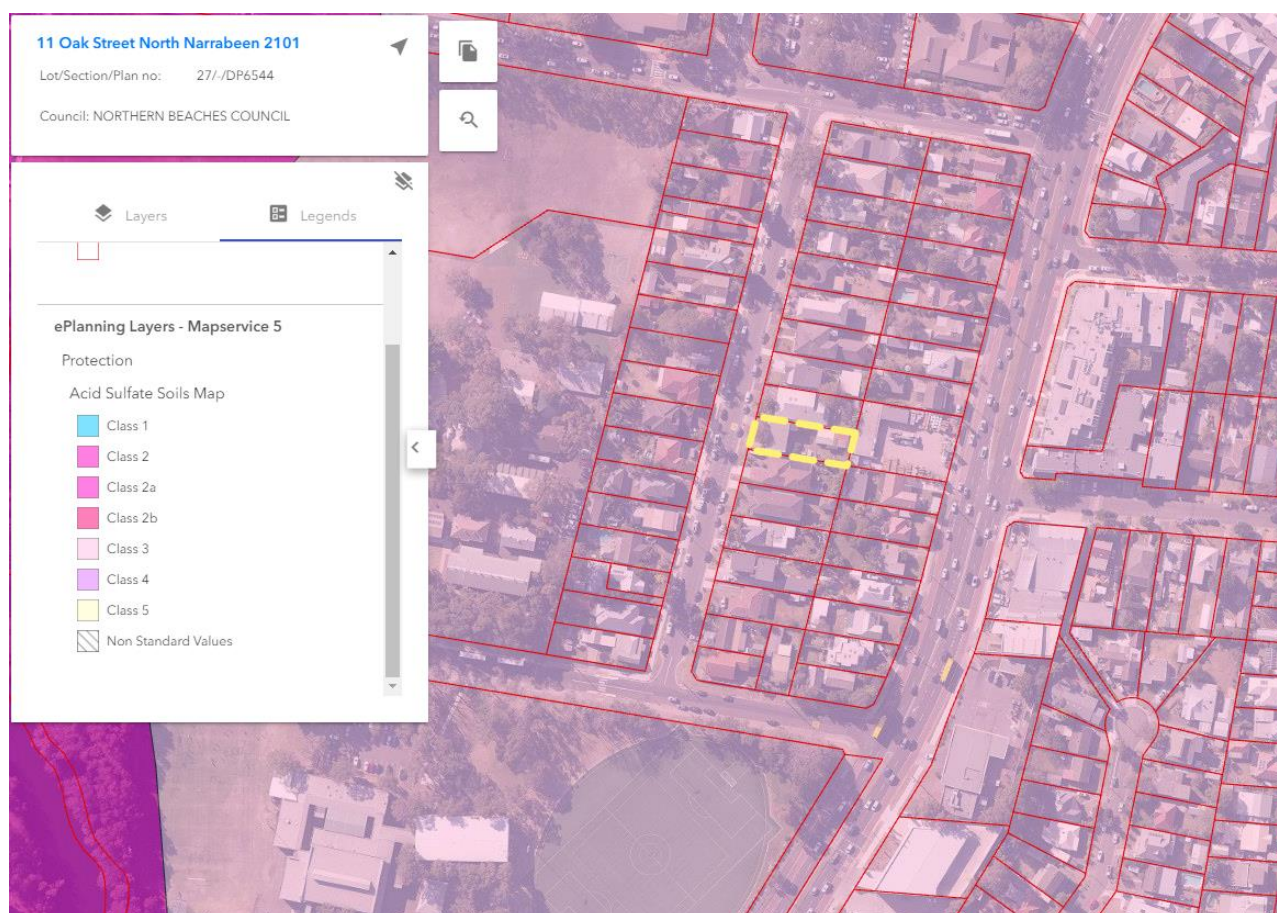


Image – Acid Sulphate Soils Map (courtesy of NSW Planning Portal)

The proposed development includes an inground swimming pool which will require excavation at least 1m below the surface level and could affect the watertable. In response, an acid sulfate soils management plan has been provided by consulting engineers, Alliance Geotechnical & Environmental Solutions, who provide recommendations in their report.

Overall, the development proposal does not seek any exceptions to principal development standards.

Section 4.3 | Development Control Plans

The following Development Control Plans are applicable to the subject site and proposed works:

1. Pittwater 21 Development Control Plan (amendment no. 27 effective 18/01/2021).
The parts relevant to the proposal are:
 - Section B – General Controls
 - Section C – Development Type Controls
 - Section D – Locality Specific Development Controls

In some instances, assessment of controls may be referenced to third party consultancy reports by qualified persons. Any such references are noted in the compliance table below.

Section 4.3.1 | DCP Compliance Table

Pittwater 21 Development Control Plan:

PROVISIONS	PROPOSED	COMPLIANCE
Section D – Locality Specific Development Controls		
D14 Warriewood Locality		
D14.1 Character as viewed from a public place		
<i>Presentation to a public place</i>		
Buildings which front the street or creekline corridors must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The front façade, which faces Oak Street, is well presented to the public domain in that the dwelling house is appropriately proportioned and articulated, comprises of an aesthetically pleasing combination of building materials and finishes which provide architectural interest, provision of a feature portico to the centre front of the structure and will be landscaped in accordance with a professionally designed landscape plan.	✓

Walls without articulation shall not have a length greater than 8m to any street frontage.	The maximum wall length to the street frontage is 7.85m.	
Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first floor element; iv. recessing or projecting architectural elements; v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors.	The design incorporates: 1. A verandah 2. Recessing architectural elements (first floor is generously setback further than the ground floor. 3. Projecting architectural element (projecting fin wall)	✓
The bulk and scale of buildings must be minimised.	The dwelling design achieves appropriate bulk and scale with use of vertical and horizontal articulation, reasonable internal room heights and a combination of building materials.	✓
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably: ▪ set back further than the primary building, and ▪ be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	The garage is 1.0m behind the building line. The garage will have a width of 3.83m.	✓ ✓

Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	The landscape design is provided by a landscape architect and is consistent with the control.	✓
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	The property has access to NBN which will avoid the need for antennae and the like.	✓
General service facilities must be located underground.	Re-connection of services will likely include a private pole at the front boundary then underground services to the building.	✓
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	Cabling and plumbing services will be concealed.	✓

Information to be included in the Statement of Environmental Effects

An analysis of the character of the proposed development as viewed from Public Place(s) demonstrating that the proposal: • compliments the desired future character of the Locality; • has a visual impact which is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation; (En, S, Ec) • is of high quality and is designed to address the natural context of the area and any natural hazards; (En, S) • does not dominate the streetscape and is at human scale, and, within residential areas, buildings give the appearance of being two-storey maximum; (S) • ensures parking structures are minimised and secondary to the built form, landscaping and vegetation; (S) • provides access to public places and spaces which is clear and defined. (S)	The character of the proposed development is as follows: 1. Being a two storey contemporary style dwelling house, the development will suit the locality which is ripe for redevelopment. 2. A professionally designed landscape plan will assist in softening the new built structure into the streetscape with the provision of soft landscaped areas to the majority of the front setback area. 3. The proposed development will be constructed by a reputable and licensed builder to ensure a high standard in quality. 4. The proposed building will be clear of easements and is considerate of natural hazards (flooding). 5. The dwelling house will be limited to two storeys and of minimised building height, complying with development standards and building height controls. 6. Carparking is provided with an integrated single garage positioned behind the building line. 7. Direct street access is available.	✓
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D14.3 Building colours and materials

External colours and materials shall be dark and earthy tones as shown below:



White, light coloured, red or orange roofs and walls are not permitted:



Variations:

Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map, and for non-residential development in areas that are not visually prominent.

The subject site is within Landscaped Area 3.

The ground floor level and a proportion of the first floor walls will consist of a brown facebrick.

Portions of the first floor walls will be light.

The roof will be light grey.

In our opinion, the colour combination will balance towards the desired colour range and overall will contribute to desired streetscape character.

We recommend support for the colour scheme presented.



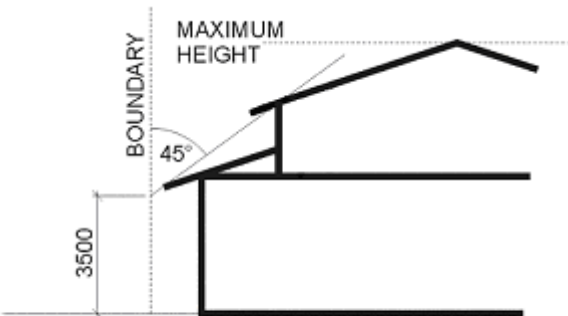
Finishes are to be of a low reflectivity.	Materials will be factory pre-coloured and will be low reflective.	✓
D14.7 Front building line		
The minimum front building line shall be in accordance with the following table. ➤ Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living adjoining Mona Vale Road – 10m or established building line, whichever is the greater ➤ All other land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living - 6.5m, or established building line, whichever is the greater	The 6.5m front setback control applies in this instance. The proposed development will have a front setback of 6.5m	✓
Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback.	Only the driveway and pathway is within the front setback area.	✓
Where new streets or accessways are proposed in residential flat buildings and multi dwelling housing, a minimum front setback of 3 metres must be provided between the carriageway and dwellings.	Not applicable.	N/A

Variations:		
Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line. Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances: ▪ considering established building lines; ▪ degree of cut and fill; ▪ retention of trees and vegetation; ▪ where it is difficult to achieve acceptable levels for building; ▪ for narrow or irregular shaped blocks; ▪ where the topographic features of the site need to be preserved; ▪ where the depth of a property is less than 20 metres.	Not applicable.	N/A
Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.	Not applicable to the site.	N/A
On-site wastewater treatment systems and rainwater tanks are permitted within the front building setback provided that they do not exceed 1 metre in height above ground level (existing).	The rainwater tank will be positioned along the Southern side of the dwelling, not in the front setback area.	✓

D14.8 Side and rear building line		
The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table: Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living: ➤ 2.5m to at least one side; 1.0 for other side ➤ 6.5m rear (other than where the foreshore building line applies)	The proposed setbacks are: <u>Dwelling</u> ▪ Southern side – 1.0m ▪ Northern side – 2.5m ▪ Rear – 8.775m <u>Swimming pool</u> ▪ Southern side – 1.0m ▪ Northern side – 8.16m ▪ Rear – 1.0m	✓ ✓ ✓ ✓ ✓ Variation allowed for pools.
Variations:		
Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.	Not applicable.	N/A
Where the depth of a property is less than 20 metres, Council may accept a reduced building setback from the rear boundary.	Not applicable.	N/A

Side and rear setbacks may be varied for residential flat buildings and multi dwelling housing under the following circumstances provided Council is satisfied that the adjoining properties will not be adversely affected and that the outcomes of this clause are achieved: ▪ Where it can be demonstrated that the objectives of the controls can be achieved without strict adherence to the standards. ▪ Where the site constraints make strict adherence to the setback impractical and the applicant can demonstrate that development complies with the objectives of this DCP. ▪ Where strict compliance with these requirements will adversely impact on the views of adjoining residential properties. ▪ Unroofed balconies, verandahs, covered entranceways, porches and light or open structures (including carports). ▪ Minor encroachments into setback areas are permissible, including roof eaves, sunhoods, gutters, downpipes, chimneys, light fittings, electricity and gas meters, TV aerials and satellite dishes.	Not applicable.	N/A
For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following: ▪ satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and ▪ Council is satisfied that the adjoining properties will not be adversely affected, and	A 1.0m setback is provided to the side and rear boundaries. The pool coping will be a maximum of 0.8m above existing ground level. Refer to landscape plan for existing and proposed natural screen adjacent the pool area.	✓

▪ the pool or spa is not more than 1 metre above ground level (existing), and ▪ that the outcomes of this clause are achieved without strict adherence to the standards, and ▪ where the site constraints make strict adherence to the setback impractical, and ▪ where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.		
For properties that front Bruce Street and no. 77-79 Narrabeen Park Parade, Warriewood, rear open decks may be permitted within the foreshore building line to a maximum height of 2 metres provided views are not obstructed.	Not applicable.	N/A

D14.11 Building envelope		
Buildings are to be sited within the following envelope:  STREET FRONTAGE Planes are to be projected at 45° from a height of 3.5m above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).	The site is subject to flood hazard controls and the required floor level is 3.53m AHD. Hence, the building envelope has been calculated from the flood planning level and diagrammatically shown on the elevations. Excluding the eaves, the proposed development is on the upper limit of the building envelope control.	✓
Variations:		
Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.	Not applicable.	N/A

Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.	Applies – the site is subject to flood hazard controls. The building envelope diagrams provided are based on the flood planning level (3.53m AHD).	Applied
Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.	Applies – the proposed dwelling incorporates eaves for good building thermal performance.	Applied
Council may consider a variation for the addition of a second storey where the existing dwelling is retained.	Not applicable.	N/A
D14.12 Landscaped Area - General		
<i>Land in the Warriewood Locality within Area 3 in the Landscaped Area Map</i>		
The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.	As per variations allowed below, a 6% reduction may be permitted where certain conditions are met, bringing the minimum landscaped area requirement to 44%. The proposed development is seeking a further variation with the details discussed at section 4.3.2.1 below.	✗ Refer to variations sought in section 4.3.2 below.

	The proposed development will have a landscaped area of 37.5%.	
The use of porous materials and finishes is encouraged where appropriate.	The landscape and building design contemplated use of porous materials where possible.	✓
Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.	Not applicable.	N/A
<u>Split Zones</u> On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.	Not applicable.	N/A

Variations:		
Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site: ▪ impervious areas less than 1 metre in width (e.g. pathways and the like); ▪ for single dwellings on land zoned R2 Low Density Residential or R3 Medium Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).	Variations to the numerical landscaped area control is sought and discussed in detail at section 4.3.2 of the SEE below.	
D14.15 Fences - General No fencing proposed.		
D14.17 Construction, Retaining walls, terracing and undercroft areas Not proposed.		

PROVISIONS	PROPOSED	COMPLIANCE
Section B – General Controls		
B1 Heritage Controls Not Applicable		
B2 Density Controls		
B2.5 Dwelling Density and Subdivision - Medium Density Residential		
Medium density housing must not be carried out unless the street frontage is greater than or equal to one third of the length of the longest side boundary.	Not applicable.	N/A
The re-subdivision of individual or groups of dwellings subsequent to development consent may be carried out by any method of subdivision including Strata Subdivision, Community Title Subdivision, or Torrens Title Subdivision. Parking spaces, loading bays, and space for any other purpose forming a part of a sole occupancy unit are to be allocated to the dwelling. Landscaped areas, access areas and signage not forming part of an individual dwelling must be included as common property.	Not applicable.	N/A

B3 Hazard Controls		
B3.11 Flood Prone Land		
Land identified as being affected by flooding on the Flood Risk Precinct Maps, or as otherwise determined by Council. <u>Requirements</u> 1. Development must comply with the prescriptive controls set out in the Matrix. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property. 2. Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.	The site is within the Medium Flood Risk Precinct. As such, a Flood Management Report has been prepared by GRC Hydro consulting engineers and included with the development application.	Refer to Flood Management Report provided
B4 Controls Relating to the Natural Environment		
B4.14 Development in the Vicinity of Wetlands		
Applies to: Land adjacent to freshwater wetlands, including Sydney Freshwater Wetland, Swamp Sclerophyll Forest, Swamp Oak Forest.	A portion of subject site (front) is in the vicinity of coastal wetlands. Refer to image below.	✓

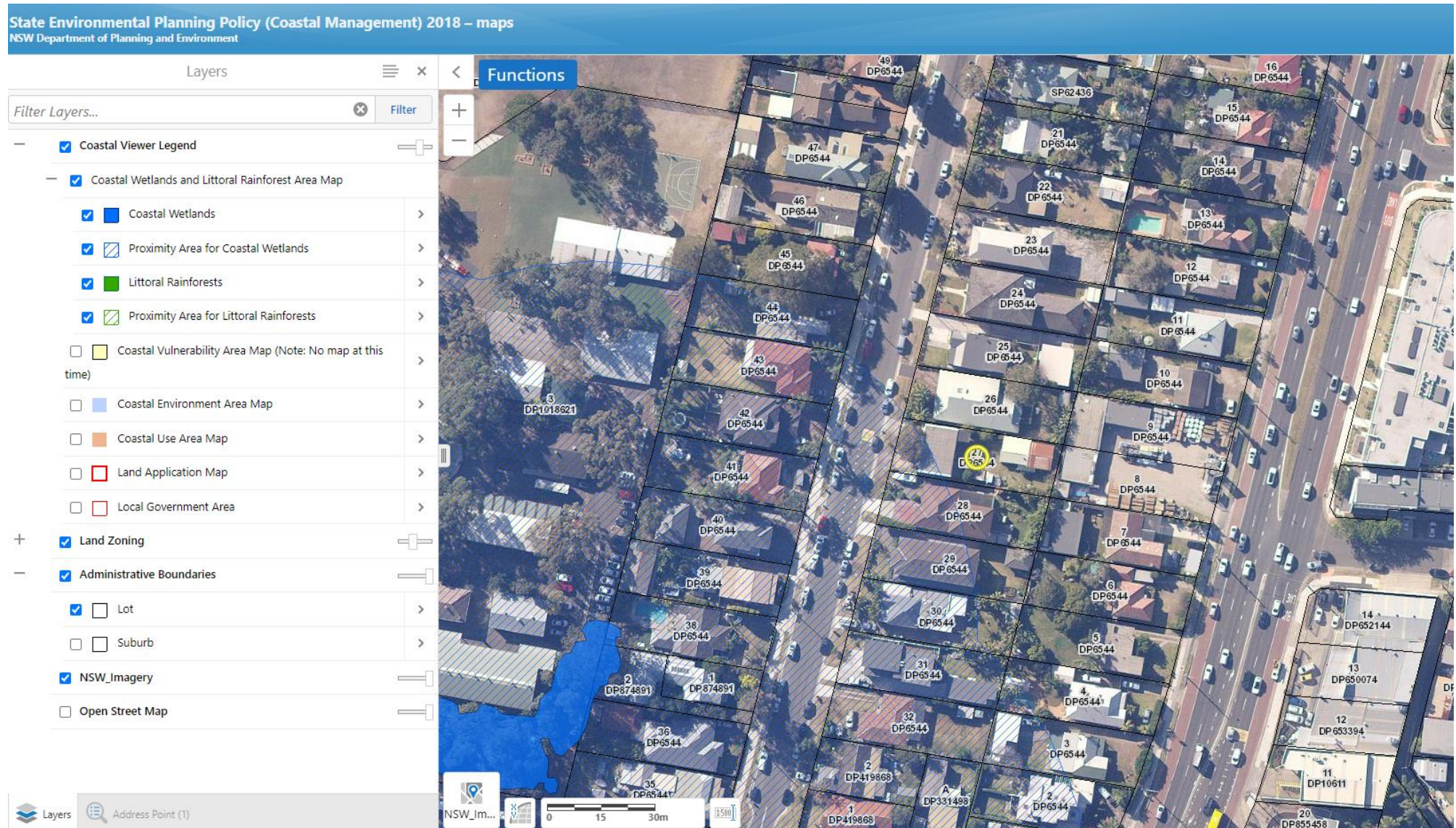


Image – NSW Dept of Planning and Environment mapping

Development in a wetlands catchment shall not adversely impact on the wetlands.	The proposed development will not adversely impact the wetlands being a low density residential use with an appropriate stormwater management system.	✓
Compliance with Council's Water Management for Development Policy is required	Refer to stormwater management plan provided with the development application.	✓
Development shall provide adequate buffering to wetlands	The subject site is well distanced from the wetlands itself and the proposed development provides for appropriate landscaping and drainage.	✓
Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.	No known wildlife corridors are present at the site.	N/A
Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species found on the site or those listed in Native Plants for your Garden on Pittwater Council website)	Refer to landscape plan.	✓

B5 Water Management Refer to stormwater management design provided by consultant engineer		
B6 Access and Parking		
B6.1 Access driveways and Works on the Public Road Reserve		
Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.	A driveway crossing will be applied for after the development application stage.	✓
An Access Driveway to the standards as set out below must be provided for: - any new development; - any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m²; and - where additional car parking spaces and/or garages are proposed.	A driveway crossing will be applied for after the development application stage.	✓
Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate compliance with this control.	Not proposed.	N/A

The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards: ▪ Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking. ▪ Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.	A driveway crossing will be applied for after the development application stage.	✓
The number of permissible Access Driveways to an allotment is as follows: ▪ where the frontage of an allotment to a local public road is less than 30m, one only access driveway. ▪ where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit. ▪ where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints. Council, under the Local Government Act 1993, may direct as to which frontage access is to be gained where traffic safety issues are a consideration.	A single access crossing will be applied for, after the DA stage.	✓
Shared Access Driveways shared between adjoining private properties and Access Driveways located in front of adjoining properties will be considered on merit, based on Council's consideration of the site constraints.	Not proposed.	N/A

Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows: ▪ minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and ▪ minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary.	A driveway crossing will be applied for after the development application stage.	✓
For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb. For corner allotments adjacent to traffic signals, the location of the Access Driveway will be subject to the approval of the Roads and Maritime Services as the authority responsible for traffic signal facilities.	Not applicable	N/A
The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.	A driveway crossing will be applied for after the development application stage.	✓

The maximum width of an Access Driveway for dual occupancies, dwellings houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation shall be as follows:	A driveway crossing will be applied for after the development application stage. The width of the driveway proposed, at the front boundary, is 3.8m.	✓
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Distance Building Line to Boundary	Width at Boundary	Width at Kerb
Nil to 3.5m	Width of car parking area or garage opening	Width of car parking or garage opening plus 0.5m
Greater than 3.5m to 6.5m	4.0m	4.5m
Greater than 6.5m	3.0m	3.5m

<u>Access Driveway Profile and Gradient</u> ➤ Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles. ➤ Access Driveway Construction and Finishes ➤ All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction. ➤ Gutter crossings are to be in plain concrete. ➤ Access Driveways are to be in plain concrete. Cosmetic Access Driveways on a public road reserve are not permitted. ➤ Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition. ➤ The Access Driveway is to be structurally adequate for its intended use. ➤ Suspended driveways must not use the existing road structure for support.	A driveway crossing will be applied for after the development application stage.	✓
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B6.2 Internal Driveways		
An Internal Driveway must be provided for in: ▪ any new development; ▪ development where additional car parking spaces and/or garages are required by Council's plans or policies; ▪ any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m² ; and ▪ development where additional car parking spaces and/or garages are proposed. If the applicant proposes to retain the existing driveway, the applicant will need to demonstrate compliance with the outcomes and driveway standards of this control.	The proposal includes a new internal driveway.	✓
Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards. For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length. Provision is to be made for vehicles to enter and leave the site in a forward direction, where:	The new driveway will be relatively flat with a maximum gradient of 2.0%. Due to the nature of the driveway, there is no need to provide for vehicles to enter and exit in a forward direction.	✓

▪ the internal driveway grade exceeds 1:4 (V:H); ▪ the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre); ▪ driveways are more than 30m in length; and ▪ the driveway enters onto a classified road.		
Internal Driveways shall have a stable surface for all weather construction. Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.	A coloured concrete driveway is proposed.	✓
The Internal Driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows: ▪ Single Dwelling: 3.0 metres minimum. ▪ Dual Occupancy: 3.0 metres minimum. ▪ Combined driveway for more than 2 dwellings: 3.0 metres minimum except where the driveway length exceeds 40 metres, a passing bay to an overall minimum width of 5.0 metres for a length of 10 metres with suitable transitions to the adjacent narrow driveway.	The driveway will have a width of 3.8m with landscaped verges to each side.	✓

B6.3 Off-Street Vehicle Parking Requirements		
The minimum number of vehicle parking spaces to be provided for off-street parking is as follows: • Number of bedrooms per dwelling but not a secondary dwelling • 2 bedrooms or more – 2 spaces	2 carparking spaces are provided with a single garage + hardstand space in front of the garage.	✓
Minimum dimensions of internal space for on-site parking are: • Enclosed garage (internal dimension) - 3.0 metre x 6.0 metre, with 2.4 metre minimum width entry	The garage will have internal dimensions of: • 4.0m width • 7.0m depth • 3.23m entry width	✓ ✓ ✓
The maximum cross-fall in any direction for an open car parking space is 1:20 (V:H).	The maximum cross-fall of the open parking space is 1:51.	✓

B8 Site Works Management

B8.1 Construction and Demolition - Excavation and Landfill

Excavation and landfill on any site that includes the following: • Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation; • Any excavation greater than 1.5 metres deep below the existing surface; • Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property; • Any landfill greater than 1.0 metres in height; and/or • Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.	Excavation is limited to a maximum of 0.2m. Landfill is limited to a maximum of 0.8m in height. Trees have been considered by a consultant arborist and discussed in their report which is provided with the development application. The proposed earthworks will not affect geotechnical processes.	
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B8.2 Construction and Demolition - Erosion and Sediment Management
Refer to Erosion and Sedimentation Control Plans provided.

B8.3 Construction and Demolition - Waste Minimisation
Refer to Waste Management Plan provided

B8.4 Construction and Demolition - Site Fencing and Security
Per Council conditions

B8.5 Construction and Demolition - Works in the Public Domain
Per Council conditions

B8.6 Construction and Demolition - Traffic Management Plan
Per Council conditions

PROVISIONS	PROPOSED	COMPLIANCE
Section C – Development Type Controls		
C1 Design Criteria for Residential Development		
C1.1 Landscaping Refer to landscape plans provided.		
C1.2 Safety and Security		
There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:		
1. Surveillance ➤ Building design should allow visitors who approach the front door to be seen without the need to open the door. ➤ Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.	The proposed building will have habitable rooms with an outlook to the street. The landscape design will also be conducive to allowing for casual surveillance of the street.	✓

➤ Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners. ➤ Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting. ➤ Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours. ➤ Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces. ➤ Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.		
2. Access Control ➤ Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry. ➤ Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit. ➤ Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night. ➤ The street number of the property is to be clearly identifiable. ➤ Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.	The proposed development relates to a single use dwelling which will have a clear pedestrian path and letterbox number, enabling clear identification of the site and its entry point.	

3. Territorial reinforcement ➤ Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas. ➤ Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided. ➤ Blank walls along all public places (streets, open space etc) shall be minimised.	The landscape design and pathway will direct visitors to the intended entry point of the building which will be highly visible to the street.	✓
4. Space management ➤ Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for. ➤ Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements. ➤ A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.	Not applicable to private property.	N/A

C1.3 View Sharing		
All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposed development will not unreasonably obstruct significant views from surrounding and nearby properties.	✓
The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	View sharing principles are generally achieved through the design.	✓
Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.	The proposed structure will not unreasonably obstruct significant views.	✓
Views are not to be obtained at the expense of native vegetation.	The site is clear of vegetation.	✓
C1.4 Solar Access		
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	The proposed development will not overshadow main POS areas at 9am or 12pm, at the subject property or adjoining properties. At 3pm, some overshadowing will occur but only to part of the main POS areas.	✓

Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	The subject site and adjoining sites have an East-West orientation, with the rear facing East. Windows to principal living areas generally face the rear, therefore East in this instance. The proposed development will not overshadow neighbour property Eastern glazing. The proposed development contains East facing windows which will receive direct sunlight. In addition, the main living room will have a North facing window to receive solar access.	✓
Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.	No solar collectors (adjoining sites) will be overshadowed by the proposed development.	✓
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	Clothes lines in the Eastern rear yards will receive ample sunlight.	✓
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	Contemplated and in our opinion, is satisfactory.	✓

Variations:		
Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis: ▪ where the orientation or shape of a lot precludes northerly orientation (200 west to 300 east of north), ▪ where there is adverse slope or topography, ▪ where there is existing vegetation, obstruction, development or fences that overshadow, or ▪ where other controls have priority, e.g. heritage and landscaping considerations. Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.	The site and adjoining sites have an East-West orientation. Private open spaces and rooms to living windows are generally to an Easterly aspect and Eastern glazing is shaded to achieve adequate building thermal performance. In our opinion, solar access controls are reasonably considered with the proposed design and constraints of the site.	✓
C1.5 Visual Privacy		
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	<u>Considering the adjoining property to the North</u> ▪ The proposed dwelling upper floor does not extend past the rear building line of the adjoining neighbour	✓

	▪ Windows to the upper level on the Northern side are positioned to the front end of the proposed dwelling. ▪ Northern upper floor windows are either high silled or relate to a non habitable area (bathroom) <u>Considering the adjoining property to the South</u> ▪ The proposed dwelling upper floor does not extend past the rear building line of the adjoining neighbour ▪ Windows to the upper level on the Southern side are either well offset or well distanced from windows of the adjoining property, or both.	✓
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	The proposed hydrotherapy pool is predominantly inground and will have landscape screening.	✓
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.	The proposed dwelling is designed so that upper level windows do not directly overlook private open spaces of adjoining development.	✓

Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by: ▪ vegetation/landscaping ▪ a window sill height 1.7 metres above floor level, or ▪ offset windows ▪ fixed translucent glazing in any part below 1.7 metres above floor level, or ▪ solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are: ▪ permanent and fixed; ▪ made of durable materials; and ▪ designed and painted or coloured to blend in with the dwelling.	Several of the techniques are used with the proposed development design and landscaping design to protect the privacy amenity of adjoining properties.	✓
C1.6 Acoustic Privacy		
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The bedrooms are not located near high noise sources.	✓
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	Not applicable.	N/A

Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	The air conditioning unit and pool pump equipment are located away from the dwelling on the adjoining property.	✓
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	We are not aware of any non compliances in this regard.	✓
C1.7 Private Open Space		
a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-		
Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.	A private open space area of 212m ² is provided within the rear yard, at ground level and dimensions more than 3m wide.	✓
Within the private open space area, a minimum principal area of 16m ² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).	A principal private open space of more than 60m ² being 12.8m x 4.69m is provided with an Alfresco and flat turfed area.	✓
Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	The private open space is adjacent and accessed from the Lounge / Dining / Kitchen area.	✓

Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).	The private open space, due to the orientation of the site, faces East. Notwithstanding, the shadow diagrams demonstrate an appropriate level of solar access.	✓
Private open space should be located to the rear of the dwelling to maximise privacy for occupants.	The POS is located to the rear of the dwelling.	✓
Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.	Not proposed.	N/A
A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.	Not required.	N/A
Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.	An outdoor clothes drying line will be installed in the rear yard.	✓

An accessible and usable area for composting facilities within the ground level private open space is required.	The rear yard will have extensive garden areas which can facilitate composting.	✓
C1.8 Dual Occupancy Specific Controls Not applicable		
C1.9 Adaptable Housing and Accessibility Not applicable		
C1.10 Building Facades		
Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	Not proposed.	✓
C1.11 Secondary Dwellings and Rural Worker's Dwellings Not applicable		

C1.12 Waste and Recycling Facilities		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	A Waste Management Plan is provided with the development application and is consistent with the guidelines.	✓
C1.13 Pollution Control		
Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution. Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	A well experienced and licensed builder will be appointed as the principal contractor and construction phase conditions will be adhered to.	✓
C1.14 Separately Accessible Structures		
A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that: 1. it is ancillary to a dwelling; 2. it is not designed for separate habitation and does not contain any cooking facilities.	Not proposed.	N/A

Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.	Not applicable.	N/A
C1.15 Storage Facilities		
A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Storage cupboards are incorporated into the design and include linen cupboards and wardrobes. The double garage could also be utilised for storage.	✓
C1.16 Development ancillary to residential accommodation - Tennis Courts Not proposed		
C1.17 Swimming Pool Safety		
Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Generally conditioned with a development consent.	Per Council or Certifier ✓
C1.18 Car/Vehicle/Boat Wash Bays Not applicable to dwelling houses		

C1.19 Incline Passenger Lifts and Stairways Not proposed		
C1.20 Undergrounding of Utility Services		
All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	Underground services will be provided.	✓
All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road.	Underground services will be provided.	✓
Design and construction of the undergrounding of utility services is to be at full cost to the developer.	Acknowledged.	✓
C1.21 Seniors Housing Not applicable		

C1.23 Eaves		
Dwellings shall incorporate eaves on all elevations. Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.	560mm eaves will be provided to all elevations.	✓
C1.24 Public Road Reserve - Landscaping and Infrastructure No landscaping or tree works proposed within the public road reserve.		
C1.25 Plant, Equipment Boxes and Lift Over-Run		
Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.	Sited appropriately.	✓

Section 4.3.2 | DCP Variations

One or more variations to controls within a Development Control Plan may be sought for the proposed development.

Citation:

s3.42 of Environmental Planning and Assessment Act 1979 provides -

3.42 Purpose and status of development control plans

- (1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
 - (a) giving effect to the aims of any environmental planning instrument that applies to the development,*
 - (b) facilitating development that is permissible under any such instrument,*
 - (c) achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

- (2) The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).*
- (3) Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.*

The following variations to the Development Control Plan/s are sought:

- Landscaped Area – section 4.3.2.1 below.

Section 4.3.2.1 | Landscaped Area variation

Control subject to variation request:

Pittwater 21 DCP – D14 Warriewood Locality

D14.12 Landscaped Area - General

➤ Land in the Warriewood Locality within Area 3 in the Landscaped Area Map

➤ Control 1:

The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.

Permissible variations:

Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:

- i. *impervious areas less than 1 metre in width (e.g. pathways and the like);*
- ii. *for single dwellings on land zoned R2 Low Density Residential or R3 Medium Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).*

Allowing for the permissible variations, exclusion of pathways (less than 1m width) and up to 6% for outdoor recreational purposes (41.6m²) is considered.

The proposal

Site Area = 693.0m ²	
Initial minimum landscaped area required (50%)	346.5m ²
6% outdoor recreational purposes concession	(41.6m ²)
Minimum landscaped area (excluding pathways <1m wide)	304.9m²
Landscaped Area proposed	259.8m²
Deficit	45.1m²

However, the following areas technically do not qualify for the concession and have contributed towards the deficit:

Alfresco area exceeding 6% concession	10.9m ²
Pathways >1m width (required for accessibility)	14.9m ²
Swimming pool (required for hydrotherapy)	45.0m ²
Total contribution to the landscaped area deficit – due to special needs requirements	70.8m²

The circumstances

The property owner is disabled and requires a walking frame. The dwelling house has been designed to cater for the accessibility needs of the occupant, in both the building design and outdoor area design.

The owner requires a pathway that is wider than 1m for basic access. They also require a swimming pool for necessary physical recreation and hydrotherapy. Additional circulation space is also required for the covered outdoor area (Alfresco).

The above items, which are imperative to the health and welfare of the disabled occupant, exceed the landscaped area deficit.

We are requesting special consideration of their particular circumstances and that the required items listed that are contributing to the landscaped area deficit, be given further concession and allow a variation to the degree being sought. In our opinion, the additional concession of such items is not excessive and the development proposal, despite the variation proposed, meets the objectives of the control as discussed below.

Objectives (outcomes) of the control:

- Achieve the desired future character of the Locality.
- The bulk and scale of the built form is minimised.
- A reasonable level of amenity and solar access is provided and maintained.
- Vegetation is retained and enhanced to visually reduce the built form.
- Conservation of natural vegetation and biodiversity.
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.
- To preserve and enhance the rural and bushland character of the area.
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

Objectives are met in that:

The proposal satisfies the objectives of the control in the following ways:

1. Despite falling short of the landscaped area control, the bulk and scale of the proposed dwelling house is sympathetic to the existing streetscape character and consistent with the desired streetscape character in that:
 - a. The proposed 2 storey dwelling is not unlike other recent 2 storey development in the street,

- b. The proposed dwelling has compliant boundary setbacks and height,
 - c. The proposed dwelling has been carefully designed by an architect with a combination of building materials and finishes which will produce an aesthetically pleasing building that will enhance the streetscape character,
 - d. The front setback area will comprise of a substantial degree of soft landscaping with impervious surfaces restricted to a driveway and pedestrian pathway (suitable for disabled persons)
2. As demonstrated by the architectural plans and landscape design, the proposed development provides for ample private open space which substantially exceeds the development control. The quality of private open space is enhanced with the provision of a suitably sized covered outdoor area, an inground swimming pool, soft landscaping and is flat.
 3. The proposed development involves removal of certain trees, all which have been assessed as “unimportant trees” by consultant arborist, Andrew Scales of Naturally Trees. Replacement plantings will be provided, as detailed on the landscape plans, and will assist with integrating the new building into an existing and established streetscape.
 4. The proposed development will provide a 2 storey dwelling house and landscaped front setback area that will be consistent with the existing streetscape character.
 5. The proposed development as a whole, has been considered by a consultant engineer in terms of stormwater management and a stormwater management design is provided. Despite the landscaped area deficit, the proposed development has been designed so that stormwater runoff will be controlled, detained on site and ultimately released appropriately to the street guttering system.

Grounds of being unreasonable or unnecessary:

As described in “The circumstances” above, in our opinion it would be unreasonable to disallow a variation of the numerical landscaped area control as it would involve either reducing the floor area of the dwelling (which requires wider access than most dwelling houses), or removal of the swimming pool or pathways. Each of these items are considered essential for the needs of the occupant.

In our opinion, the nature of the variation, given the circumstances is reasonable and far from excessive.

We believe the consent authority is in a good position to support the variation on the merits presented.

Section 4.4 | Likely Impacts of the Proposed Development

Likely impacts of the proposed development are considered in respect to Natural & Built Environments and Social & Economic in the Locality below.

Section 4.4.1 | Impacts on Natural and Built Environments

The proposed development does not involve removal of significant or important trees. Earthworks have been considered by a geotechnical engineer and recommendations have been made.

Use of the dwelling house, will have no adverse impact on the local or regional air and water quality.

The size and form of the proposed building is consistent with the desired character of the locality.

The proposed development will have no significant adverse impact on the built environment being a two storey dwelling house, amongst other single and two storey dwelling houses.

For reasons above, the proposed development will have a low impact on the natural and built environments.

Section 4.4.2 | Social and Economic Impacts in the Locality

The proposed works will have no significant adverse social impact on the locality in that casual surveillance of the street will be provided with windows of habitable rooms overlooking the street. The development will not contain concealed areas and sensor exterior lighting will assist with crime prevention principles. The development will be immediately occupied upon completion of construction.

Undertaking the construction works will have some short term positive economic impacts through employment generation, both direct employment and sub contractual multiplier effects. Accordingly, it is considered that the proposed development is likely to have only positive economic impacts in the locality.

Section 4.5 | Suitability of the Site for the Development

Access to services:

The site has full and present access to electricity, sewerage, water supply and telecommunications.

Parking and access:

Vehicular access to the site is available via driveway from the adjoining road. The development proposal will provide for safe, convenient parking and vehicular access.

Hazards:

The site is low laying land which could be subject to flooding with heavy storm events. A consultant engineer has considered the proposal and is supportive where their recommendations are adopted. The proposed development is consistent, and is capable, of complying with the recommendations.

Section 4.6 | Submissions

It is expected surrounding neighbours will be notified in accordance with Council's Notification Policy.

Should objections be received it is common practice for Council to enable or allow mediation in order to resolve any issues. Our firm is very responsive to genuine concerns of nearby property owners and is willing to work with all concerned parties to work through a sensible solution to enable progress but not at the unreasonable expense of neighbouring properties.

Section 4.7 | The Public Interest

The proposed development will achieve the desired residential streetscape character. Visual and acoustic privacy to neighbours will be preserved.

The proposal is in the interest of the public in terms of providing a reasonable residential development within the locality.

Public interest will be considered when assessing any submissions made in relation to the proposal.

SECTION 5 | Conclusion

The proposed development is permissible with consent and is compliant with development standards under relevant Environmental Planning Instruments. The development is consistent with the planning objectives under the LEP.

Compliance has been demonstrated with relevant controls as outlined in development controls and guidelines for Pittwater 21 DCP, with the exception of landscaped area where a variation is sought based on the merits of the proposal and the special circumstances as discussed above.

The proposed development has been designed to ensure its size and scale compliments the existing and desired future character of the area without having an adverse impact on the amenity to neighbouring properties.

The application has been assessed against Section 4.15 of the Act and it is considered that the relevant requirements are satisfied.