

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING A NEW GARAGE**

LOCATED AT

4 TAMINGA STREET, BAYVIEW

FOR

WES & AND PAULA JONES



**Prepared
December 2024**

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1.0 Introduction

This Statement of Environmental Effects accompanies details on behalf of Wes & Ana Paula Jones prepared by Watershed Architects, Job No. 24007, Sheets DA00 – DA20, Issue B dated 4 December 2024, to detail the construction of alterations and additions to an existing dwelling and a new double garage at **4 Taminga Street, Bayview**.

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 **4 Taminga Street, Bayview**, being Lot 4 within Deposited Plan 27133 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 5 Acid Sulfate Soils Area.

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, Reference J5810 dated 20 November 2024.

The site is identified as being on the Biodiversity Values Map. This matter will be further discussed within this statement.

The site is identified on Council's Flood Prone Land Map (Low, Medium & High). This matter will be further discussed within this statement.

No other hazards have been identified.

3.0 Site Description

The subject battle-axe site is located on the western side of the Taminga Street cul-de-sac.

The site is irregular in shape and is accessed via a shared access handle from Taminga Clinic. The site has a minimum depth of 37.8m (north-eastern side boundary) and the rear boundary measures 44.175m. The total site area is 2191.2m² (by calculation).

The south-western portion of the site falls to the north-east, with the north-eastern portion of the site sloping towards the street. The car parking area is accessed via a concrete driveway from Taminga Street, with parking provided in a detached metal carport.

The site slopes from the rear, north-western boundary to the eastern frontage, with a total fall of 14.7m over the length of the site (excluding the access handle).

The details of the lots which comprise the parcel are contained within the survey report prepared by CMS Surveyors Pty Ltd, Reference No. 20171A, dated 16 June 2024, which accompanies the DA submission.

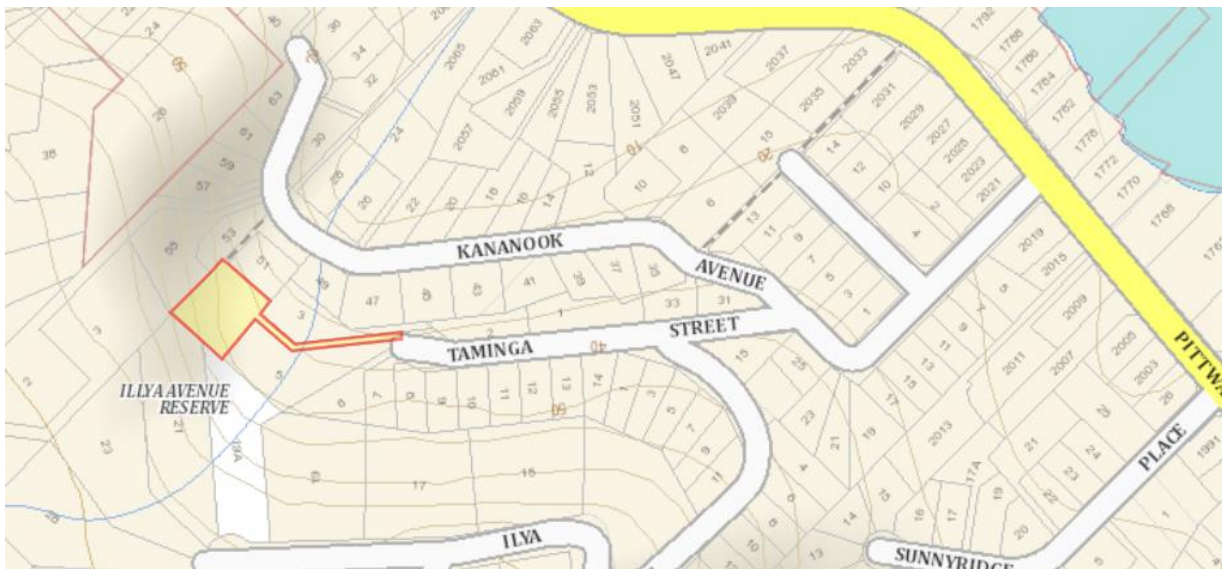


Fig 1: Location of Subject Site
(Source: Six Maps)

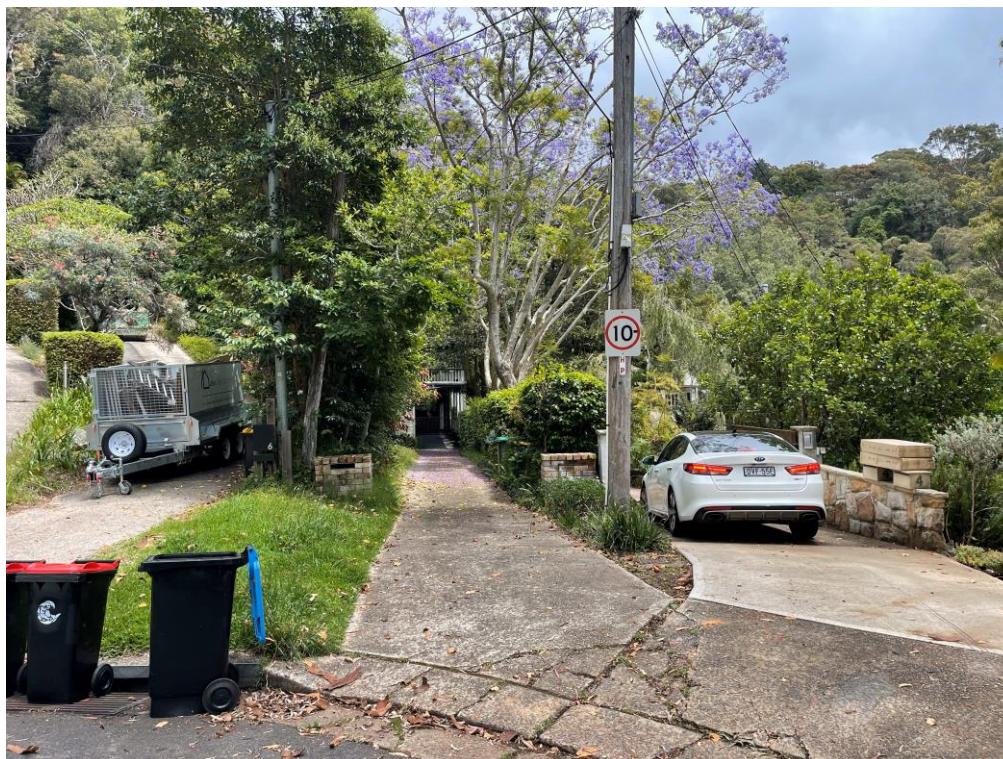


Fig 2: View of the driveway entry to the site, looking west from the Taminga Street cul-de-sac

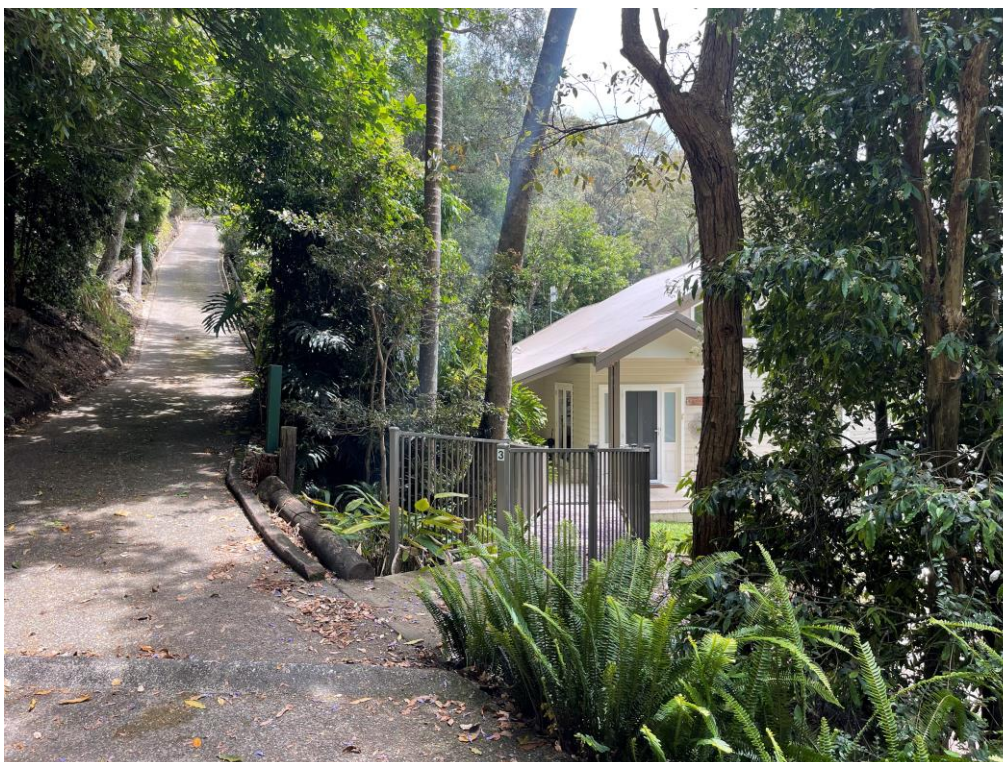


Fig 3: View looking west along the common driveway (pedestrian entry to northern neighbour at No 3 Taminga Street on RHS of view)



Fig 4: View of common entry driveway to the site, looking up towards the west

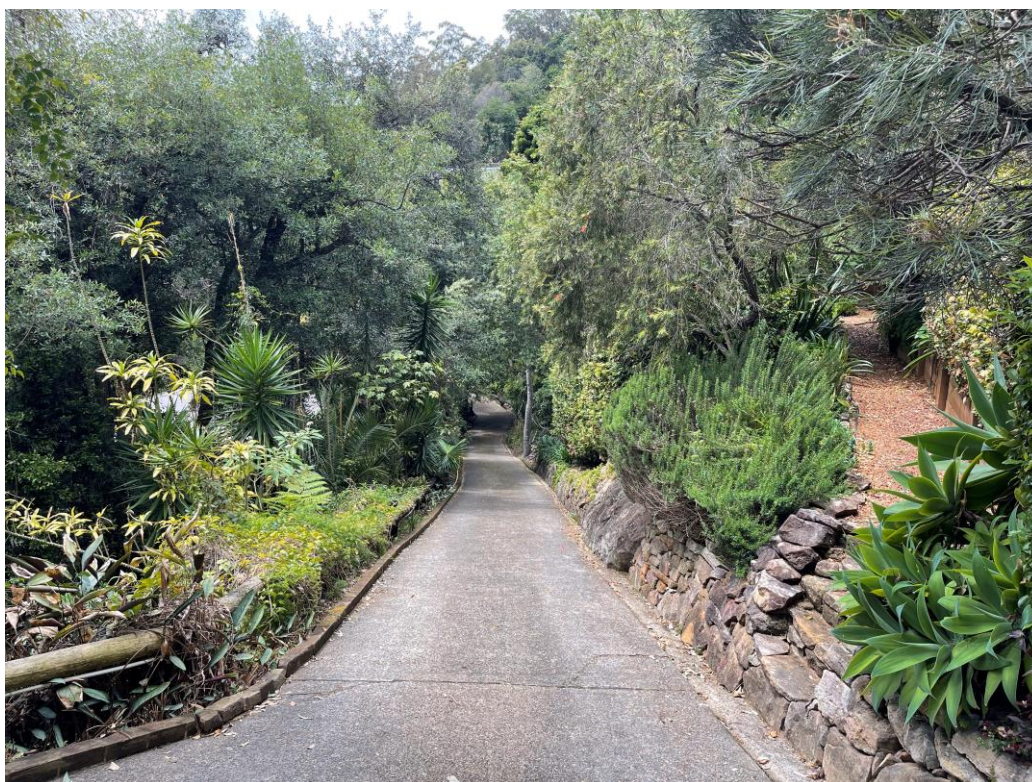


Fig 5: View of common entry driveway to the site, looking down towards the south-east



Fig 6: View of the existing dwelling, looking south-east from the parking area



Fig 7: View of the proposed garage area, looking south-west



Fig 8: View of the existing parking area for the neighbour No 55 Kananook Avenue and carport for subject lot to RHS of view, looking north



Fig 9: View of the existing front door and entry deck, looking south-east

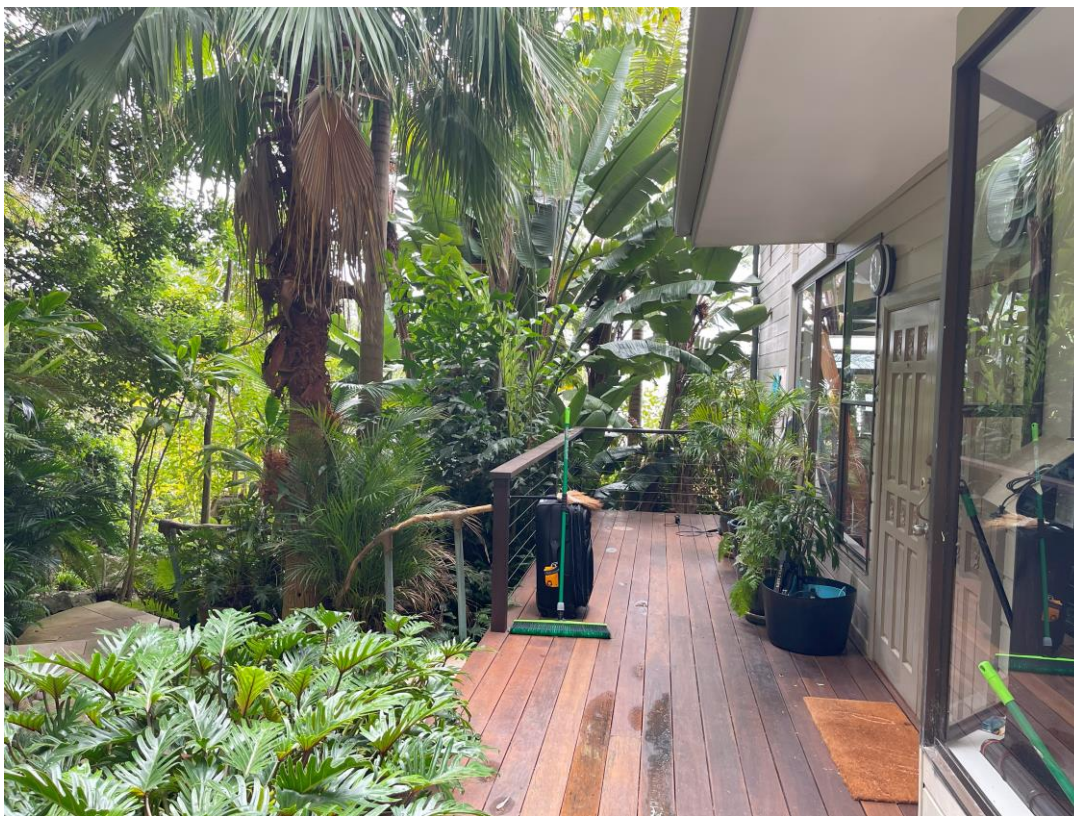


Fig 10: View of the existing front door and entry deck, looking north-east

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 11: 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 double garage with internal stair and vertical passenger lift access to the dwelling.

The works will see some demolition of elements of the existing dwelling in order to accommodate the new works. An existing double carport on the north-eastern side of the driveway access will be retained.

The new works will comprise:

Level 1 – RL 56.994m

- New double garage, entry, planter, internal vertical passenger lift shaft and stairs
- Proposed “green roof” over the garage (RL 60.244)

Level 2 – RL 61.460m - 62.000m

- Alterations and additions to existing Level 2 to provide for new entry, open plan living, dining and kitchen with bar and walk-in pantry, study, reading area, bathroom, stairs and new operable roof over existing balcony

Level 3 – RL 65.090m

- Alterations and additions to existing Level 3 to provide for master suite with ensuite and walk-in robe, 2 bedrooms with ensuites, laundry, mini bar and lounge

External Works

- New portion of driveway to provide access to proposed garage
- New landscaping works
- Existing pergola roofs over Levels 1 & 2 to be re-pitched

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 Watershed Architects, within Drawing No. DA00.

As discussed in the Arboricultural Impact Appraisal and Method Statement prepared by Ezigrow Arboricultural Consultants, the proposal will see the removal of up to 14 low and very low category trees.

The more significant trees within the site will all be maintained.

The Arboricultural Appraisal provides recommendations for the protection of the system trees that will be retained to ensure that the works do not adversely affect their viability. Works will be carried out under the direction and to the satisfaction of the Consulting Arborist.

A comprehensive Landscape Plan has been prepared by Paul Scrivener Landscape dated 16 December 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 Council watercourse which traverses the site in accordance with the Stormwater Plans prepared by NB Consulting Engineers, Job No 2410116 dated December 2024.

The development indices for the development are summarised as:

Site Area	2191.2m²
Required Landscaped Area	60% or 1314.72m ²
Existing Landscaped Area	51% or 1125.75m ²
Proposed Landscaped Area	50% or 1090.75m ² (excl 6% functional landscaped area allowance – 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 (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.

Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*, identifies portions of the subject site as being located within the Biodiversity Values (BV) Map, meaning the site has high biodiversity value that is particularly sensitive to impacts from development and clearing.

The map forms part of the Biodiversity Offsets Scheme threshold, which is one of the entry requirements for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal.

As discussed in the Arboricultural Impact Appraisal prepared by Ezigrow Arboricultural Consulting dated 21 November 2024, the proposed works do not require the removal of any significant or high value vegetation and therefore the works do not impact any surrounding significant or high valued trees.

No further consideration of the SEPP is required.



Fig 12: Extract from Biodiversity Values Map

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Site Contamination

SEPP (Resilience and Hazards) 2021 and in particular Part 4.6(2) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

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

The proposal is consistent with the provisions of Chapter 4 of this policy.

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with the provisions of the SEPP, a BASIX Certificate submitted as part of the document package 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 13: 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 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 Bayview is 8.5m.



Fig 14: Extract from Pittwater Council Zoning Map Height of Building Map

The proposed new works will present a height of up to approximately 9.95m and therefore present a minor variation to the statutory height limit.

Clause 4.3(2D) of PLEP 2014 provides that the height of buildings may reach up to 10m in height, subject to consistency with certain criteria.

In this instance, the particularly steep nature of the site as it falls towards the north-east results in the site gradient through the building area exceeding 16.7° and therefore the relevant height control can be considered as 10m, subject to the site achieving the objectives of the height control in clause 4.3.

In this instance, as discussed this submission, the proposal is considered to achieve the objectives of the variations provision within clause 4.3.

Clause 5.21 relates to Flood Planning

A portion of the access hand is identified as Flood Prone Land (Low, Medium & High).

As the works are separated from the Flood Prone Land, no further investigation is deemed necessary in this instance.

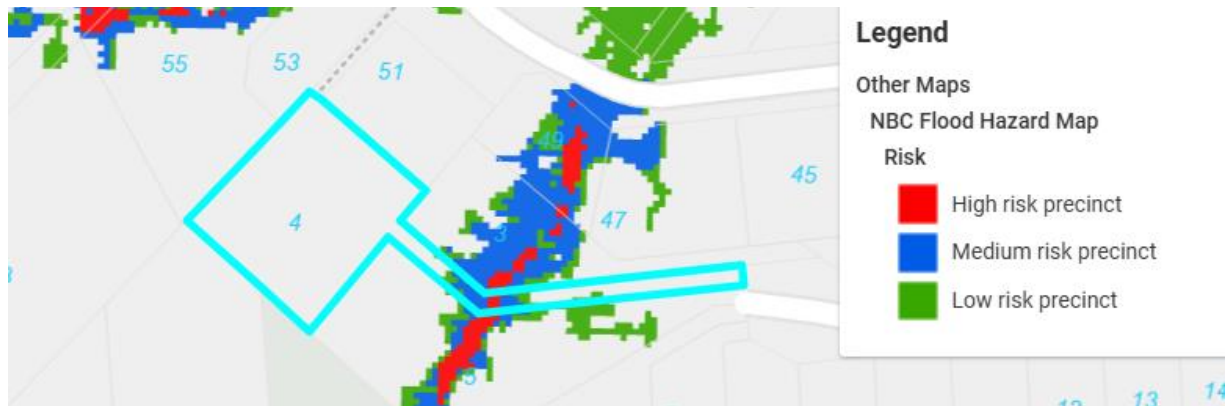


Fig 15: Extract from Pittwater Council Flood Hazard Map

Clause 7.1 relates to Acid Sulfate Soils. The site is identified as being within the 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.



Fig 16: Extract from Pittwater Council Acid Sulfate Soils Map

Clause 7.2 relates to earthworks. The proposal is accompanied by a Geotechnical Investigation prepared by White Geotechnical Group, Reference No J5810 dated 20 November 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 Council's Biodiversity Mapping.

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.

As discussed in the Arboricultural Impact Appraisal prepared by Ezigrow Arboricultural Consulting dated 21 November 2024, the proposed works do not require the removal of any significant or high value vegetation and therefore the works do not impact any surrounding significant or high valued trees.

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



Fig 17: Extract from Pittwater Council Biodiversity Map

Clause 7.7 – Geotechnical Hazards

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No J5810 dated 20 November 2024.

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.

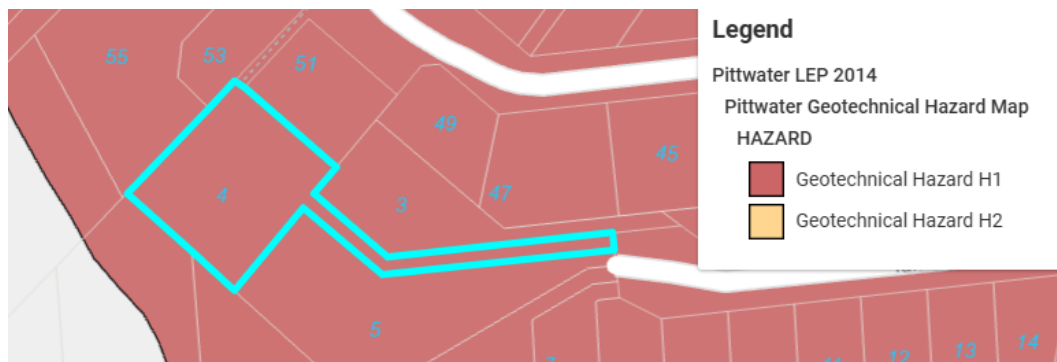


Fig 18: Extract from Pittwater Council Geotechnical Hazard Map

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 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 White Geotechnical Group, Reference No J5810 dated 20 November 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.

B3.11 Flood Prone Land

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 location of the new works within the site are well separated from the flood prone land within the access handle. 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.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (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 which direct stormwater to the existing Council watercourse traversing the site. A stormwater Management plan has been prepared by NB Consulting Engineers which addresses Council's DCP requirements.

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

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;
Minimise the risk to public health and safety;
Reduce the risk to life and property from any flooding and groundwater damage;
Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.
Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle
Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources
Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

The proposed new roof areas will be connected to the existing system which directs stormwater to the Council watercourse which traverses the site as detailed within the Stormwater Management Plans prepared by NB Consulting Engineers.

The proposed stormwater arrangements are considered appropriate and satisfy Council guidelines and requirements.

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 will continue to provide access to both the existing double carport and the proposed new enclosed garage. Turning and manoeuvring of vehicles to enter and leave the site in a forward direction will be retained.

The works are wholly within the subject site and the existing rights of carriageway enjoyed by the western neighbour will also be maintained.

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 and will continue to provide safe and convenient access to the parking areas for the subject site as well as maintaining existing access arrangements for the neighbour

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 proposal will provide a new double garage which in addition to the existing double garage, will provide for ample off street parking opportunity.

The dwelling is a substantial distance from the public road and the opportunity for additional parking for the family requirements and for visitors, conveniently located to the dwelling will provide for appropriate amenity for the property owners.

The parking within the site will continue to meet Council's minimum 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.

A Landscape Plan has been prepared by Paul Scrivener Landscape, Job Reference 24/2806 dated 16 which provides for the managed replanting of the area surrounding the dwelling and includes additional tree planting with three new tree species which have a mature height of between 12 to 25 m and significant understorey planting, ground covers and grasses which will supplement the existing planting within the site.

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 driveway access and parking area. The dwelling is located a substantial distance from the roadway and surveillance of the street area is not to possible. In this regard, the existing conditions are unchanged.

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 roof form towards Pittwater.

As noted within the West Elevation detail within Section AA, the proposal will see only a minor increase in the height of the portion of the roof form over the balcony.

Given the works do not substantially alter the built form of the dwelling, views over and past the building are suitably preserved in the building will continue to maintain reasonable view sharing.

It is considered that the proposed works 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 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, and the orientation of the development will ensure that the development will not result in any problematic overlooking.

The upper storey comprises bedrooms and a centrally located lounge room, and will not result in any adverse privacy impacts for neighbouring properties.

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.

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 existing decks, terraces and 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 (See Sheet DA00).

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.

The site is subject to a front setback of either 6.5m or established building line, whichever is the greater.

As the subject site is a battleaxe allotment, the new works will readily comply with Council's front setback requirement.

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 minimum south-western side setback remains unchanged and exceeds the 1m minimum, and the north-eastern side setback of 25.9m will readily comply with the side setback control.

The proposed new garage will present a setback of 350mm from the rear boundary and therefore does not comply with the rear setback control.

Compliance with the rear setback control is constrained by the siting of the existing dwelling together with the location of the shared driveway.

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 proposal will maintain compliance with the building envelope control.

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 see only a minor reduction in the extent of the existing soft landscaped area, (51% being reduced to 50%). In this instance, the site is constrained by the length of this significant driveway which provides access from the street to the existing parking and garage.

The site will continue to sit within a landscaped setting and through the introduction of additional planting as detailed within the Landscape Plan prepared by Paul Scrivener Landscape which provides for the managed replanting of the area surrounding the new works, the proposal is considered to be in keeping with the desired outcomes of this clause and is worthy of support on merit.

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

7.1 The provisions of any environmental planning instrument

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

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

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

There are no draft instruments 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 rear setback control 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 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.

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 within this locality.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the locality 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.

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