

# STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lots 34 & 35 DP 848146  
231 Mccarrs Creek Road  
Church Point

PROPOSED DEVELOPMENT: Construction of a three-storey dwelling



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## INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a three-storey dwelling, including four (4) bedrooms, dining, family and living rooms, kitchen, study, balcony, attached garage and associated access driveway. This report is based on plans prepared by S & E Design Studio, Project no. SE2501, Revision C, dated 18.03.2025.

The subject site is made up of two allotments and is located to the east of Mccarrs Creek Road. The allotment is irregular in shape, and has a combined frontage of 23.59m, an average depth of 33.105m and total site area of 744.84m<sup>2</sup>. The site is currently vacant of development, and features extensive vegetation both in the area around the site and on the subject site itself. Several trees are required to be removed to site the development, but significant vegetation will be retained where possible. An Arborist's Report accompanies the subject development application.

The site itself features a significant fall to the south-western corner as the topography gives way to the coast. The proposed development has been sited appropriately to address the fall across the allotment, in order to minimise necessary cut and fill. All essential services can be provided to the proposed development including water, telecommunications, electricity and sewer.

The neighbourhood around Mccarrs Creek Road consists of a combination of two and three storey dwellings on steeply sloping allotments. Many of the dwellings feature contemporary designs, all modelled to the unique topography of the Church Point area. The subject site is surrounded by bushland, intrinsic to the appeal of the suburb. The proposed development will enhance and complement the pattern of development found throughout Church Point, and will not detract from the unique environmental lifestyle offered to residents of the suburb.

The following sections of this statement address the likely impact of the proposal.



## LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

### **(a)(i) Relevant environmental planning instruments**

#### **State Environmental Planning Policy (Sustainable Buildings) 2022**

##### Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 2 – Coastal Management

The subject site is located within the coastal zone and requires consideration under this policy. The site is specifically identified as forming part of the Coastal Environment Area and the Coastal Use area. The clauses of relevance are addressed as follows:

##### Clause 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 [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6.*

The proposed development provides sufficient buffer to the coastal foreshore to ensure there will be no detrimental impact on the environmental characteristics of the waterfront lands, vegetation, headland or the cultural significance of the area surrounding area. There will be no loss of public open space or access thereto.

#### Clause 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*

*(a) 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*

*(b) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

*(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#), Chapter 6.*

The development has been designed and sited giving a high degree of consideration to the coastal environment, site constraints, character of the area and surrounding natural attributes. The site is setback from the foreshore area ensuring no direct impacts in relation to overshadowing, restricted access or excessive visual bulk.

External materials are a mix of cladding and glass incorporated into a contemporary design. The external appearance and overall bulk of the development is considered to be in keeping with many recent developments within the area. The design does not result in any loss of view to adjoining or nearby developments, provides a high-quality amenity for future occupants and will take advantage of the outlook toward the foreshore.

There will be no loss of public view nor any impact on the use of the foreshore area. The development is suitably designed to achieve the objectives of the SEPP.

#### Chapter 4 – Remediation of Land

##### Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*





- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within a foreshore bushland area, consistent with the environmental living zone. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

### Chapter 2 Infrastructure

#### Part 2.3 Development controls

##### Division 15 Railways

##### Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

##### Section 2.98 Development adjacent to rail corridors

- (1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
  - (a) is likely to have an adverse effect on rail safety, or*
  - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
  - (c) involves the use of a crane in air space above any rail corridor, or*
  - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.



Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Section 2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
    - (i) the design of the vehicular access to the land, or*
    - (ii) the emission of smoke or dust from the development, or*
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

**Pittwater Local Environmental Plan 2014**

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.





## Part 2 Permitted and prohibited development

### Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned *C4 Environmental Living* pursuant to Clause 2.2 of *Pittwater Local Environmental Plan 2014*.

The proposed development is defined in the Plan as a "*dwelling house*" being "*a building containing only one dwelling*".

The identified zone permits the development of a 'dwelling house' subject to development consent from Council.

### Clause 2.3 Zone objectives and land use table

The objectives of the C4 Zone are:

- *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.*

The proposed three storey dwelling is compatible with the existing and future character of the locality. The development is suitably located on the allotment to ensure there is minimal impact on the surrounding properties and the character of the area. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site. Vegetation removal is required for the siting of the proposed dwelling however replacement planting will occur following construction in order to maintain the ecological value of the land.

The proposed dwelling is a suitable development for the site and is considered to meet the objectives of the C4 zone.



#### Part 4 Principal development standards

##### Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m	Max height 8.5m	Yes

#### Part 4 Principal development standards

##### Clause 4.4 Floor Space Ratio

The subject site is not identified on the Floor Space Ratio Map as being subject to an FSR control.

##### Clause 4.6 Exceptions to development standards

The proposal does not contravene the development standards of the LEP.

#### Part 5 Miscellaneous provisions

##### Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within close proximity to any heritage items.

##### Clause 5.11 Bush fire hazard reduction

The subject site is identified as being bushfire prone land. Please refer to the attached Bushfire Assessment Report.

##### Clause 5.21 Flood planning area

The subject site is not known to be located within a flood planning area.



## Part 7 Additional local provisions

### Clause 7.1 Acid sulfate soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal is not considered to lower the water table by 1 meter. The proposed dwelling requires excavation predominately within the footprint area to provide foundations for the proposed dwelling. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

### Clause 7.2 Earthworks

Ground disturbance is required to provide a level platform to site the building footprint. The extent of earthworks is not considered excessive for the site as the dwelling incorporates a split-level design to reduce the amount of earthworks required, as well as the use of integrated retaining walls to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

### Clause 7.6 Biodiversity

The subject site is identified as being within an area of terrestrial biodiversity. The proposed development involves the removal of several trees in order to site the proposed development however additional landscaping will be provided following construction to ensure that the landscape character of the area is maintained and preserved. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land.

### Clause 7.7 Geotechnical hazards

The subject site is identified as being within an area of geotechnical hazard (H1). It is considered that the development has been sited to minimise the amount of ground disturbance required to construct the dwelling. A hydraulic engineering report has been provided with this application which addresses how stormwater and drainage are to be managed to prevent effects on the rate, volume and quality of water leaving the land.



#### Clause 7.10 Essential Services

All necessary services are available on the site including access to water, sewer, telecommunications and electricity.

\* \* \*

#### Conclusion with respect to LEP requirements

The proposal satisfies the objectives and requirements of the PLEP 2014.

#### **(a)(ii) Relevant draft environmental planning instruments**

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

#### **(a)(iii) Relevant development control plans**

##### **Pittwater Development Control Plan No. 21**

DCP is divided into several sections of generic and individual locality-based controls. The subject site is located within the Church Point and Bayview Locality. Assessment of the subject proposal against DCP No.21 is provided as follows;

#### SECTION A

##### A4.4 Locality character statement – Church Point and Bayview Locality

##### Context (extract)

*The locality was named for its outlook onto Pittwater, and was officially recognised when Bayview Post Office was opened in 1882. During the nineteenth century, several small farms producing fruit, vegetables, and poultry were established along the sheltered north-facing shore. Church Point, containing a wharf, chapel, school, post office, and cemetery, developed as an important link to the island and western foreshores. With the extension of the coach service from Manly in the 1880s, the*



*locality became a holiday destination. Visitors also reached the locality by boat. Residential development intensified in the locality in the 1960-70s.*

*The locality has developed into a predominantly low-density residential area, with dwellings built along the steep slopes and lowlands around the base of the plateau. The locality is characterised mainly by one and two-storey dwelling houses on 600-1,000 square metre allotments (some smaller blocks may exist), increasing to 1 hectare on the steeper slopes. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Although parts of the locality are steep, the natural fall of the land in most cases has been retained, and where retaining walls have been constructed, these are screened by natural vegetation. Terraced gardens are not a feature of the area and should not be encouraged.*

*The locality is serviced by neighbourhood retail facilities at Church Point, which remains an important link to the offshore communities. The locality also contains a school, the Pasadena restaurant and function centre and several reserves.*

*Houses, vegetation, cemetery, post office and store, and other structures, indicative of early settlement in the locality, have been identified as heritage items.*

*The locality is characterised by steep slopes and lowlands around the base of the plateau to the waters edge and by the bushland approach to Kuringai Chase National Park which exists because of abandoned RMS road reserves which have preserved the diverse environment and form a scenic transition along McCarrs Creek Road between the National Park and Church Point. Due to the topography, significant views can be obtained to the north, east, and west. Conversely, the slopes and ridge tops of the locality are visually prominent.*

*Much of the natural tree canopy has been retained, especially on the steeper slopes.*

*The natural features of the locality result in a high risk of bushfire, landslip, flood, and estuary wave action and tidal inundation*

*The major roads within the locality are Cabbage Tree Road, McCarrs Creek Road and Pittwater Road. McCarrs Creek Road provides access to Ku-ring-gai Chase National Park to the west, while Pittwater Road provides access to land to the east. Several pedestrian links and pathways exist within the locality, including adjacent to the Pittwater waterway. Pedestrian access along the waterfront is difficult in some locations but should be improved, especially over private property.*



The proposed development is to be located on a 744.84m<sup>2</sup> site consisting of two adjacent allotments. Several trees are identified for removal in order to site the proposed dwelling. The development minimises vegetation removal as much as practical on the subject site through dwelling siting. Additional landscaping will occur following construction in order to maintain the landscape and ecological character of the area.

The proposed development is considered to be consistent with the existing and intended character of the area and the character of McCarrs Creek Road. The design and style chosen is desired by the market today being of a contemporary nature using appropriate building materials which ensures that the built form will not be out of place and will not detract from the amenity of surrounding properties.

The proposal does not present any detriment to views or streetscape setting and environmental issues are considered to be satisfactorily addressed.

This development application is supported by all the necessary documentation to address the relevant environmental triggers of this Plan, such as landscaping and stormwater plans.

#### Desired Character (extract)

*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 inclinator, 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.*

The erection of the proposed dwelling will meet with the objectives of the environmental living zone and residential character of the area and is in a similar styling to development already constructed within the locality. The proposed dwelling is considered to be in keeping with newer development throughout the surrounding area and remains below the dominant tree canopy height.

Several trees are required to be removed as part of the proposed development with additional landscaping proposed following construction in order to ensure the natural landscape character of the site and surrounding area is maintained.



Consideration has been given to the natural features and character of the surrounding area of the site during the design selection process with the proposed dwelling considered to be the most suitable development for the site.

The overall design of the dwelling has given consideration to the site's environmental constraints, the amenity of neighbouring properties, views obtained from the site and the streetscape.

The proposed dwelling is considered to be in keeping with the desired character of the Church Point area.

## SECTION B

### B1 Heritage Controls

The subject property is not identified as an item of heritage significance, within a conservation area or within proximity of a heritage item.

### B3 Hazard Controls

The subject property is identified to be located within a bushfire prone area. Please refer to the attached Bushfire Assessment Report.

The subject property is identified as being affected by Class 5 Acid Sulphate Soils. The proposal is not considered to lower the water table, however will require excavation to site the building footprint. The extent of earthworks is not considered excessive for the subject site. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

The subject site is not known to be located within a flood planning area.

The subject property is identified to be within the geotechnical hazard area. Please refer to the attached geotechnical report.

### B4 Controls Relating to the Natural Environment

The subject site is not identified as being within an area covered by this Clause.



#### B5 Wastewater management

Drainage from the subject site is to be directed to the street in accordance with the Hydraulic Engineering Plans attached to this application.

#### B6 Access and Parking

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
Driveway width at boundary to be maximum of 3.0m	Driveway width at the boundary – 4m	No – see below
Driveway width at kerb to be maximum of 3.5m	Driveway width at kerb – 4m	No – see below
Required parking spaces per dwellings (not secondary dwelling) 1bedroom – 1 space 2bedrooms + - 2 spaces	2 parking spaces provided within attached garage.	Yes
Min. enclosed garage dimensions - 3.0m x 6.0m	6.2m wide x 5.5m deep.	No – see below

#### Variation Request

Garage dimensions – The Council’s DCP requires enclosed garages to have a minimum dimension of 3m wide and 6m deep. The proposed development includes a garage with a 6.2m width and 5.5m depth, therefore requiring a variation to this control.

The proposed depth has a minimal numerical non-compliance of 0.5m. The dimensions of the proposed garage comply with the relevant Australian Standards and are considered to be reasonable in this instance as they do not prevent the garage from being utilised for vehicle parking.

The provision of two parking spaces within the proposed garage, having dimensions that comply with the relevant Australian Standards is considered to meet the objectives of the clause. The required variation to the internal depth dimension will not prevent the garage from being utilised in the



intended manner and will not have any detrimental impact on the amenity of the dwelling's occupants or the adjoining properties.

The proposed garage dimensions are not considered to prevent the dwelling from meeting the objectives of the specific carparking controls. Furthermore, the amenity of the dwellings future occupants will not be impacted upon by the proposal as the garage will provide adequate area for vehicles. Therefore, a variation to this control should be supported in this instance.

Driveway width – The Pittwater DCP requires a driveway width of 3m or less. The provided driveway dimensions for this development show a 4m width throughout the allotment, and >4m at the kerb entry; therefore, a variation to this control is required.

It is proposed that the width of the driveway allows for safe carriage via curving the driveway along the slope of the site which would be more difficult to achieve safely with a compliant driveway width. The curvature of the driveway allows for a gradual incline for the accessway, providing a safer entry point for cars on the premises. The driveway width is necessary to provide this curvature without resulting in 'blind spots' for the allotment's vehicles if a narrower driveway width were proposed.

It is proposed that the driveway is to be sufficiently screened via the presence of several trees to be retained as part of the development, which will minimise its impact on the surrounding neighbourhood. This applies equally to the front of the allotment where a 3.5m minimum width is required at the kerb. Due to the steep incline of the site combined with the amount of vegetation on site, the visibility of the driveway will be minimised.

It is considered that despite the non-compliance, the proposed driveway can meet all of the objectives of the relevant provision within the DCP, being safe and convenient access, minimal visual impact and the retention of trees and native vegetation. It is therefore requested that a variation to this control be supported in this instance.

#### B8 Site works management

Cut and fill within the site is noted on the accompanying plans. An erosion and sediment control plan is attached with this application for Council's consideration. All sedimentation control devices will be in place prior to any site works for the construction of the dwelling or removal of trees.



## SECTION C Development type controls

### C1 Design Criteria for Residential Development

<i>Requirements</i>	<i>Provision</i>	<i>Requirement</i>
<u>C1.1 Landscaping</u> 60% of front setback to be landscaped.	Front setback >60% landscaped.	Yes
<u>C1.2 Safety &amp; security</u> Be able to view visitor at front door without opening it.  Casual surveillance of front yard.  Adequate lighting provided to minimise possibility of damage. Lighting to minimise annoyance to neighbours.	The proposed development is not anticipated to result in any loss of safety and security. Significant sight lines from the allotment to the street are maintained by the development with adequate lighting provided within the front yard to permit access without annoyance to neighbours.	Yes
<u>C1.3 View sharing</u>	The proposed development is not anticipated to have any unreasonable impact on views of surrounding properties. Any views obtained along the street and through the site can still largely be obtained due to appropriate setbacks whilst considering the topography of the site.	Yes
<u>C1.4 Solar access</u> 3hrs to POS of proposed and adjoining 9am-3pm.  3hrs to 50% glazing of proposed and adjoining living area windows.	3hrs solar access able to be provided to the proposed dwelling due to siting and appropriate setbacks. Adjoining lots are currently vacant however no unreasonable impact is anticipated to future adjoining properties. Shadows cast from the proposed development are not beyond anticipated levels for a three-storey development and on an allotment with northern side boundary. Shadow diagrams provided for Council's consideration.	Yes  Yes



<u>C1.5 Visual privacy</u>	No detrimental loss of visual privacy anticipated from the proposed development. Living/dining areas are predominately orientated to the front or rear. Generous side setbacks have been provided to the proposal in order to ensure adequate privacy and amenity of neighbouring properties. Upper-level side windows minimised as much as possible without resulting in excessive bulk to the side elevations. 1 <sup>st</sup> floor windows predominately relate to bedrooms and bathrooms which are deemed as low trafficable areas, helping to minimise privacy intrusion to adjoining properties.	Yes
<u>C1.6 Acoustic privacy</u>	No significant noise source within direct proximity of the subject site.	Yes
<u>C1.7 Private open space</u>		
80m <sup>2</sup> POS	192.22m <sup>2</sup> provided.	Yes
Min dimension 3m	Provided.	Yes
Max 75% POS in front yard	Backyard of sufficient size to support required POS	Yes
Principal area 4m x 4m	4m x 4m provided in rear yard.	Yes
Accessed via living area.	Accessible via main family/dining room.	Yes
POS to have good solar orientation	POS area provided with adequate solar access.	Yes
POS to include provision of clothes drying facilities.	Capable of complying.	Yes





<u>C1.9 Accessibility</u>	Appropriate access to and from the site is available.	Yes
<u>C1.12 Waste and recycling facilities</u>	Adequate area available for bin storage within the site.	Yes
	Waste Management Plan provided for Council's consideration.	Yes
<u>C1.17 Swimming Pool Safety</u> Swimming Pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <i>Swimming Pools Act 1992</i> and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	N/A – swimming pool does not form part of the proposed development.	N/A
<u>C1.20 Undergrounding of utility services</u>	Proposed utility services to be placed underground or encapsulated within the building	Yes
<u>C1.23 Eaves</u> 450mm eaves required.	0-450mm eaves provided.	No – see below.

#### Variation requests

Eaves - Council's DCP requires a minimum eave width of 450mm to be provided to the entire dwelling. The proposed dwelling has been provided with 0mm eaves to certain flat and skillion roof areas. This non-compliance is not considered to be detrimental to the proposed development. The proposed zero eaves complement the architectural style of the proposed dwelling that is consistent with new developments within the surrounding locality. The proposed design is considered to be appropriate in this instance as the dwelling is able to achieve the requirements of the submitted BASIX certificate despite the non-compliance with the eave width control. This variation is considered to have a negligible impact on the overall merits of the development and a variation should be supported in this instance.



## SECTION D Locality specific development controls

### D4 Church Point and Bayview Locality

#### D4.1 Character as viewed from a public place

Site and area analysis has revealed that numerous developments of a similar style and design to the subject proposal have occurred within the area gradually setting a contemporary development theme.

The proposed dwelling has been effectively characterised and complements newer developments in the area helping to enhance streetscape appearance. Streetscape presence is reinforced through articulation of the façade, material changes and high-quality landscaping.

The high-quality design of the development will ensure the visual bulk of the works is minimised as much as practical for a site containing a three-storey dwelling. Existing and proposed planting within the front setback ensures the development is softened and does not dominate the street.

Based upon the design of the dwelling and the nature of the proposal relative to the intended surrounding properties, it is considered that the residence will appropriately blend with the intended future character of Mccarrs Creek Road.

The proposed dwelling will successfully contribute to the streetscape and landscape character of the locality.

#### D4.2 Scenic Protection - General

The proposed development is not considered to have any detrimental impact on the scenic character of the area. The proposed dwelling is designed with contemporary design elements to complement the existing dwelling and changing character of the area.

#### D4.3 – 4.13 Church Point and Bayview Locality Residential Sectors

This section of the DCP applies to all land within the Church Point and Bayview Locality and provides controls for sector planning (subdivision and layout) and built form. An assessment of the proposed development against the built form controls of this section of the DCP is provided in the following compliance table;



<i>Design Guidelines</i>	<i>Proposed</i>	<i>Compliance</i>
<u>D4.3 / Building colours and materials</u> - Dark & Earth tones	Colour schedule to be provided with DA.	For Council's consideration
<u>D4.5 / Front Building line</u> Land zoned R2 or E4 adjoining McCarrs Creek Road or Pittwater Road – 10m or established building line, whichever is greater.	Land zoned C4 Environmental Living replacing E4 in the old LEP. 8.303m provided.	No – see below
<u>D4.6 / Side and rear building line</u> Land zoned R2 or E4: 2.5m to one side; 1.0m to other side. 6.5m to rear (except land in foreshore)	5.5m 2m 6.144m	Yes Yes Yes
<u>D4.8 / Building envelope</u> 3.5m above ngl on side boundaries, inward at 45° to max. height. (eaves permitted outside)	Portions of proposed first floor outside building envelope.	No – see below.
<u>D4.9 / Landscaped Area – General</u> Landscape area min = 50%	N/A to C4 zones	N/A
<u>D4.10 / Landscaped Area – Environmentally Sensitive Land</u> Landscape area min. = 60%	67.63%	Yes.
<u>D4.11 Fences</u>	All proposed fencing capable of complying with Council's requirements.	Yes
<u>D4.13 / Retaining Walls</u> Retaining Walls visible from street ideally of sandstone or similar materials.  Undercroft areas limited to 3.5m and provided with landscaping.	Retaining walls capable of being suitably constructed where necessary.  No undercroft area proposed.	Yes  N/A



## Variation Requests

Front Building Line – The Pittwater DCP requires the front building line of new developments to be setback by 10m in R2 or E4 (now C4 Environmental Living) zones. The proposed three-storey dwelling has a 8.303m setback to the proposed attached garage, therefore requiring a variation to this control.

Across the entirety of the building façade, different setbacks can be measured, up to 13.341m in length. The 8.303m setback is measured from the north-western corner of the allotment, where it is closest to the proposed building footprint.

The siting of the building has been carefully selected to avoid the need for excessive cut and fill due to the topography of the site. If the building were to be sited closer to the southern boundary, where the slope of the site is steeper, further cut and fill would be necessary to site the development.

The dwelling is considered to be appropriately obscured from the public frontage via the retention of trees labelled T21, T24 and T25, which will provide screening to the part of the building that encroaches upon the 10m setback requirement. Additionally, due to the steep sloping of the site, the non-compliance will be additionally obscured when viewed from the street.

It is considered that the non-compliance will not result in any impact beyond that of a compliant proposal and it is therefore reasonable and appropriate for the variation to be supported.

Building envelope – Council's policy requires that the proposed development is to be contained within the 3.5m building envelope. Portions of the 1st floor are sited outside the building envelope, thus requiring a variation to this control.

The proposed non-compliance is the direct result of the steep topography of the site which would create difficulty in siting a development without some level of non-compliance. It is understood that, for building footprints situated on significantly sloped sites, variations to this control will be considered on the merits of the development. The development provides generous side setbacks and contains flat or low-pitched skillion roof areas in order to reduce visual bulk as viewed from adjoining lots and the streetscape. Providing a development that is entirely contained within the building envelope would not be possible on the subject site.



The non-compliance creates no additional adverse visual impact to the streetscape and is considered to be in context with the built form envisaged for the area. The dwelling is not considered to create shadows beyond that anticipated for a three-storey dwelling with north to the side boundary. Privacy of future adjoining properties will not be compromised as a result of the requested variation as generous side setbacks have been provided and side elevation windows have been minimised as much as practical. Balconies have been provided above ground level, however have been orientated to the front elevation to reduce opportunities for overlooking into the southern neighbouring lot.

The proposed design can satisfy the objectives of the clause and the non-compliance is considered acceptable in these circumstances. It is requested that the variation be supported in this instance.

\* \* \*

#### Conclusion with respect to DCP requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within DCP No. 21.

#### **(iia) Relevant planning agreement, or draft planning agreements**

There are no known planning agreements that would prevent the proposed development from proceeding.

#### **(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality**

The following matters are considered relevant when considering onsite impacts.

#### Siting and Design

The proposed three storey dwelling will be compatible in terms of height, bulk and scale with recent developments within the area.



The siting of the dwelling provides generous boundary setbacks, contributing to spatial separation and openness between the dwellings. The articulated design of the dwelling will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of materials and elements and a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

#### Utilities

The site is connected to all necessary services and utilities including electricity, water, reticulated sewerage and telecommunications.

#### Sedimentation Control

Due to the topography of the site, cut and fill will be required for the construction of a level building platform, as shown on the development plans.

All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or stacked hay bales. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent.

#### Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

#### Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.





**(c) The suitability of the site for the development**

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed three storey dwelling, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and generally satisfies the objectives of the Pittwater Development Control Plan No. 21 as discussed above.

**(d) Any submissions made in accordance with this Act or the regulations**

Council will consider any submissions received during the relevant notification period for this development application.

**(e) Public interest**

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.

## **CONCLUSION**

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Pittwater Local Environmental Plan 2014, and can satisfy the objectives of the relevant development control plan for the precinct.



It is considered that the construction of a new three storey dwelling will complement and blend with the existing and future character of Church Point. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed two storey dwelling appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

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8 April 2025

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