

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
INCLUDING A NEW LIFT AND STORAGE AREA**

LOCATED AT

1 BAKERS ROAD, CHURCH POINT

FOR

MR & MRS BYFORD



**Prepared
February 2025**

Table of Contents

1.0	Introduction.....	3
2.0	Property Description	3
3.0	Site Description.....	4
4.0	The Surrounding Environment.....	8
5.0	Proposed Development.....	9
6.0	Zoning and Development Controls.....	11
6.1	State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	11
6.2	State Environmental Planning Policy (Resilience and Hazards) 2021	11
6.3	State Environmental Planning Policy (Sustainable Building) 2022	14
6.4	Pittwater Local Environmental Plan 2014	15
6.5	Pittwater 21 Development Control Plan	18
6.5.1	Section A Introduction.....	18
6.5.2	Section B General Controls.....	19
6.5.3	Section C Development Type Control for Residential Development.....	23
6.5.4	Section D Locality Specific Development Controls.....	28
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	33
7.1	The provisions of any environmental planning instrument.....	33
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	33
7.3	Any development control plan.....	33
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	34
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	34
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.....	34
7.7	The suitability of the site for the development.....	34
7.8	Any submissions made in accordance with this Act or the regulations.....	34
7.9	The public interest	34
8.0	Conclusion	35

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Mr and Mrs Byford by Atelier Haefeli, Job No 2401, Drawing No's. A01 – A08, Revision B dated 27 January 2025 to detail the construction of alterations and additions to an existing dwelling at **1 Bakers Road, Church Point**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 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 1 Bakers Road, Church Point, being Lot 4 within Deposited Plan 666751 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, and therefore this matter will be discussed further within this report.

The site is identified on Council's Geotechnical hazard map – H1, this matter will be discussed further within this report.

The site is noted as being affected by flood hazard and estuarine hazard and supporting reports have been prepared to address these issues.

No other hazards have been identified.

3.0 Site Description

The subject site is located on the corner of Pittwater Road and Bakers Road, meaning the site has two street frontages.

The site is irregular in shape and widens towards the south-west. The site has a frontage to Pittwater Road of 13.755m, and 55.575m to Bakers Road. The south-eastern boundary measures 54.315m, and 1.055m and south-western boundary measures 40.89m. The total site area is 1195.6m².

The site has sloping topography with a fall of over 3m down towards the north east frontage.

The site is currently developed with a two storey dwelling and attic space with a pitched roof, swimming pool and cabana, with vehicle driveway access directly from Bakers Road. The house is orientated towards the east and north east to take advantage of the view lines to the Pittwater waterway.

Stormwater from the site is currently dispersed to the Bakers Road street frontage.

The site displays large areas of tiered lawn recreational areas, with canopy trees located within the site and on neighbouring sites.

The details of the lots which comprise the parcel are contained within the survey report prepared by CMS Surveyors, Job Reference No. 23510detail dated 12 June 2024 which accompanies the DA submission.

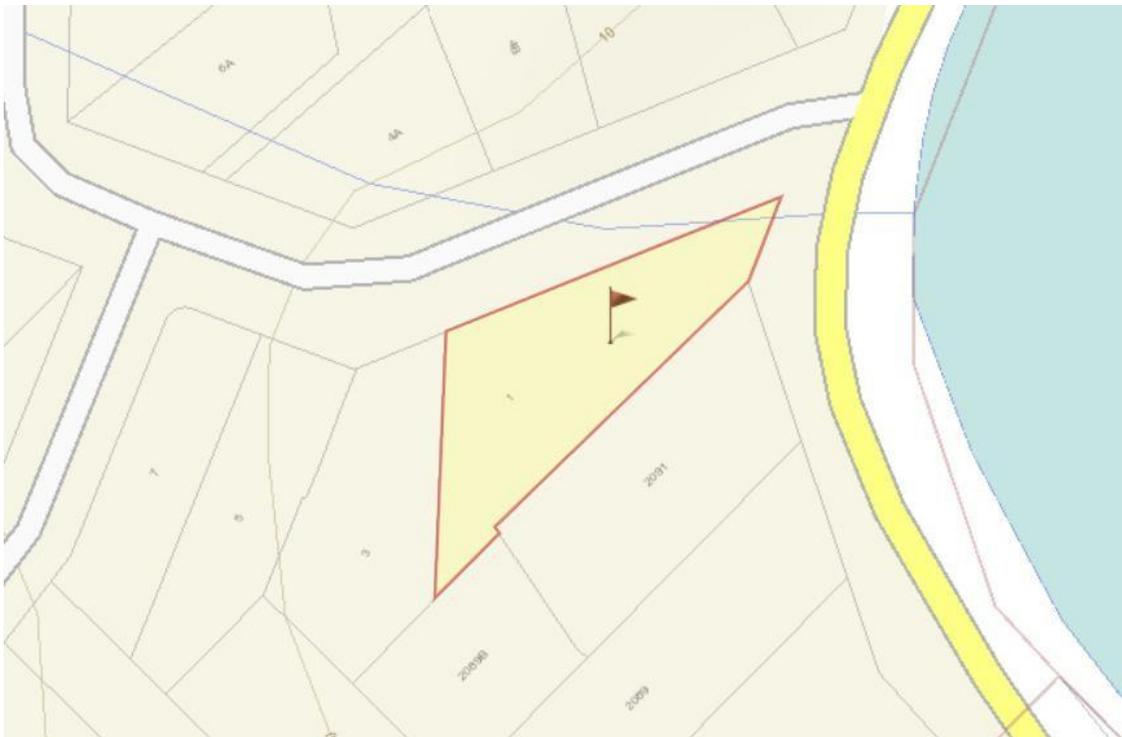


Fig 1: Location of Subject Site
(Source: Six Maps)



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



Fig 3: View of the existing dwelling, looking south-east from Bakers Road



Fig 4: View of the adjacent site to the south-west at 3 Bakers Road, looking south



Fig 5: View of the site, looking south-west from the intersection of Pittwater Road and Bakers Road



Fig 6: View of the existing dwelling (RHS of view), looking west

4.0 The Surrounding Environment

The site is located within a predominately low density residential area of Church Point, characterised by a mixture of traditional and modern dwellings, comprising mostly 2 and 3 storeys, as well as multi-level dwelling houses, nestled within established front, side and rear landscaped garden areas consisting of mature native and exotic trees and shrubs, as well as areas of dense native bushland, particularly on the higher hillslopes and ridgeline areas.

The area is undergoing change and renewal, with newer, larger contemporary dwellings being constructed in the immediate vicinity along with secondary dwellings, outbuildings and elevated parking structures corresponding with the sloping topography.

The dwellings within a scenic ridge top location enjoy views to the east towards the Pittwater waterways.

The design of development in this locality reflects the sloping terrain and views towards the waterways to the north-east and retains a dominance of natural features and vegetation.



**Fig 7: Aerial Photograph
(Source: Six Maps)**

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of modest alterations and additions to the existing dwelling.

The new works will comprise of the following:

Ground Floor Level

- New vertical passenger lift to provide access from the ground floor level to the first floor level of the dwelling
- New storage room and associated roofing

First and Attic Floor

- New lift

The proposed alterations and additions to the dwelling represent a reasonable architectural design solution that will provide a significant enhancement to the amenity and usability of the existing site through improving the access from the ground floor to the first floor level and also providing for additional storage area within the site.

The lift which is the only new work above the ground floor level of the dwelling has been positioned to the north-western side of the dwelling so that it will minimise any impact on neighbour views. The resultant development is sufficiently articulated, with skilful use of consistent materials, combined with a consistent roof form to reduce bulk and scale.

The internal design and lift arrangement will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties.

The proposed external finishes comprise of complementary materials that will complement surrounding development. The proposed external finishes are intended to match and complement the existing dwelling.

The maintenance of all trees onsite will further assist in maintaining the privacy and amenity of both the subject and neighbouring properties and will soften the visual impact of the resultant development.

The proposal maintains substantial area of soft landscaping and will not see the removal of any significant or protected vegetation.

The development indices for the development are summarised as:

Site Area	1195.6m ²
Required Building Height:	8.5m
Proposed Building Height:	5.5m (lift), 3m (storage area)

Required Landscaped Area	60% or 717.36m ²
Existing/Proposed Landscaped Area	67.6% or 808.7m ² (no change to existing landscaped area as new work over existing paved areas)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

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

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

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The proposed development site has been within on the 'Coastal Environment Area' and 'Coastal Use Area' maps under the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP). Hence, Divisions 3, 4 and 5 of the SEPP apply.

The stated Aim of the Policy under Chapter 2.1 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*

- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

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

2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The site is required to meet the objectives that includes avoiding adverse impact to marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms. The proposal does not include the removal of any canopy trees or significant native vegetation which ensures the development satisfies the requirement of this clause.

The matters for consideration under Division 4 of the SEPP are:

2.11 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal provides for minor alterations and additions to an existing dwelling that corresponds with the slope of the site in order to minimise the bulk and scale ensuring the works will not adversely affect the visual amenity of the locality.

Accordingly, the development is unlikely to detract from the scenic quality of the locality, maintaining an appropriate visual relationship with the surrounding built environment.

The matters for consideration under Division 5 of the SEPP are:

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: The proposal will not cause an increased risk of coastal hazards on the site or surrounding land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Resilience and Hazards) 2021.

Chapter 4 – Site Contamination

SEPP (Resilience and Hazards) 2021 and in particular Clause 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.

6.3 State Environmental Planning Policy (Sustainable Building) 2022

In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

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.

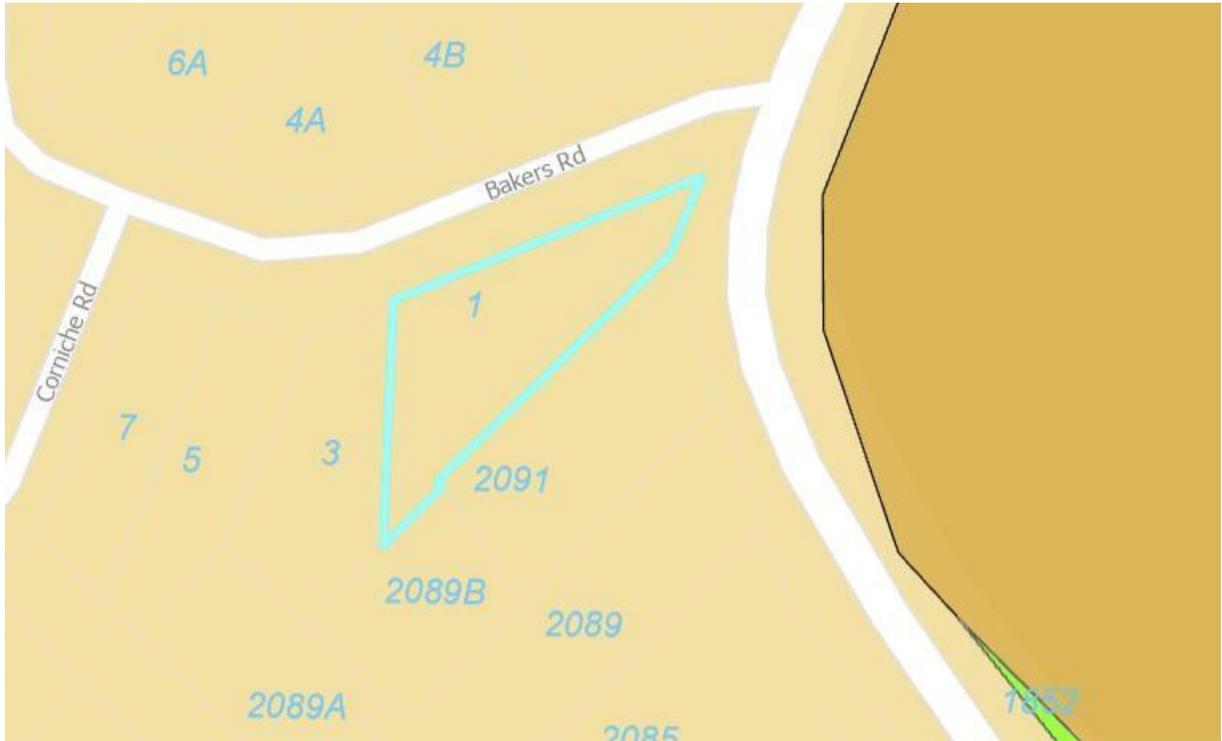


Fig 8: Extract from Pittwater Council Zoning Map

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

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted over as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

It is considered that the proposed construction of alterations and additions to an existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal provides for a residential development in an area with special ecological and aesthetic values and does not have an adverse effect on the values in terms of terrestrial biodiversity and foreshore scenic protection.
- The development does not negatively impact on nearby coastal foreshores or result in a loss of natural vegetation.
- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of improved lift access, together with enhanced functional recreation areas.
- The proposal does not have any unreasonable impact on views, solar access or amenity for the neighbouring properties.
- The site will continue to maintain the residential use.
- The bulk and scale of the new dwelling is comparable with the surrounding locality, with a more modern and compatible built form that is compatible with that of existing development in this portion of Central Road.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Church Point is 8.5m. The proposal will provide for a height of up to 5.5m for the new lift and 3m for the new storage area, therefore compliant with the 8.5m building height control.

In this instance, the proposed works will comply with Council’s statutory 8.5m height limit.

Clause 5.21 – Flood Planning

The site has a minor percent corner portion of the north-western corner mapped as being within the low risk flood hazard area (see figure below).

The objectives of this clause are as follows:

- a) to minimise the flood risk to life and property associated with the use of land,*
- b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The site is identified as being low to medium Risk Flood Prone Land on Council’s Flood Prone Land Map.

An Overland Flow Report noted as #24-0916-L001/draft dated December 2024 has been prepared by Peninsular Consulting to address the requirements of Council’s controls.

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 Flood Planning Policy.

Clause 7.1 - Acid Sulfate Soils.

The site is identified as being within the Class 5 Acid Sulfate Soils area. Given the minor nature of the proposed works, no change to the water table is anticipated, and no further investigation is deemed necessary in this instance.

Clause 7.2 – Earthworks

The proposal does not necessitate any significant earthworks. A Geotechnical Assessment has been prepared by JK Geotechnics, Reference 37190Zrpt dated 3 December 2024 and accompanies the development application.

The report addresses any effects of the minor earthworks required as a result of the proposed development and concludes the proposal is unlikely to unreasonably disrupt existing drainage patterns and soil stability in the locality. The works will be carried out in accordance with the recommendations of the consulting structural engineer and the recommendations of the geotechnical report.

Clause 7.6 - Biodiversity

The subject site is not within Council’s biodiversity area.

The specific location of the proposed works avoid significant disturbance on the existing landscaped area on the site, as the works are predominantly located over existing cleared areas.

Clause 7.7 – Geotechnical Hazards

The site is identified as ‘Hazard H1’ on Council’s Geotechnical Map.

A Geotechnical Assessment has been prepared by JK Geotechnics, Reference 37190Zrpt dated 3 December 2024 and accompanies the development application.

The proposal is therefore considered to satisfy the provisions of this clause.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

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 maintain a consistency with the low density scale of the area and will not be visually prominent within the Bakers Road or Pittwater Road locality.

The proposed design incorporates varied elements including new glazing, and roof design which harmonise with the dwelling while also minimising the visual bulk as it presents to adjoining properties and the public domain.

The proposal has been designed to follow the slope of the land with the works being located at ground level, to minimise unnecessary site works and excavation. The proposal will maintain view opportunities for neighbouring properties.

The proposal will continue to provide significant canopy trees and other vegetation to soften the built form of the new works and continue to provide for a dwelling within a bushland setting.

The works will be finished in a range of textures and finishes which will complement the existing characteristics of the dwelling and surrounding development harmonising with the landscaped setting of the locality.

The proposed development has been designed to be safe from hazards.

It is considered that the proposal is consistent with the desired character of the Church Point and Bayview Locality.

6.5.2 Section B General Controls

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

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.

B1.4 Aboriginal Heritage Significance

The controls seek to achieve the outcomes:

Provide protection for 'Aboriginal Places and Objects'. (S)
Potential Aboriginal Places and Objects are identified and protected. (S)

The controls suggest:

“If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal Object then additional independent information on the potential heritage significance may be requested.

Development must conserve the significance of any aboriginal place or object”.

The site has been disturbed by the introduction of the existing dwelling and gardens.

There is no obvious evidence of Aboriginal occupation or objects. The footprint of the new works is largely within the existing disturbed areas, with the construction works to be carried out in a sensitive manner and if any Aboriginal objects are located, they will be preserved and further advice sought to protect the items.

B3.7 Estuarine Hazard – Low density residential

The controls seek to achieve the outcomes:

Protection of people. (S)
Protection of the natural environment. (En)
Protection of private and public infrastructure and assets. (S)

The application is supported by an Estuarine Risk Management Advice prepared by Horton Coastal Engineering that confirms that the proposed additions have been designed to consider the coastal processes in the vicinity of the site.

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 site is identified as being High Risk Flood Prone Land on Council’s Flood Prone Land Map. An Overland Flow Report has been prepared by Peninsula Consulting to support the development.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. (En)

The proposal maintains the canopy trees and landscaping within the site. Accordingly, the proposal is deemed appropriate in terms of maintaining the adjoining wildlife corridor.

B5.8 Stormwater Management – Water Quality – Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

Stormwater from the additional roof area will be connected to the kerb on Bakers Road via the existing stormwater management system.

The proposal therefore satisfies Council's stormwater requirements.

B5.10 Stormwater Discharge into Public Drainage System

The controls seek to achieve the outcomes:

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

Stormwater from the new roof area of the dwelling will be connected dispersed to the kerb on Bakers Road via the existing stormwater management system.

The proposal therefore satisfies Council's stormwater requirements.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

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)

There is no change to the existing driveway and paved forecourt. The site will also continue to retain the existing off-street parking.

The proposal will therefore comply with this control.

B6.2 Internal Driveways

This control seeks to achieve the outcomes:

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

There is no change to the existing driveway and paved forecourt. The site will also continue to retain the existing off-street parking.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

- 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 off-street vehicle parking requirements stipulates two (2) off-street parking spaces for a dwelling house.

There is no change to the existing provision of a double garage to provides off-street parking for two (2) vehicles for the dwelling.

The proposal is therefore consistent with the requirements of the control.

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 Geotechnical Report and the consulting Structural Engineer. Appropriate soil and sedimentation measures will be implemented.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)
Reduction of waste throughout all phases of development. (En)
Public safety is ensured. (S)
Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site to prevent transportation of sediment to adjoining properties and the Pittwater waterway. The sites existing landscaping will also prevent ongoing erosion on the site.

6.5.3 Section C Development Type Control 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 proposal will not require the removal of any significant canopy trees or native vegetation. Generous yard areas within the site will be retained for open space and recreation, with the available area of soft landscaping maintained as a result of the proposal.

Sufficient areas of landscaping and canopy trees remain on the site respecting the bushland character of the locality.

Therefore, the development satisfies the objectives of this clause.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

On-going safety and security of the Pittwater community. (S)
Opportunities for vandalism are minimised. (S, Ec)
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 continue to provide casual surveillance to the site entry and street frontages.

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.

The site and the adjacent dwellings enjoy an expansive view to the north-east and east towards Pittwater waterways.

As the uphill properties on the western side of Bakers Road are elevated above the subject property, the proposed design has been resolved with an emphasis on respecting the views and outlook for the surrounding properties of Bakers Road.

The proposed alterations and additions presenting minor building heights with generous setbacks to each side boundary so any possibly views past and over the dwelling will be retained, towards Pittwater.

The adjoining dwelling to the west, No. 5 Bakers Road is located on a higher topography with extensive landscaping along the adjoining boundary, meaning the view lines from the dwelling are not impacted by the proposed works.

On balance, it is considered that the proposal which accommodates a lift to meet the needs of the building owners and family, is designed in a manner which is compatible with the bulk and scale of the surrounding development and which is respectful of the existing outlook and amenity enjoyed by surrounding properties.

In consideration of the slope of the land and the presence of existing vegetation, the proposed development is unlikely to result in any adverse impacts upon view corridors from adjoining or nearby residences. Accordingly, it is considered that equitable access to the available views and outlook for the neighbouring dwellings is largely maintained satisfying the requirements of this clause

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 modest extent of the new works ensures that the proposal will not see any significant loss of solar access for neighbouring properties.

The Project Architect has provided a submission to confirm that shadow diagrams are not necessary in this instance as there is no shadow cast to neighbouring properties. The current solar access enjoyed by the straining properties will be unchanged.

The proposal will not result in an unreasonable impact upon the adjoining properties with regard to overshadowing, with in excess of 3 hours of direct sunlight retained to the dwelling and principal areas of private open space in midwinter.

Furthermore, the proposed dwelling will receive in excess 3 hours of direct sunlight retained to the dwelling and principal areas of private open space in midwinter, consistent with the requirements of this clause.

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 proposal orientates the additional glazed window and door to the front and the rear of the property, with the eastern side elevation of the storage area has louvered windows however

these windows are screened to the adjoining property by extensive landscaping and boundary fencing.

The proposed glazing servicing the new lift is orientated to the south with maintain a generous separation to neighbouring properties. Accordingly, the lift glazing is not considered to result in any problematic overlooking.

The proposal is not considered to compromise the privacy of occupants of the subject site or neighbouring dwellings, and therefore is worthy of Council's support.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, there will not be any significant impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy.

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 for the primary dwelling by way of the existing paved terrace areas, swimming pool, and associated cabana with an outdoor kitchen facilities that flow to the yard areas of the site and receive appropriate 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 existing garage will maintain adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

Eaves are proposed for the storage room which complement the character of the surrounding dwellings and provide for weather protection.

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 minor alterations and additions to an existing dwelling which maintain a compatible height and scale which respects the surrounding built form and the varied character of the surrounding development.

The location of the works on the site are not visually dominate from the Bakers Road streetscape or nearby public space.

The setbacks provided generally reflect the setbacks of the nearby properties with views over and to the side of the new works will be retained for the neighbouring dwellings located uphill of the proposal.

In addition, the existing landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

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)

It is considered that the development is appropriate as the proposal provides for alterations and additions which will present complimentary external finishes and materials which will match 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 to Bakers Road.

The works are well over 6.5m from the front setback of Bakers Road and Pittwater Road.

The ample front setback maintain the rhythm of development within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

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 side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side, and a minimum of 6.5m from the rear boundary.

The proposed new storage area maintains a side setback well in excess of the requirements of the control.

The lift will stand more than 6m from the rear western boundary. Accordingly, the proposed works are compliant with the requirements of the control.

It is considered that the more than generous setbacks to the proposed works will not result in any adverse impacts for neighbouring properties in terms of solar access, privacy, views or general amenity.

A substantial area of soft landscaping is maintained, and the proposal will not require the removal of any significant vegetation.

Accordingly, the site specific and contextually responsive setbacks are complaint and considered entirely appropriate under the circumstances.

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 additions are compliant with the building envelope requirements and will not unreasonably impact on the views or solar access opportunities for the neighbouring properties. In this instance, the well-articulated form of the building is considered to assist in minimising adverse impacts to the neighbouring properties.

The bulk and scale of the development is in keeping with that of existing surrounding development in the locality, and overall, the development is consistent with the desired outcomes of this clause.

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 site will retain a soft landscaped area in excess of 67.6% which complies with Council's minimum requirements. The new works will maintain the existing soft landscaped area of

67.6% as the new storage area and lift are located over existing paved areas within the site, with no reduction in soft landscaping

The proposal provides generous landscape areas within the front, rear and side setbacks. This assists in providing suitable soft surfaces that will maximise infiltration of water to the water table that will minimise run-off and assist with stormwater management.

The proposal also retains existing plantings and continues to provide a compliant high-quality landscape outcome for the site that is worthy of Council's support.

D4.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).

Maintenance and enhancement of the tree canopy. (En, S)

Colours and materials recede into a well vegetated natural environment. (En, S)

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)

To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.

Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The proposed development has a built form that is appropriate and suitable having regard to the context of the area and the character of residential development in the Church Point and Bayview Locality.

The alterations and additions to the dwelling house, and incorporation of a new lift exhibit a bulk, scale and mass that is consistent with the built form of low-density "detached" style housing in the surrounding area and achieves consistency with the requirements of this control.

The large landscaping area maintained within the site, along with the retention of trees which assists in softening the built form, ensuring a consistent and comparable built form presentation when viewed from the neighbouring properties and from Bakers Road.

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 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for construction of alterations and additions 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 Any submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

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

8.0 Conclusion

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

The proposal 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 an appropriate design response to the sites existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height standard and display a complimentary and compatible building form when compared to other development within the site's visual catchment.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

Town planner

Grad. Dip Urban & Regional Planning (UNE)