

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING NEW SWIMMING POOL**

LOCATED AT

2131 PITTWATER ROAD, CHURCH POINT

FOR

BRAD & LOUISE DOWE



**Prepared
October 2024**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	The Surrounding Environment.....	8
5.0	Proposed Development	9
6.0	Zoning and Development Controls	11
6.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021	11
6.2	State Environmental Planning Policy (Resilience and Hazards) 2021	11
6.3	State Environmental Planning Policy (Sustainable Buildings) 2022	15
6.4	Pittwater Local Environmental Plan 2014	15
6.5	Pittwater 21 Development Control Plan	18
6.5.1	Section A Introduction.....	18
6.5.2	Section B General Controls.....	19
6.5.3	Section C Development Type Control for Residential Development	22
6.5.4	Section D Locality Specific Development Controls	26
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979. 31	
7.1	The provisions of any environmental planning instrument	31
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and .	31
7.3	Any development control plan.....	31
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.....	32
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	32
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.	32
7.7	The suitability of the site for the development.....	33
7.8	Submissions made in accordance with this Act or the regulations	33
7.9	The public interest.....	33
8.0	Conclusion.....	33

1.0 Introduction

This Statement of Environmental Effects accompanies details on behalf of Brad & Louise Dowe prepared by Archisoul Architects, Drawing No. 2251, dated 15 October 2024, to detail the construction of alterations and additions to an existing dwelling at **2131 Pittwater Road, Church Point**.

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 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

2.0 Property Description

The subject allotment is described as 2131 Pittwater Road, Church Point, being Lot G within Deposited Plan 400696 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item, nor is it within a conservation area.

The site is identified as being within the Class 2 and Class 5 Acid Sulfate Soils Area, and therefore this matter will be discussed further within this report.

The site is identified on Council's Geotechnical Hazard Map as 'W Hazard H1' and as such, a Geotechnical Investigation has been prepared by White Geotechnical Group, Report No. J5617 dated 2 August 2024.

The site is identified as being on Council's Biodiversity Map and Estuarine Hazard affected, however as the proposed works are on the landward side of Pittwater Road and are a significant distance above the road and well separated from the waterline, no further investigation is considered warranted in this instance.

The site is identified as being within the Coastal Environment Area and Coastal Use Area on the SEPP (Resilience and Hazards) 2021. This matter will be further discussed within this statement.

No other hazards have been identified.

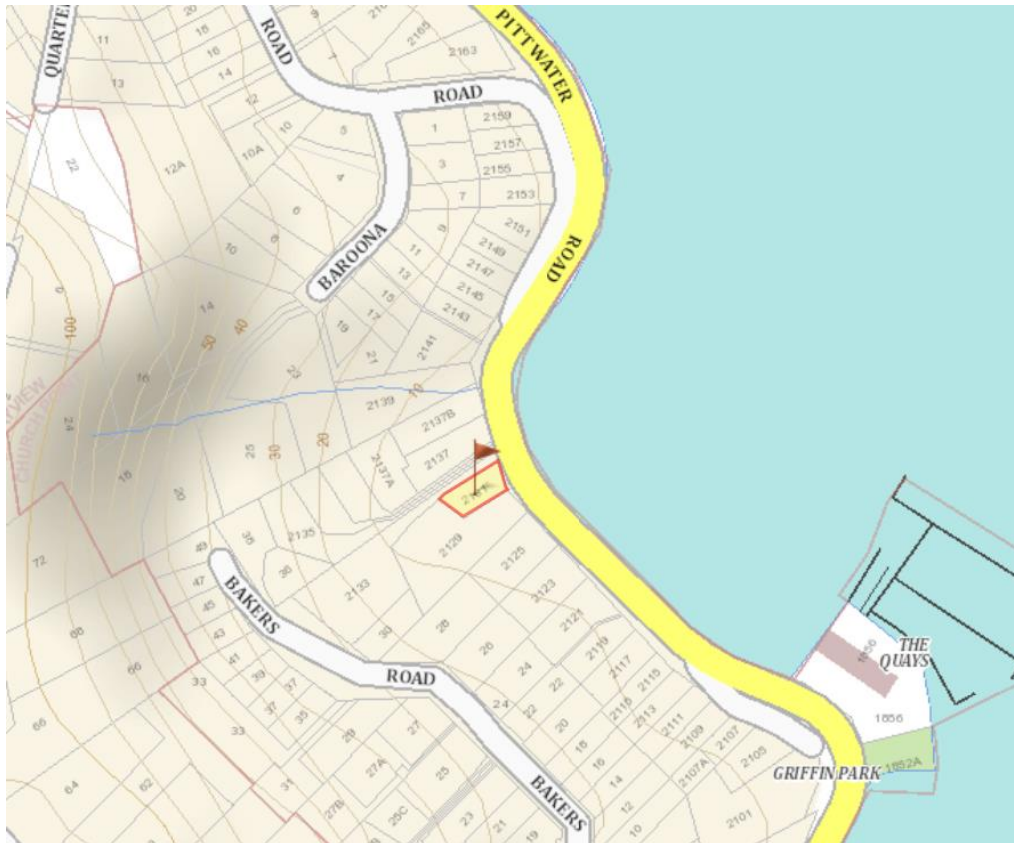
3.0 Site Description

The subject site is located on the western side of Pittwater Road, opposite the Pittwater waterway.

The site is irregular in shape and has an angled frontage to Pittwater Road of 17.55m, a minimum depth of 32.755m (south-eastern side boundary), and rear side boundary measuring 19.84m. The total site area is 702.5m².

The site is currently developed with a two storey dwelling with a tiled roof. The car parking area is accessed via a concrete driveway from Pittwater Road, with parking provided in a garage below the dwelling.

The details of the lots which comprise the parcel are contained within the survey report prepared by A.R.P Registered Surveyors, Reference No. May 2023, which accompanies the DA submission.



**Fig 1: Location of Subject Site
(Source: Six Maps)**



Fig 2: View of subject site, looking south from Pittwater Road



Fig 3: View of the existing under building parking and driveway access via common driveway



Fig 4: View of the existing development to the west of the site, looking south-west



Fig 5: View of the existing dwelling and the neighbouring development at 2129 Pittwater Road



Fig 6: View of the adjoining development to the south-east at No 2129 Pittwater Road, looking south-west



Fig 7: View of the existing development to the south-east of the site

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a natural bushland setting, with views towards Pittwater to the north and east.

The sites have been improved with a range of one, two and three storey low density residential developments within landscape settings, the design of which has been largely influenced by the sloping terrain and predominance of natural features and vegetation.

Surrounding the site are single residences, with a variety of styles and scales of development.

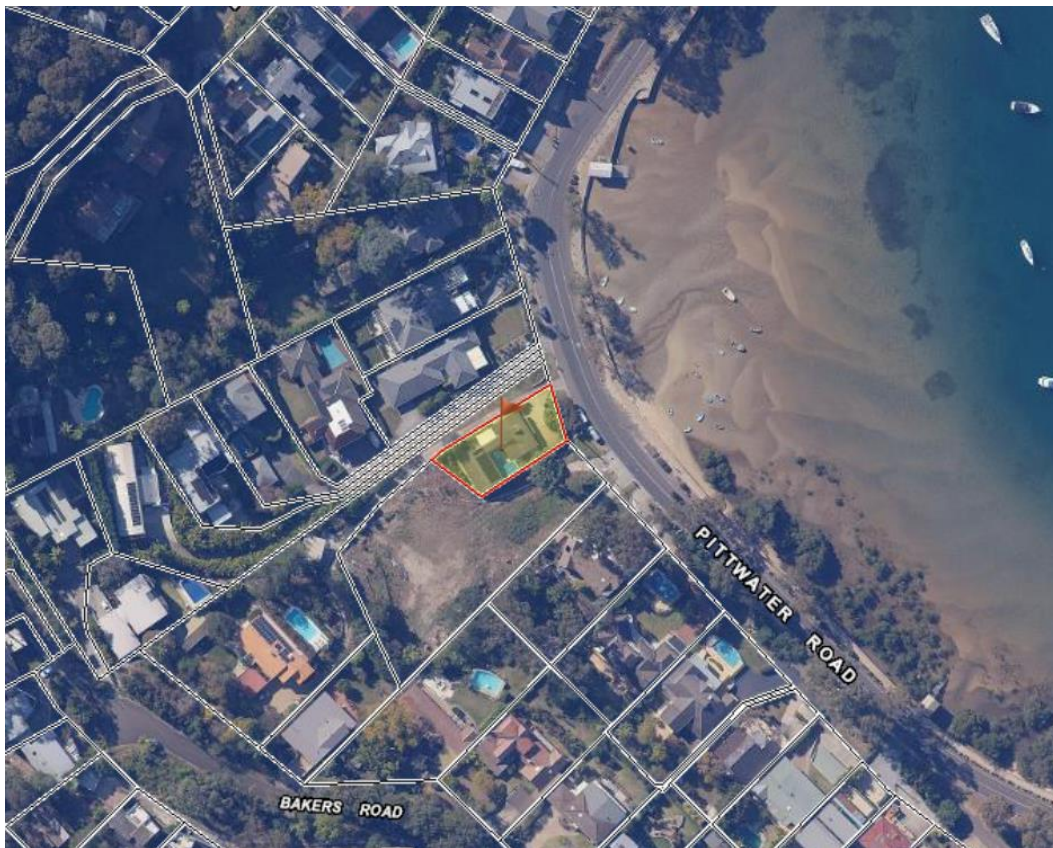


Fig 8: Aerial Photograph
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of alterations and additions to an existing dwelling including a new swimming pool.

The works will see some demolition of elements of the existing dwelling and including the removal of an existing swimming pool. The proposal will include a new swimming pool however it is substantially smaller than the existing pool structure.

The new works will comprise:

Lower Ground Floor

- Alterations and additions to existing lower ground floor level to provide for removal of garage door, removal of existing stairs and replacement with new stairs, new lift shaft, storage and plant area

Ground Floor

- Alterations and additions to existing ground floor level to provide for reconfiguration of living, dining and kitchen, extension of existing bedroom with ensuite, storage, powder room, store/plant, removal of existing balcony and replacement with new balcony, new terrace, removal of existing stairs and replacement with new stairs, new lift shaft

First Floor

- Alterations and reconfiguration to provide for master bedroom with ensuite and walk-in robe, linen, two bedrooms including one with ensuite, new balcony, removal of existing stairs and replacement with new stairs, new lift shaft

External Works

- Demolition of existing pool and replacement with new smaller pool with paved surround
- New landscaping works

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site for the owners. The proposed alterations and additions result in a skilful design that suitably responds to the site, with use of varied roof forms, glazing, sill heights, and materiality to reduce bulk and scale.

The new internal design will afford exceptional amenity to the occupants without unreasonably compromising the amenity of surrounding residential properties or the attributes of the locality.

The proposed external finishes comprise of complementary materials that will complement surrounding development. The proposed external finishes and materials have been detailed in the Schedule provided by Archisoul, within Sheet DA23.

The proposal will not require the removal of any significant vegetation to accommodate the new works.

A comprehensive Landscape Plan has been prepared by Contour Landscape Architecture dated 3 September 2024 which will assist in screening the built form of the new works.

The stormwater run-off from the new roof areas will be connected to the street gutter in accordance with the Stormwater Plans prepared by Hyve Designs Job No SC23121 dated 19 October 2024.

The development indices for the development are summarised as:

Site Area	702.5m ²
Required Landscaped Area	60% or 421.5m ²
Existing Landscaped Area	25% or 176m ²
Proposed Landscaped Area	26% or 183.12m ² (excl 6% functional landscaped area – see DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

No significant or high value vegetation is proposed to be removed as part of the proposed development.

The development is designed, sited and will be managed to avoid any significant adverse environmental impact at any surrounding trees on the neighbouring sites.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Hazard

The subject site is identified as being within the coastal environment area on the Coastal Environment Area and within the coastal use area on the Coastal Use Area Map and therefore the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable to the proposed development.

The stated Aim of this Chapter as outlined in clause 2.1 is to:

The aim of this Chapter 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 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 thesea (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 proposal, as considered in this Statement of Environmental Effects, is consistent with the objects of the SEPP (Resilience and Hazards), as set out in Clause 3 of the Coastal Management Act 2016. The relevant provisions of this Chapter are addressed as follows:

2.10 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 section 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 subsection (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 section 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 proposed works do not require significant or unreasonable disturbance to the site with cut and fill being minimised and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The site is not known to contain any items of aboriginal significance.

The subject site will not result in any loss of public access to the waterway.

The proposal does not require the removal of any significant vegetation, with an enhancement of landscaping proposed across the site.

2.11 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.*

Comment: The bulk and scale of the built form is commensurate with the established built

environment within the vicinity of the site. The proposed works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The proposal will not result in the loss of public access to the water.

The works will be carried out in accordance with the recommendations of the Consulting Structural Engineers, and stormwater runoff from the site will be suitably managed.

A generous area of soft landscaping is maintained, and the new works will not require the removal of any significant vegetation.

The proposal will reasonably maintain existing views to and from the foreshore area. The proposal will not result in any overshadowing of the foreshore area.

2.12 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 application is supported by an Flood Assessment submission prepared by Taylor Consulting Pty Ltd dated 28 October 2024 the flooding hazards associated with the proposed works.

As the dwelling is located on the landward side of Pittwater Road and will not see any further lowering the site levels below the existing garage level, no further restaurant hazard assessments considered the street in this instance.

In summary, the proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. 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.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

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.

6.4 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone objectives and land Use Table

The site is zoned as C4 Environmental Living under the provisions of the PLEP 2014.

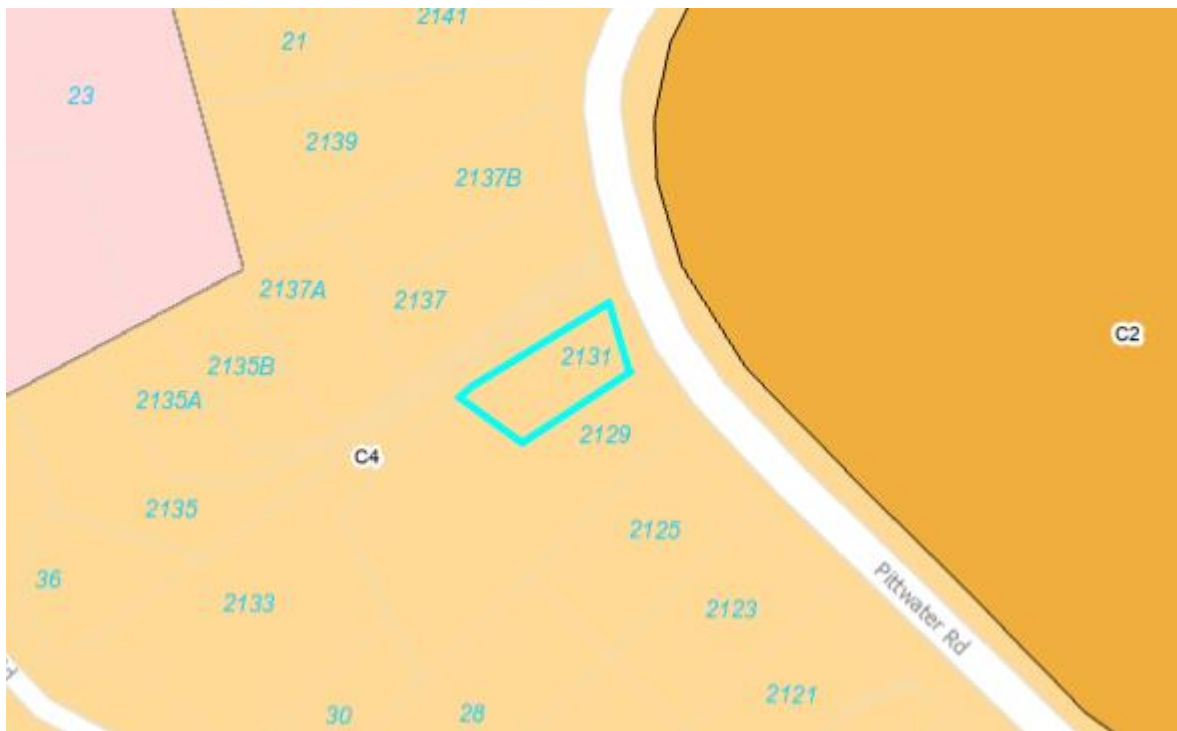


Fig 9: Extract from Pittwater Council Zoning Map

The proposed construction of alterations and additions to an existing dwelling is considered to be permissible in the C4 zone with the consent of Council.

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted over 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 construction of alterations and additions to an existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

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

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Church Point is 8.5m.

The proposed new works will present a height of up to approximately 8.9m and therefore present a minor variation to the statutory height limit. Accordingly, a submission has been prepared pursuant to Clause 4.6 and accompanies this statement.

Clause 7.1 relates to Acid Sulfate Soils. The site is identified as being within the Class 2 and Class 5 Acid Sulfate Soils area. Given the minor disturbance to the existing site conditions, no change to the water table is anticipated, and no further investigation is deemed necessary in this instance.

Clause 7.2 relates to earthworks. The proposal is accompanied by a Geotechnical Investigation has been prepared by White Geotechnical Group, Report No. J5617, dated 2 August 2024. The report concludes that the proposal can achieve the Acceptable Risk Management criteria outlined in the Pittwater Geotechnical Risk Policy.

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and the proposal therefore satisfies the provisions of this clause.

Clause 7.6 relates to biodiversity protection.

The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:

- protecting native fauna and flora, and
- protecting the ecological processes necessary for their continued existence, and
- encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposed development is largely sited within the existing footprint, therefore resulting in no unreasonable impact to the surrounding flora and fauna.

Clause 7.7 – Geotechnical Hazards

A Geotechnical Investigation has been prepared by White Geotechnical Group, Report No. J5617, dated 2 August 2024, to address the provisions of this Clause.

The report concludes that the proposed developments are suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

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

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Part D4 Church Point and Bayview Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Section A Introduction

A4.4 Church Point and Bayview Locality

Desired Character

The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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 occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.

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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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.

The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, a balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Church Point will remain an important link to the offshore communities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling including new swimming pool which maintains consistency with the low density scale of the area and will not be visually prominent within the Church Point and Bayview locality.

The proposal will not see the removal of any significant protected vegetation and will maintain a generous area of soft landscaping.

The works will be finished in a range of textures and finishes which will complement the existing surrounding development and harmonise with the bushland setting of the locality.

6.5.2 Section B General Controls

The General Controls applicable to the proposed development are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is within Geotechnical Hazard Zone H1 and is subject to landslip. In this regard a Geotechnical Investigation has been prepared by White Geotechnical Group, Report No. J5617, dated 2 August 2024.

The report concludes that the site and the proposed development can achieve the acceptable risk management criteria of Council's Pittwater Geotechnical Risk Policy.

The works will be constructed in accordance with the recommendations contained within the Geotechnical Report.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

The site has a history of residential use. As such, no further investigation is required.

B3.7 Estuarine Hazard – Low Density Residential

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is located on the landward side of Pittwater Road in a significant distance from the waterway. Additionally, the new works are located well up slope of the roadway boundary and therefore given the elevation of the new works above the Mean High Water Mark, it is considered that further detail investigation of flood impacts to the portion of the site where the new works are to be carried out would seem unwarranted.

B3.7 Estuarine Hazard – Low Density Residential

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is located on the landward side of Pittwater Road in a significant distance from the waterway. Additionally, the new works are located well up slope of the roadway boundary and therefore given the elevation of the new works above the Mean High Water Mark, it is considered that further detail investigation of flood impacts to the portion of the site where the new works are to be carried out would seem unwarranted.

B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)

Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)

Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)

Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The proposed works are largely contained within the existing building footprint.

The proposal will not require the removal of any significant vegetation to accommodate the new works, and maintains a generous area of soft landscaping throughout the site.

The proposal is not considered to unreasonably impact on the biodiversity within the locality and meets the objectives of this clause.

B5.13 Development on Waterfront Land

The controls seek to achieve the outcomes:

Protection of waterways and improved riparian health (En)
Stormwater and creek flows are safely managed. (S)
Appropriate setback between waterways and development (En)

The requirements outlined in the controls seek to limit the extent and quality of stormwater runoff. The proposed new roof areas will be connected to the existing stormwater system. As the stormwater is direct runoff from the roof areas, there will not be any significant issue in terms of water quality.

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

This control seeks 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)
Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The existing driveway will be maintained and provide access to an existing garage.

B6.2 Internal Driveways

This control seeks to achieve the outcome:

Safe and convenient access. (S)
Reduce visual impact of driveways. (S)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.

The existing driveway will be maintained.

B6.3 Off-Street Vehicle Parking Requirements

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

The existing double garage will be retained and will maintain parking for two cars on the site in accordance with Council's parking requirements.

B8.1 Construction and Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposed works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers. Appropriate soil and sedimentation measures will be implemented.

6.5.3 Section C Development Type Controls for Residential Development

The Development Type Controls applicable to the proposed development are:

C1.1 Landscaping

The controls seek to achieve the outcomes:

A built form softened and complemented by landscaping. (En)

Landscaping reflects the scale and form of development. (En)

Retention of canopy trees by encouraging the use of pier and beam footings. (En)

Development results in retention of existing native vegetation. (En)

Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)

Landscaping enhances habitat and amenity value. (En, S)

Landscaping results in reduced risk of landslip. (En, Ec)

Landscaping results in low watering requirement. (En)

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 site will continue to maintain a generous area of soft landscaping, and will not require the removal of any significant trees to accommodate the new works.

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)
Inform applicants of Council's requirements for crime and safety management for new development. (S)
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)
Identify crime and safety priority areas in Pittwater LGA (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

The proposal will provide casual surveillance to the site entry and car parking area.

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 required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties.

Uphill properties are substantially elevated above the subject site and will retain their views over the proposed roof form towards Pittwater.

As noted within the West Elevation detail within Drawing DA16, the proposal will see only a minor increase in the height of the building by 373mm to RL 12.703, with the width of the new roof form being generally similar to that of the existing dwelling.

Given the works it lies existing floor levels and maintain a modest low skillion form, views over and past the building are suitably preserved in the building will continue to maintain reasonable view sharing.

The proposed height at the rear of the building is significantly less than what could be accommodated within Council Building controls and the proposed dishes to the dwelling successfully achieve a genuine balance of improve floor space for the property owners and respecting the existing views and outlook for properties to the south-west.

The modest nature of the ancillary works ensure that suitable views are retained for uphill properties.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

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

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

The proposal is accompanied by shadow diagrams which demonstrate that the proposal will not see any loss of solar access for neighbouring properties.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain 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 ground floor living area is largely maintained in its existing location, with the existing south-eastern wall to the perimeter of the pool and terrace area to prevent overlooking to the adjoining property to the south-east.

The proposed ground floor front balcony is modest in depth, and is well set back from the adjoining property to the south-east.

Limited window openings are provided within the side elevations of the additions at the proposed first floor level. The proposed first floor balcony is shallow in depth and adjoins a bedroom, which is not considered to be a high use room, and will not result in any problematic overlooking.

The proposed considered design will ensure that suitable privacy is maintained for occupants of the site and neighbouring 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, it is suggested that there will not be any significant change to the existing site conditions.

The proposed pool equipment will be contained within a soundproof enclosure to minimise potential acoustic impacts.

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. Substantial area is available for private open space by way of the proposed decks, terraces and proposed swimming pool, which receive good solar access.

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.

The site will retain the opportunity for storage of waste in and around the dwelling, with adequate area for the on-site storage of waste and recyclables. The waste removed by Council contractors via the household garbage service.

6.5.4 Section D Locality Specific Development Controls

The **D4 Church Point and Bayview Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains a generous soft landscaped area. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D4 Church Point and Bayview Locality** is provided below:

D4.1 Character as viewed from a public place

The control seeks to achieve the outcomes:

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

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

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

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

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

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

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

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

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

The proposal provides for alterations and additions to an existing dwelling, which maintains a

modest bulk and scale, and presents a form which is in keeping with the varied character of the surrounding development.

The setbacks provided generally reflect the setbacks of the nearby properties and effectively manage the challenges presented by the site's sloping terrain.

D4.3 Building Colours, Materials and Construction

The controls seek to achieve the outcomes:

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 and are detailed in the DA submission.

It is considered that the development is appropriate as the proposal provides for alterations and additions which will complement the existing dwelling.

D4.5 Front Building Line

The controls seek to achieve the outcomes:

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

The amenity of residential development adjoining a main road is maintained. (S)

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

Vehicle manoeuvring in a forward direction is facilitated. (S)

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

To encourage attractive street frontages and improve pedestrian amenity.

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

As the site is zoned C4 Environmental Living and adjacent to Pittwater Road, the site is subject to a front setback of either 10m or established building line, whichever is the greater.

The proposed new works readily comply with the 10m setback control, with the exception of the minor encroachment of a portion of the proposed terrace and balcony.

The proposed new works to the dwelling will not result in any adverse impacts to neighbouring properties in terms of views, privacy or general amenity.

The proposed works are modest in bulk and scale, and will not be visually prominent within the locality.

Notwithstanding the minor encroachment on the front setback control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D4.6 *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 ensure a landscaped buffer between commercial and residential zones is established.

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The existing setbacks at the lower ground floor level will be maintained.

The proposed new laundry at the ground floor level will stand approximately 2.2m from the north-western side boundary which presents a minor variation from the 2.5m setback control.

The new works at the first floor level will stand 2.2m from the north-western side boundary and 1.2m from the south-eastern side boundary and therefore similarly presents a minor variation from the 2.5m setback control.

The proposal will stand a minimum of 1m from the rear setback control, which presents an increase to the existing rear setback.

Compliance with the side and rear setback controls is constrained by the relatively small lot size and siting of the existing dwelling, which is set back from the street and occupies the rear portion of the site.

Notwithstanding the variation to the side and rear setback controls, the siting of the proposed new works is not considered to result in any unreasonable adverse impacts for neighbouring properties in terms of solar access, views, privacy or general amenity. The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D4.8 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

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 neighbouring 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°.

The proposed alterations and additions result in a minor building envelope encroachment along the northern elevation due to the proposed addition to the upper floor. The encroachment is a result of the upper floor addition following the same building alignment along the northern elevation.

Notwithstanding the non-compliance, the works satisfy the minimum setback control and do not give rise to any overshadowing of adjoining properties. The bulk and scale of the built form is compatible with the existing dwelling and surrounding development. While the works do not result in the removal of existing vegetation, ensuring that the bulk and scale of satisfactorily screened from view.

Based on the above, the proposal is considered reasonable and worthy of support from Council.

D4.10 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 runoff and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to limit residential development so as to maintain a minimum landscaped area of 60%.

The proposal will maintain 26% of the site area as soft landscaping, which presents an increase of 16.32m² from the existing area of soft landscaping. A substantial area of functional open space is available (257.78m²).

Compliance with this control is constrained by the existing development on site, comprising the existing dwelling, driveway and swimming pool.

Overall, the site will maintain a landscaped area that visually softens a building and maintains the soft appearance of the site when viewed from the public and adjacent private properties.

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

7.1 The provisions of any environmental planning instrument

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

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

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

There are no draft instruments applicable to the proposal.

7.3 Any development control plan

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

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 front, side and rear setback controls and landscaped area control is acceptable in this instance due to the site being constrained by its steep slope.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing 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 construction of alterations and additions to an existing dwelling including a swimming pool which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

7.7 The suitability of the site for the development

The subject land is currently zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

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

7.8 Submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

The proposed residential use of the land also sees the economic and orderly use of the land to provide for additions to the dwelling, which will be designed and constructed in an environmentally friendly and sustainable manner, to the benefit of the wider community.

8.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to an existing dwelling including a new swimming pool.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the site's existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The building displays a complimentary and compatible building form when compared to other development located along this section of Pittwater Road and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The new internal design and arrangement will afford exceptional amenity and functionality to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the locality.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's 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 & Regional Planning (UNE)