



Statement of Environmental Effects

Description: Alterations and additions to an existing single dwelling.

Address: Lot 3 in DP 25461 (26) Bilkurra Avenue Bilgola Plateau NSW 2107

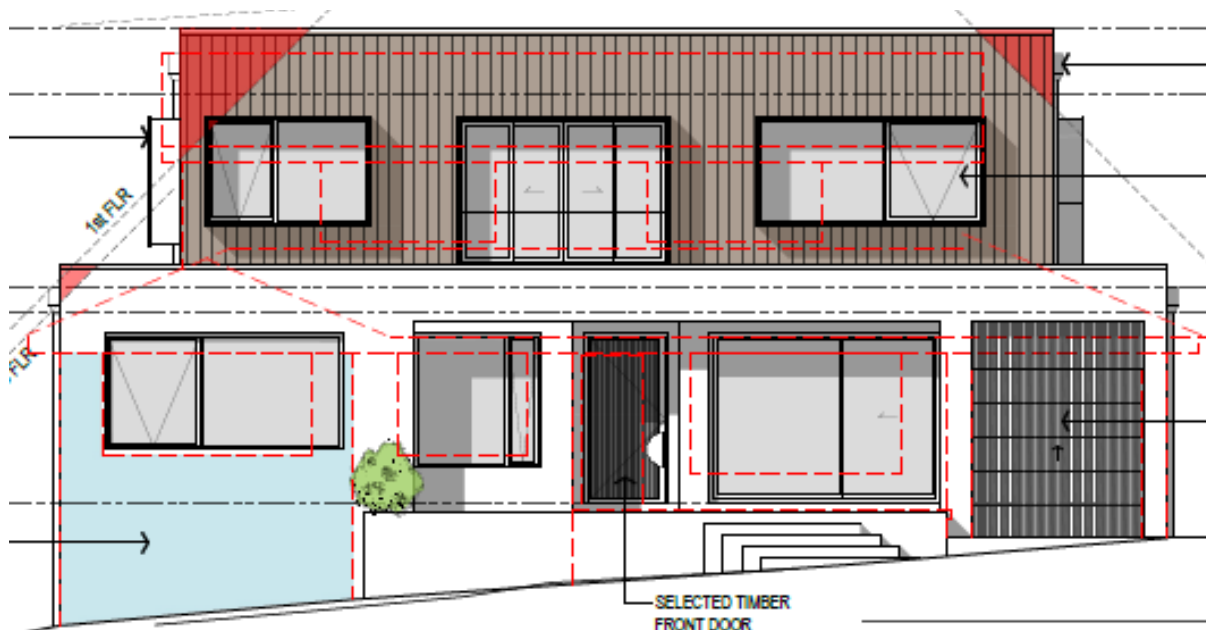
Prepared for: Marisa Kanthak – owner

Applicant: Claron Consulting Pty Ltd

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Registered Planner, Building & Development Consultant

Report No: 25019 Rev.2

Date: 13 June 2025



DOCUMENT CONTROL


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Brent Winning	Director, Claron Consulting Pty Ltd		13 June 2025
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Marisa Kanthak	Owner		7/5/2025
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Brent Winning	Director, Claron Consulting Pty Ltd		13 June 2025
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DOCUMENT ISSUE RECORD

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Rev.1	7/5/2025	Draft	Designer & Owner
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1.0 PREAMBLE

1.1 PROPOSAL

This Planning Statement supports the proposal for alterations and additions to a single dwelling at 26 Bilkurra Avenue Bilgola Plateau NSW 2107.

The proposed works to the existing dwelling have negligible environmental and amenity impacts.

This report should be read in conjunction with the plans, specifications and expert reports that accompany and support the development application.

2.0 DISCUSSION and ANALYSIS

2.1 PROJECT OVERVIEW

This Planning Statement the alterations and additions to a single dwelling at 26 Bilkurra Avenue Bilgola Plateau NSW 2107.

The proposed works include:

- Demolish part of the ground floor.
- Demolish the first floor.
- Alterations to the ground floor to facilitate improvements to the living area.
- Construct a new first floor comprising mainly the bedroom accommodation.
- Refurbish the existing swimming pool in its current location (surface and pool equipment).
- Remove and replace the existing stormwater lines that are degraded and non-functioning.
- Remove and replace the existing concrete driveway in the same location.
- Retain and enhance the existing mature landscaping scheme.

Full details of the proposed development are contained within the architectural plan set prepared by Argent Design and the relevant expert reports that accompany the development application.

2.1.1 The Proponent

The proponent is Marisa Kanthak and her family.

Contact details of the proponent Marisa Kanthak are provided below.

- Phone: 0449 815 562
- Email: marisa@marisaalexis.com.au

2.1.2 Site Description and Location

The site is legally identified as Lot 3 (26) Bilkurra Avenue Bilgola Plateau NSW 2107.

The site is located on the eastern side of Bilkurra Avenue approximately 40 m south of the intersection with The Circle and 275 m north of Plateau Road. The surrounding land-use is entirely low density residential, ie single dwellings.

The site is 834.2 m² in area and is fully developed with a dwelling house, swimming pool and mature landscaping scheme. The land rises from the road alignment toward the rear boundary by approximately 3 metres. Vehicular access is directly to Bilkurra Avenue.

Improvements upon the site are a two-storey brick veneer dwelling (c.1960s to c.1980s) in a generally habitable but somewhat degraded condition commensurate with its age, open timbered pergola with paving, minor outbuildings and a swimming pool.

The site is described in Figures 1 and 2 below.

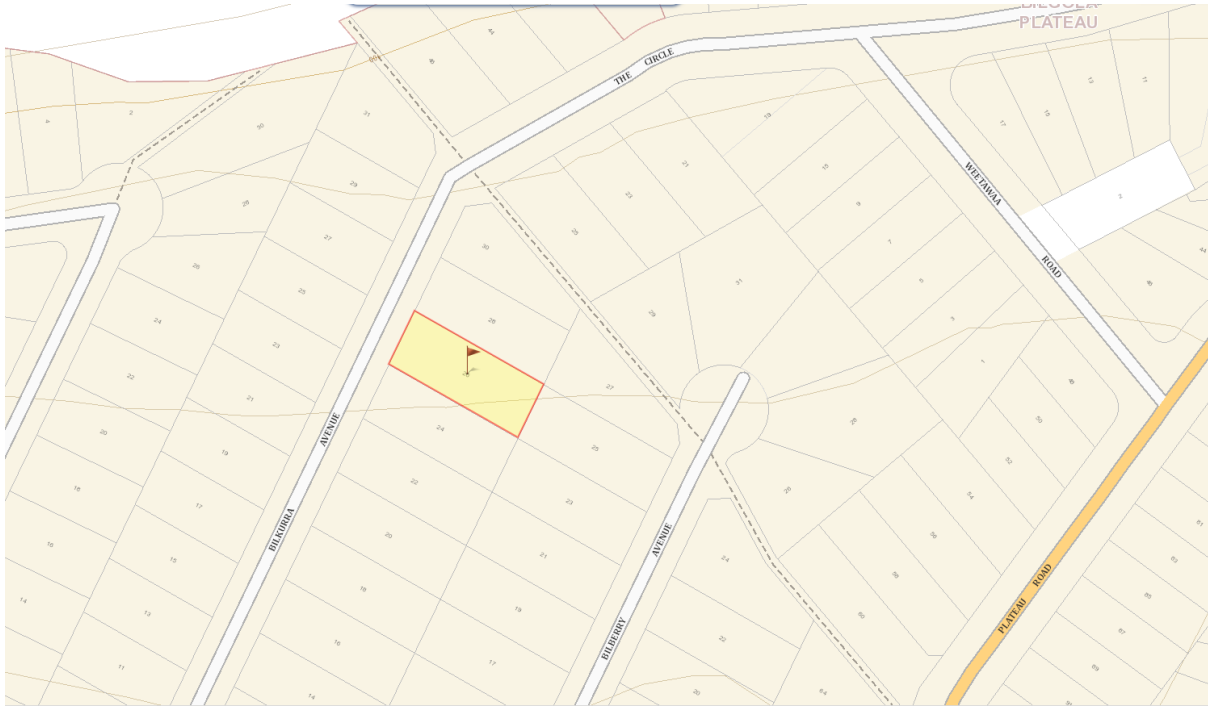


Figure 1 - Location map (SIX Maps).



Figure 2 – aerial photo (source: SIX Maps)

Details of improvements, site access, existing buildings and general site layout are included with the detailed architectural plans and site plan.

2.2 PROJECT DOCUMENTATION

This planning statement relies upon the following documentation provided by the Applicant:

Document Title	Reference Number	Date	Prepared By
Level and Detail Survey	12340/25	28/05/2025	Stutchbury Jaques & Associates Pty Ltd (David Stutchbury)
Architectural plans	DA1.01A, DA2.01A, DA2.02A, DA2.03A, DA2.04A, DA2.05A, DA3.01A, DA3.02A, DA3.03A, DA4.01A, DA4.02A, DA4.03A	11/05/2025	Argent Design (Simon Bruce)
Stormwater and Civil	250232 - C00.01	April 2025	Engineering Studio (Ben Carruthers)
Landscape Layout	A01	2/05/2025	Land Escape Outdoor Creations
BASIX	A1794204	6/5/2025	PEM Group Co Pty Ltd
External Finishes Schedule			Marisa Alexis Interiors

2.3 ENVIRONMENTAL ASSESSMENT

2.3.1 Ecology and Vegetation

The site is located within a biodiversity zone; the relevant discussion is at s.2.4.5 of this report.

2.3.2 Bushfire and Flood

The land is not mapped as being either 'bushfire prone' or 'flood prone' land.

2.3.3 Site Access

Vehicular access to the site is via the existing driveway and crossing directly to Bilkurra Avenue.

2.3.4 Utilities, Sewer and Stormwater

The existing dwelling is fully serviced for potable water, sewer, gas and electricity and requires no alteration or amplification.

The existing stormwater system is currently degraded and functionally inoperable and is to be upgraded to current standards as part of the works.

The site is currently affected by uncontrolled stormwater flow originating from neighbouring properties upstream of the rear boundary; this surface water is to be collected by a new swale drain and re-directed to the Council stormwater system in Bilkurra Avenue.

2.3.5 Waste

Domestic waste and recyclable wheeled storage bins are located behind the front building alignment and taken to the street kerb for collection by Council .

A 'Demolition and Construction Waste Management Plan' completed in accordance with the Northern Beaches Council WMP template (25/10/2016) accompanies the Development Application.

2.3.6 Building Code of Australia

The proposed alterations and additions to the existing single occupancy dwelling do not require a BCA analysis and/or Access report.

2.3.7 Scenic Amenity and Views

The proposed alterations and additions to the existing dwelling are unlikely to significantly impact upon any existing or potential view lines to or from the subject land.

2.3.8 Heritage

The subject site does not contain nor is it within the visual curtilage of heritage item.

The site is not mapped as being within a 'Conservation Area'.

2.4 STATUTORY CONTEXT

2.4.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* provide the framework for environmental planning in NSW.

This section presents a summary of the relevant planning legislation and any specific policies that apply to the site that may reasonably be expected to offer opportunities for, or conversely, impose constraints upon the proposed development.

2.4.1.1 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment (Amendment) Act, 1979 No.203.

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) 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

(iii) any development control plan, and

(iiia) 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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates.

The following State and local planning instruments have relevance to the proposal:

- *State Environmental Planning Policy (Resilience & Hazards) 2021.*
- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
- *Pittwater Local Environment Plan 2014.*
- *Pittwater 21 Development Control Plan.*

Addressed in Section 2.0 – ‘Discussion and Analysis’, which contains the requirements of the various adopted and draft planning instruments.

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

Addressed in Section 2.0 – ‘Discussion and Analysis’.

(c) The suitability of the site for the development

The site is located within the Bilgola Plateau low density residential precinct, is for alterations and additions to an existing dwelling, and is of negligible environmental impact.

The proposal is consistent with the zone and well-suited for a residential use.

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

None made.

(e) the public interest.

The proposed development is for alterations and additions to an existing dwelling, which is consistent with the current land use.

Public interest is primarily in terms of assessing potential environmental and/or amenity impacts, are matters that have been properly canvassed within this Planning Statement and

with due regard to the recommendations for mitigation measures made by the various experts that have assessed and support the proposal.

2.4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

This Policy aims to *'...promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment...'*.

Chapter 4 of the SEPP (Resilience and Hazards) covers how development proposals are assessed for potential land contamination. Specifically, clause 4.6 *'Contamination and remediation to be considered in determining development application'* of the SEPP applies to the proposed development as follows:

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is—*
 - (a) land that is within an investigation area,*

- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—*
- (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Table 1. Some Activities that may Cause Contamination

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

The proposal is for alterations and additions to an existing single dwelling that was constructed from c.1960s to c.1980's, thus cl. 4.6(2) does not apply as there is no 'change of use' from that permitted in the R2 zone.

The site is not listed upon the EPA '*Public Register of Contaminated Land*' as land being contaminated within the meaning of the '*Contaminated Land Management Act 1997*' (<https://apps.epa.nsw.gov.au/prclmapp/searchregister.aspx>)

In the absence of any evidence of any industrial historical use of the land that would potentially have caused the land to be contaminated, I have formed the opinion that the land is unlikely to be contaminated, and with negligible risk to human health.

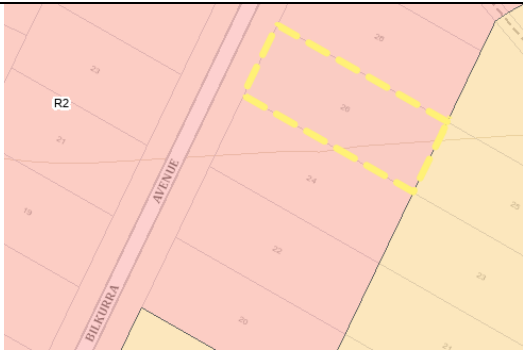
As the proposal does not include a 'change of use' the Objectives of *SEPP (Resilience and Hazards)* are satisfied, and no further detailed investigation is warranted in the specific circumstances.

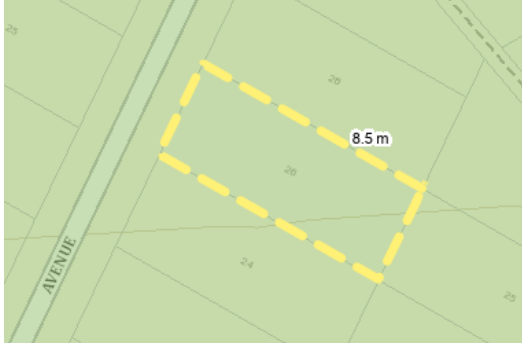
2.4.3 Pittwater Local Environment Plan 2014 (PLEP 2014)



The relevant local planning instrument is the Pittwater Local Environment Plan 2014. PLEP 2014 contains detailed objectives and controls that will be used by Council when assessing applications under Section 4.15 of the Act.

The relevant clauses of PLEP 2014 as typically apply for the proposed 'Low Density Residential' land use are summarised in Table 1:


Table 1: Pittwater Local Environment Plan 2014

Relevant Clause	Description	Comments
Land Use Zone R2: Low Density Residential	 <p>2 Permitted without consent</p> <p><i>Home businesses; Home occupations</i></p> <p>3 Permitted with consent</p> <p><i>Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures</i></p>	<p>Not applicable.</p> <p>Complies.</p> <p>The application is for alterations and additions to a single dwelling house.</p>
4.3 Height of buildings	(2) <i>The height of a building on any land is not to exceed the maximum height</i>	Complies.

Relevant Clause	Description	Comments
	<p><i>shown for the land on the Height of Buildings Map.</i></p>  <p>8.5 m</p>	<p>The building height of the new upper floor roof is <8.5m and well within the Height Control.</p> <p>Refer to the section on sheet DA3.03.</p>
4.4 Floor Space Ratio	<p><i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p>	<p>Not Applicable.</p> <p>There is no maximum floor space ratio requirement for the subject site.</p>
cl. 4.6 Exceptions to Development Standards	<p><i>(4) Development consent must not be granted for development that contravenes a development standard unless—</i></p> <p><i>(a) the consent authority is satisfied that—</i></p> <p><i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p><i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p><i>(b) the concurrence of the Planning Secretary has been obtained.</i></p>	<p>Not Applicable.</p> <p>There is no submission made with this application to vary a development standard.</p>
5.10 Heritage conservation	<p>(5) Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development:</i></p>	<p>Not Applicable.</p> <p>The site does not contain a heritage item that is listed in</p>

Relevant Clause	Description	Comments
	<p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> 	<p>Schedule 5, nor is it within a Conservation Zone.</p>
<p>7.1 Acid sulfate soils</p>	 <p>Class 5</p> <p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p>	<p>Applies.</p> <p>The site is mapped for 'Acid Sulfate Soils Class 5'.</p> <p>As the works are not within 500 m of an adjacent Class 4 zone, are not below 5 m AHD and unlikely to have any consequent impact upon groundwater, a preliminary 'Acid Sulfate Soils Management Plan' is not considered to be necessary, as the risk is minimal and can be adequately addressed by the project structural engineer at the Construction Certificate stage.</p>

Relevant Clause	Description	Comments
	<p>(4) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</i></p> <p>(a) <i>a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</i></p> <p>(b) <i>the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.</i></p> <p>(5) <i>Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—</i></p> <p>(a) <i>emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,</i></p> <p>(b) <i>routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),</i></p> <p>(c) <i>minor work, being work that costs less than \$20,000 (other than drainage work).</i></p> <p>(6) <i>Despite subclause (2), development consent is not required under this clause to carry out any works if—</i></p>	

Relevant Clause	Description	Comments
	<p>(a) the works involve the disturbance of less than 1 tonne of soil, and</p> <p>(b) the works are not likely to lower the watertable.</p>	
7.6 Biodiversity	<p>(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.</p>  <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Affected.</p> <p>The site is mapped for ‘Terrestrial Biodiversity’.</p> <p>The proposed alterations and additions are to a long-established single dwelling, located largely within the existing building envelope and its immediate curtilage, which consists of cleared land and landscaping.</p> <p>The proposal does not require the removal of any mature trees nor native vegetation.</p> <p>There is no reduction in the existing tree canopy or connectivity between adjoining sites.</p> <p>The proposed works are properly considered to be ‘minor’ and have no measurable impact upon the existing biodiversity values of the land.</p> <p>In the above circumstances a formal ecological assessment and report is unwarranted.</p>

Relevant Clause	Description	Comments
	<p><i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p>	

2.4.4 Pittwater 21 Development Control Plan

The P21DCP supports the provisions of *Pittwater Local Environmental Plan 2014*.

The P21DCP contains detailed objectives and controls that will be used by Council when assessing the application under Section 4.15 of the Act.

The following section summarises the relevant P21DCP controls required to be considered as part of the project assessment.

Table 2 – Extract from P21DCP

Clause No.	DCP Clause	Response
Section B	General Controls	
B1	Heritage Controls	Not Applicable. This matter has been dealt with elsewhere in this Report.
B2	Density Controls	Not Applicable. The proposal does not alter the residential density of the land.
B3	Hazard Controls	
B3.1	Landslip Hazard	Not Applicable. The land is not mapped for landslip.
B3.2	Bushfire Hazard	Not Applicable. The site is not 'bushfire prone land'.
B4	Controls Relating to the Natural Environment	
B4.22	Preservation of Trees and Bushland Vegetation	
	Requirements for other Development Applications	The alterations and additions to the dwelling are sited within the existing

Clause No.	DCP Clause	Response
	<p><i>When a DA required for clearing vegetation the following requirements apply:</i></p> <p><i>5. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p> <p><i>6. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</i></p> <p><i>7. Development must also avoid any impact on trees on public land.</i></p> <p><i>8. For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.</i></p> <p><i>9. Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.</i></p>	<p>footprint to minimise impacts upon trees.</p> <p>There are no trees either within the site or on public land that are to be removed to facilitate the proposed works.</p>
B5	Water Management	
B5.13	Development on Waterfront Land	Not Applicable.
B5.15	Stormwater	
	<ul style="list-style-type: none"> <i>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</i> 	<p>No impacts.</p> <p>The proposed works do not increase the impervious area >50 m², thus OSD is not required.</p> <p>All roofwater from the dwelling is connected to the existing system, draining directly to the street.</p>


Clause No.	DCP Clause	Response						
	<ul style="list-style-type: none"><i>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</i>	<p>Overland flow from upstream properties to the rear of the subject site is collected in a new swale drain and directed to the street via the east (rear) and north (side) boundaries, thereby addressing an existing drainage problem upon the site.</p> <p>Refer to the detailed 'Concept Stormwater Plans' prepared by Engineering Studio for details.</p>						
B6	Access and Parking							
B6.1	Access driveways and Works on the Public Road Reserve	<p>Not Applicable.</p> <p>There are no changes to the existing footpath crossing and layback to Bilkurra Avenue.</p> <p>The existing driveway is cracked and will be removed and replaced in its current position.</p>						
B6.2	Internal Driveways	<p>Not Applicable.</p> <p>There are no changes to the configuration of the existing driveway within the property.</p>						
B6.3	<p>Off-Street Vehicle Parking Requirements</p> <ul style="list-style-type: none"><i>The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation:</i> <table><tr><td>Number of bedrooms per dwelling but not a secondary dwelling</td></tr><tr><td>1 bedroom</td></tr><tr><td>2 bedrooms or more</td></tr></table> <table><tr><td>Parking requirements per dwelling</td></tr><tr><td>1 space</td></tr><tr><td>2 spaces</td></tr></table>	Number of bedrooms per dwelling but not a secondary dwelling	1 bedroom	2 bedrooms or more	Parking requirements per dwelling	1 space	2 spaces	<p>Complies.</p> <p>The existing attached single garage is to be retained in its current position and extended.</p> <p>Stack parking for a second vehicle is available on the driveway, as per the existing arrangements.</p>
Number of bedrooms per dwelling but not a secondary dwelling								
1 bedroom								
2 bedrooms or more								
Parking requirements per dwelling								
1 space								
2 spaces								
B8	Site Works Management	<p>A 'Site Management Plan' and 'Erosion & Sediment Control Plan' (ESCP) is</p>						

Clause No.	DCP Clause	Response
		included with the Stormwater Concept plans.
C1	Design Criteria for Residential Development	
C1.1	Landscaping	
	<p>Controls</p> <ul style="list-style-type: none"> • <i>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</i> • <i>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</i> • <i>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</i> • <i>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</i> • <i>The following soil depths are required in order to be counted as landscaping:</i> 	<p>The proposed works are confined to the existing building footprint and have no impact upon the mature landscaping scheme, which is to be retained intact and enhanced as required.</p> <p>There are no significant works to the front setback zone, no decrease in existing deep soil planting zones, and no mature trees are impacted by the works.</p> <p>Refer to the Landscape Concept Plan for compliance details with the various clause Controls.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> ○ 300mm for lawn ○ 600mm for shrubs ○ 1metre for trees <ul style="list-style-type: none"> • <i>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</i> <ul style="list-style-type: none"> ○ <i>A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments,</i> ○ <i>60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</i> ○ <i>50% for all other forms of residential development.</i> • <i>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</i> • <i>In bushfire prone areas, species shall be appropriate to the bushfire hazard.</i> • <i>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</i> • <i>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</i> • <i>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</i> • <i>Noxious and undesirable plants must be removed from the site</i> <i>(www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds)</i> 	

Clause No.	DCP Clause	Response
C1.2	Safety and Security	
	<p>Surveillance</p> <ul style="list-style-type: none"> • <i>Building design should allow visitors who approach the front door to be seen without the need to open the door.</i> • <i>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</i> • <i>Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</i> • <i>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</i> • <i>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</i> • <i>Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</i> • <i>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</i> 	<p>Complies.</p> <p>The dwelling presents directly to the street, with passive surveillance achieved through living room windows at both the ground floor and first floor levels.</p>
	<p>2. Access Control</p> <ul style="list-style-type: none"> • <i>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</i> 	<p>Not applicable to a single dwelling.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> • <i>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</i> • <i>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</i> • <i>The street number of the property is to be clearly identifiable.</i> • <i>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</i> 	<p>Complies. The dwelling entry is clearly identifiable from the street.</p> <p>Not applicable to a single dwelling.</p> <p>Complies.</p> <p>Complies.</p>
	<p>3. Territorial reinforcement</p> <ul style="list-style-type: none"> • <i>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</i> • <i>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</i> • <i>Blank walls along all public places (streets, open space etc) shall be minimised.</i> 	<p>Not applicable to a single dwelling.</p> <p>Not applicable to a single dwelling.</p> <p>Complies.</p>
	<p>4. Space management</p> <ul style="list-style-type: none"> • <i>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</i> • <i>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the</i> 	<p>Not applicable to a single dwelling.</p> <p>Not applicable to a single dwelling.</p>

Clause No.	DCP Clause	Response
	<p><i>replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</i></p> <ul style="list-style-type: none"> <i>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</i> 	<p>Not applicable to a single dwelling.</p>
C1.3	View Sharing	
	<ul style="list-style-type: none"> <i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i> <i>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</i> <i>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</i> <i>Views are not to be obtained at the expense of native vegetation.</i> 	<p>Complies.</p> <p>There are no significant existing or potential view lines to/from the subject property that are inappropriately compromised by the proposal.</p> <p>A partial western view of the distant Pittwater foreshore is available from the front of the dwelling, which is consistent with the views enjoyed by the two adjoining neighbours.</p> <p>It would be unlikely that a view corridor exists to this aspect for any neighbour to the rear (north) of the subject site.</p>  <p>As the dwelling's upper floor is being demolished and replaced by a similar structure (footprint, height, bulk and scale), there is no material difference</p>

Clause No.	DCP Clause	Response
		<p>between the existing condition and the proposed scheme.</p> <p>Accordingly, I have not found it necessary to further consider the current Planning Principle for view loss as per the NSW Land & Environment Court (<i>Tenacity Consulting v Warringah Council</i>) as having relevance in this matter.</p>
C1.4	Solar Access	
	<ul style="list-style-type: none"> • <i>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</i> • <i>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</i> • <i>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter.</i> • <i>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</i> • <i>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</i> <p>Variations</p> <p>General</p> <ul style="list-style-type: none"> • <i>Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows</i> 	<p>Complies.</p> <p>The project designer has competently considered the principles of passive solar design, within the normal limitations of lot orientation and topography, ensuring minimal additional impact over the existing structure.</p> <p>Given the generally east-west orientation of the subject lot, the relative topography, the low-rise two storey structure, the position of the two adjoining neighbours and the configuration of their private open space and living spaces, I have formed the opinion that the impacts from overshadowing are materially unchanged from the current situation and within the generally accepted parameters for solar access in a low-density context.</p> <p>Accordingly, I have not found it necessary to further consider the current Planning Principle for solar access as developed in the NSW Land & Environment Court (<i>The Benevolent Society v Waverley Council [2010] NSWLEC 1082</i>) as having relevance in this matter.</p>

Clause No.	DCP Clause	Response
	<p><i>to the principal living area will be assessed on a merit basis:</i></p> <ul style="list-style-type: none"> - <i>where the orientation or shape of a lot precludes northerly orientation (20o west to 30o east of north),</i> - <i>where there is adverse slope or topography,</i> - <i>where there is existing vegetation, obstruction, development or fences that overshadow, or</i> - <i>where other controls have priority, e.g. heritage and landscaping considerations.</i> <p>• <i>Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.</i></p>	
C1.5	Visual Privacy	
	<ul style="list-style-type: none"> • <i>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</i> • <i>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</i> • <i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open</i> 	<p>Acceptable outcome.</p> <p>The proposed alterations and additions have negligible additional impact upon visual privacy over that of the existing dwelling.</p> <p>Bedroom windows to the reconfigured upper floor are generally orientated to the front and rear yards, with minimal overlooking opportunities afforded from the side boundary aspects.</p>

Clause No.	DCP Clause	Response
	<p><i>space of a lower level dwelling directly below.</i></p> <ul style="list-style-type: none"> • <i>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</i> <ul style="list-style-type: none"> - <i>vegetation/landscaping</i> - <i>a window sill height 1.7 metres above floor level, or</i> - <i>offset windows</i> - <i>fixed translucent glazing in any part below 1.7 metres above floor level, or</i> - <i>solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:</i> <ul style="list-style-type: none"> - <i>permanent and fixed;</i> - <i>made of durable materials; and</i> - <i>designed and painted or coloured to blend in with the dwelling.</i> <p>Variations</p> <p>Secondary Dwellings:</p> <ul style="list-style-type: none"> • <i>For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</i> 	<p>Not Applicable.</p> <p>The proposal does not include a Secondary Dwelling.</p>
C1.6	Acoustic Privacy	
	<ul style="list-style-type: none"> • <i>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</i> • <i>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of</i> 	<p>Acceptable outcome.</p> <p>The proposed alterations and additions have negligible additional impacts for acoustic privacy over that of the existing dwelling.</p> <p>Not applicable to a single dwelling.</p>

Clause No.	DCP Clause	Response
	<p><i>attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</i></p> <ul style="list-style-type: none"> • <i>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</i> • <i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i> 	<p>Pool plant is existing and is to be replaced/upgraded as required.</p> <p>Not applicable to a single dwelling.</p>
C1.7	Private Open Space	
	<p><i>Private open space shall be provided as follows:</i></p> <p><i>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:</i></p> <ul style="list-style-type: none"> • <i>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</i> • <i>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</i> • <i>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</i> • <i>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct</i> 	<p>Not applicable.</p> <p>P.O.S. is unchanged.</p> <p>Ample areas of P.O.S. are available in the rear yard, directly accessible from the main ground floor living areas and enjoying a northerly aspect.</p>















Clause No.	DCP Clause	Response
	<p><i>sunlight throughout the year (see Solar Access).</i></p> <ul style="list-style-type: none"> • <i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i> • <i>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</i> • <i>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</i> • <i>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</i> • <i>An accessible and usable area for composting facilities within the ground level private open space is required.</i> 	
C1.8	Dual Occupancy Specific Controls	Not Applicable.
C1.9	Adaptable Housing and Accessibility	Not Applicable.
C1.10	Building Facades	
	<p><i>Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.</i></p> <p><i>For multi dwelling housing, residential flat buildings or seniors housing and similar</i></p>	<p>Complies.</p> <p>All services are concealed within the building structure, to be further addressed at the Construction Certificate stage.</p>

Clause No.	DCP Clause	Response
	<i>development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.</i>	
C1.11	Secondary Dwellings and Rural Worker's Dwellings	Not applicable.
C1.12	Waste and Recycling Facilities	
	<ul style="list-style-type: none"> All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan 	Complies. A 'Waste Management Plan' for demolition/construction is included with the Application documentation.
C1.13	Pollution Control	
	<ul style="list-style-type: none"> <i>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</i> <i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i> 	The Controls are noted and are to be addressed, if applicable, during the construction stage to the satisfaction of the Principal Certifying Authority (PCA).
C1.14	Separately Accessible Structures	
	<p><i>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</i></p> <p><i>i. it is ancillary to a dwelling;</i></p> <p><i>ii. it is not designed for separate habitation and does not contain any cooking facilities.</i></p> <p>Variations</p>	Not applicable.


Clause No.	DCP Clause	Response
	<i>Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.</i>	
C1.15	Storage Facilities	
	<i>A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.</i>	Satisfactory.
C1.16	Development ancillary to residential accommodation - Tennis Courts	Not applicable.
C1.17	Swimming Pool Safety	Can Comply. The swimming pool is existing and is to be refurbished and/or upgraded to current standards (if required).
C1.18	Car/Vehicle/Boat Wash Bays	Not applicable.
C1.19	Incline Passenger Lifts and Stairways	Not applicable.
C1.20	Undergrounding of Utility Services	Not applicable.
C1.21	Seniors Housing	Not applicable.
C1.23	Eaves	
	<ul style="list-style-type: none"> <i>Dwellings shall incorporate eaves on all elevations.</i> <i>Eaves must be a minimum of 450 mm in width, excluding any fascia/barge boards and gutters.</i> 	Complies. The flat roof with parapet configuration provides overhanging eaves and sunshade devices to each elevation.
C1.24	Public Road Reserve - Landscaping and Infrastructure	Not applicable.
C1.25	Plant, Equipment Boxes and Lift Over-Run	
	<i>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air</i>	Not applicable.

Clause No.	DCP Clause	Response
	<p><i>conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</i></p> <ul style="list-style-type: none"> <i>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.</i> <i>Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.</i> 	
D3	Bilgola Locality	
D3.1	Character as viewed from a public place	
	<ul style="list-style-type: none"> <i>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i> 	<p>Satisfactory.</p> <p>The proposed architectural treatment adopts a 'contemporary' façade style, with flat roof/parapet and appropriate articulation to ameliorate subjective bulk and scale when viewed from each aspect.</p>

Clause No.	DCP Clause	Response
		Presentation to the street is entirely consistent with the extant and developing neighbourhood character.
	<ul style="list-style-type: none"> • <i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i> 	Complies.
	<ul style="list-style-type: none"> • <i>Any building facade to a public place must incorporate at least two of the following design features:</i> <ul style="list-style-type: none"> i. <i>entry feature or portico;</i> ii. <i>awnings or other features over windows;</i> iii. <i>verandahs, balconies or window box treatment to any first floor element;</i> iv. <i>recessing or projecting architectural elements;</i> v. <i>open, deep verandahs; or</i> vi. <i>verandahs, pergolas or similar features above garage doors.</i> 	Complies. The required building elements are incorporated into the front façade.
	<ul style="list-style-type: none"> • <i>The bulk and scale of buildings must be minimised.</i> 	Satisfactory. The reconfigured upper floor is set back from the ground floor element to reduce bulk and scale and provide façade interest.
	<ul style="list-style-type: none"> • <i>Garages, carports and other parking structures including hardstand areas should not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</i> 	Complies. A single car attached garage is provided, being well incorporated into the architecture and does not dominate the front facade.
	<ul style="list-style-type: none"> • <i>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the</i> 	Not applicable. There are no significant changes to the existing mature landscaping scheme,

Clause No.	DCP Clause	Response
	<i>appearance of being secondary to landscaping and vegetation.</i>	nor is any vegetation or trees to be removed.
	<ul style="list-style-type: none"> • <i>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</i> 	Can comply. To be addressed at the Construction Certificate stage.
	<ul style="list-style-type: none"> • <i>General service facilities must be located underground.</i> 	Can comply. To be addressed at the Construction Certificate stage.
	<ul style="list-style-type: none"> • <i>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</i> 	Can comply. To be addressed at the Construction Certificate stage.
D3.2	Scenic protection - General	
	<ul style="list-style-type: none"> • <i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i> 	Satisfactory. The proposed works have no additional visual impacts.
D3.3	Building colours and materials	
	<ul style="list-style-type: none"> • <i>External colours and materials shall be dark and earthy tones as shown below:</i> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;">  Black ✓ </div> <div style="text-align: center;">  Dark grey ✓ </div> <div style="text-align: center;">  Dark green ✓ </div> <div style="text-align: center;">  Dark brown ✓ </div> <div style="text-align: center;">  Mid grey ✓ </div> <div style="text-align: center;">  Green ✓ </div> <div style="text-align: center;">  Brown ✓ </div> <div style="text-align: center;">  Dark blue ✓ </div> </div> <p>White, light coloured, red or orange roofs and walls are not permitted:</p> <div style="display: flex; flex-wrap: wrap; justify-content: space-around;"> <div style="text-align: center;">  White ✗ </div> <div style="text-align: center;">  Light blue ✗ </div> <div style="text-align: center;">  Red ✗ </div> <div style="text-align: center;">  Orange ✗ </div> <div style="text-align: center;">  Light grey ✗ </div> <div style="text-align: center;">  Beige ✗ </div> </div> <ul style="list-style-type: none"> • <i>Limited use of corporate colours may be permitted within Business zoned land.</i> • <i>Finishes are to be of a low reflectivity.</i> • <i>Applications in commercial areas shall use the three elements of stone, timber</i> 	Complies. The proposal is supported by an 'Schedule of External Materials and Colours' that provides for a neutral colour scheme that matches the existing dwelling and complements the escarpment/coastal location.


Clause No.	DCP Clause	Response										
	<p><i>and landscaping as feature elements to any facade presenting to the street.</i></p> <p>Variations</p> <ul style="list-style-type: none">• Council may consider lighter coloured external walls (excluding white) only for residential development within Area 3 on the Landscaped Area Map, and for non-residential development in areas that are not visually prominent.• Heritage items may vary this control where heritage colours and fabrics appropriate to the building are applied.											
D3.6	Front building line											
	<ul style="list-style-type: none">• The minimum front building line shall be in accordance with the following table. <table><tr><td>Land</td></tr><tr><td>Land zoned E4 Environmental Living or SP2 Infrastructure adjoining Barrenjoey Road</td></tr><tr><td>All other land zoned R2 Low Density Residential or E4 Environmental Living</td></tr><tr><td>Land zoned B1 Neighbourhood Centre</td></tr><tr><td>All other land</td></tr></table> <table><tr><td>Front Building Line (metres)</td></tr><tr><td>10 or established building line, whichever is the greater.</td></tr><tr><td>6.5, or established building lines, which ever is the greater.</td></tr><tr><td>3.5</td></tr><tr><td>Merit Assessment</td></tr></table> <ul style="list-style-type: none">• Built structures other than driveways, fences and retaining walls are not permitted within the front building setback.• Where new streets or accessways are proposed in residential flat buildings and multi dwelling housing development, a minimum front setback of 3 metres must be provided between the carriageway and dwellings. <p>Variations</p> <ul style="list-style-type: none">• Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line.	Land	Land zoned E4 Environmental Living or SP2 Infrastructure adjoining Barrenjoey Road	All other land zoned R2 Low Density Residential or E4 Environmental Living	Land zoned B1 Neighbourhood Centre	All other land	Front Building Line (metres)	10 or established building line, whichever is the greater.	6.5, or established building lines, which ever is the greater.	3.5	Merit Assessment	<p>Complies.</p> <p>The modified dwelling includes a minor reduction of the front setback to accommodate a new entry porch and slightly longer internal garage but remains numerically compliant with the 6.5 m Control and consistent with the established setback for the neighbouring properties.</p> <p>Complies.</p> <p>Not applicable.</p> <p>Not applicable.</p>
Land												
Land zoned E4 Environmental Living or SP2 Infrastructure adjoining Barrenjoey Road												
All other land zoned R2 Low Density Residential or E4 Environmental Living												
Land zoned B1 Neighbourhood Centre												
All other land												
Front Building Line (metres)												
10 or established building line, whichever is the greater.												
6.5, or established building lines, which ever is the greater.												
3.5												
Merit Assessment												

Clause No.	DCP Clause	Response
	<p>Variations</p> <ul style="list-style-type: none"> Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved. Where the depth of a property is less than 20 metres (or 26.5 metres in the 'Visual Protection Area'), Council may accept a reduced building setback from the rear boundary. 	
D3.9	Building envelope	
	<p>Buildings are to be sited within the following envelope:</p>  <p style="text-align: center;">STREET FRONTAGE</p> <p>Development other than residential flat buildings and multi dwelling housing:</p> <ul style="list-style-type: none"> Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014). <p>Variations</p> <ul style="list-style-type: none"> Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis. Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the 	<p>Minor non-compliance.</p> <p>The preference for a flat roof to the upper floor that is concealed behind perimeter parapets results in a minor breach in the building wall height along the northern and southern side walls.</p> <p>A variation to the building envelope control can be well supported on merit grounds on the following basis:</p> <ol style="list-style-type: none"> The upper floor is set well back from the lower element to provide articulation, reduces subjective bulk and scale when viewed from the street and provides façade interest. The breach is directly related to the topography of the site, with the ground levels along each side boundary rising away from the front building line towards the rear. The upper floor bulk and scale is not materially different from the pitched roof element it replaces. The overall roof height control is numerically compliant.

Clause No.	DCP Clause	Response
	<p><i>building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</i></p> <ul style="list-style-type: none"> <i>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</i> <i>Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</i> 	<p>5. There are negligible overshadowing impacts that result.</p> <p>6. The flat roof/parapet is architecturally authentic to the preferred 'contemporary' façade style.</p> <p>7. The flat roof/parapet conceals the box gutter and roof plumbing and/or any future plant that may be located upon the roof (eg solar panels or HWS).</p>
D3.10	Landscaped Area – General	
	<ul style="list-style-type: none"> <i>The total landscaped area on land zoned R2 Low Density Residential shall be 50% of the site area.</i> <i>The use of porous materials and finishes is encouraged where appropriate.</i> <i>Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.</i> <p>Split Zones</p> <ul style="list-style-type: none"> <i>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i> <ul style="list-style-type: none"> <i>impervious areas less than 1 metre in width (e.g. pathways and the like);</i> 	<p>Complies.</p> <p>The total available landscaped area is not materially different than the current condition.</p> <p>Complies - 50.9%.</p> <p>Not applicable.</p> <p>Not applicable.</p>


Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> - <i>for single dwellings on land zoned R2 Low Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i> 	
D3.11	Landscaped Area - Environmentally Sensitive Land	
	<ul style="list-style-type: none"> • <i>The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.</i> • <i>The use of porous materials and finishes is encouraged where appropriate.</i> • <i>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</i> <p>Split Zones</p> <ul style="list-style-type: none"> • <i>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</i> <p>Variations</p> <ul style="list-style-type: none"> • <i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i> <ul style="list-style-type: none"> - <i>impervious areas less than 1 metre in width (e.g. pathways and the like);</i> 	<p>Applies but not relevant.</p> <p>The total available landscaped area is effectively unchanged from the existing condition – 50.9%.</p> <p>The section of the site that comprises mature native trees (biodiversity land) occupies the rear boundary and is unaffected by the works</p> <p>Not applicable.</p> <p>Not applicable.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> - <i>for single dwellings on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i> • <i>The site plan(s) is to clearly show (by shading or other means) the proposed landscaped area and include a table identifying:</i> <ul style="list-style-type: none"> - <i>existing hard surface area</i> - <i>hard surface area to be retained</i> - <i>proposed hard surface area</i> - <i>total site area</i> - <i>existing landscaped area (%)</i> - <i>proposed landscaped area (%)</i> - <i>impervious area to be retained.</i> 	
D3.12	Fences - General	
	<p><i>a. Front fences and side fences (within the front building setback)</i></p> <ul style="list-style-type: none"> • <i>Front fences and side fences (within the front building setback) shall:</i> <ul style="list-style-type: none"> - <i>not exceed a maximum height of 1 metre above existing ground level,</i> - <i>be compatible with the streetscape character, and</i> - <i>not obstruct views available from the road.</i> 	<p>Not Applicable.</p> <p>There are no changes to the existing boundary fences.</p> <p>There is no front fence.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> • <i>Fences are to be constructed of open, see-through, dark-coloured materials.</i> • <i>Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.</i> • <i>Original stone fences or stone fence posts shall be conserved.</i> • <i>Front fences to a maximum height of 1.8 metres may be erected on the boundary for those properties that have frontage to Bilgola Avenue, or Allen Avenue. These fences should be constructed of sandstone or like materials to conform to adjoining fences, and should provide extensive landscaping incorporated into the fence or in front of the fence.</i> <p><i>b. Rear fences and side fences (to the front building line)</i></p> <ul style="list-style-type: none"> • <i>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</i> 	
	<p><i>c. Fencing in Visual Protection Areas (Refer to Bilgola Locality Map 3)</i></p> <ul style="list-style-type: none"> • <i>All fencing in Visual Protection Areas is to be constructed in accordance with Table 10.1</i> <p>Bilgola Locality Map 3</p>  <p>The map shows a residential area with streets and property boundaries. Several areas are highlighted in yellow, indicating Visual Protection Areas. A legend in the bottom right corner shows a yellow square next to the text 'Visual Protection Area'.</p>	Not Applicable.

Clause No.	DCP Clause	Response
	<p><i>d. Fencing adjoining Pittwater Waterway</i></p> <ul style="list-style-type: none"> <i>Fences are to be setback 3 metres from the property boundary adjacent to the waterway, and shall have a maximum height of 1.8 metres.</i> <i>Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.</i> <p><i>e. Corner lots or lots with more than one frontage</i></p> <ul style="list-style-type: none"> <i>Applicants shall nominate their side, rear and front boundaries if fences are proposed</i> <p><i>f. Fencing on land on Council's Flood Hazard Maps</i></p> <ul style="list-style-type: none"> <i>No masonry fences will be permitted on land identified in High Flood Hazard Areas or on land within a Floodway.</i> <i>All fences in High Flood Hazard Areas or within a Floodway are to be constructed in 'open' materials, for the full height of the fence, to allow for the passage of floodwaters through the fence.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres may be considered where the main private open space is in front of the dwelling, the lot is a corner lot or has more than one frontage or the site is located on a main road with high traffic noise. In such instances, front fencing shall:</i> <p><i>i. be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more</i></p>	<p>Not Applicable.</p> <p>Not Applicable.</p> <p>Not Applicable.</p> <p>Not Applicable.</p>

Clause No.	DCP Clause	Response
	<p><i>than one frontage this setback may be varied based on merits); and</i></p> <p><i>ii. be articulated to provide visual interest and further opportunities for landscaping, and</i></p> <p><i>iii. be screened by landscaping within the setback area; and</i></p> <p><i>iv. not restrict casual visual surveillance of the street, and</i></p> <p><i>v. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres; and</i></p> <p><i>vi. 50% or more of the fence is transparent.</i></p> <p><i>See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking</i></p> <p><i>Provided the outcomes of this control are achieved, where fencing exceeds more than 1 metre in height and abuts a public road, a boundary setback less than the height of the fence may be considered based on merits.</i></p>	
D3.13	Fences - Flora and Fauna Conservation Areas	
	<p><i>a. Front fences and side fences (within the front building setback)</i></p> <ul style="list-style-type: none"> • <i>Front fences and side fences (within the front building setback) shall:</i> <ul style="list-style-type: none"> - <i>not exceed a maximum height of 1 metre above existing ground level,</i> - <i>be compatible with the streetscape character, and</i> - <i>not obstruct views available from the road.</i> 	<p>Not Applicable.</p> <p>There are no changes to the existing side or rear boundary fences.</p> <p>There is no front fence.</p>

Clause No.	DCP Clause	Response
	<ul style="list-style-type: none"> <i>Fences are to be constructed of open, see-through, dark-coloured materials.</i> <i>Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.</i> <i>Original stone fences or stone fence posts shall be conserved.</i> <i>Front fences to a maximum height of 1.8 metres may be erected on the boundary for those properties that have frontage to Bilgola Avenue, or Allen Avenue. These fences should be constructed to conform to adjoining fences, and should provide extensive landscaping incorporated into the fence or in front of the fence.</i> <p><i>b. Rear fences and side fences (to the front building line)</i></p> <ul style="list-style-type: none"> <i>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</i> <p><i>c. Fencing in Visual Protection Areas (Refer to Bilgola Locality Map 3)</i></p> <p><i>All fencing in Visual Protection Areas is to be constructed in accordance with Table 10.1</i></p> <p>Bilgola Locality Map 3</p>  <p>The map shows a residential area with streets and property boundaries. Several areas are highlighted in yellow, indicating Visual Protection Areas. A legend in the bottom right corner shows a yellow square next to the text 'Visual Protection Area'.</p>	

Clause No.	DCP Clause	Response
	<p><i>d. Fencing adjoining Pittwater Waterway</i></p> <ul style="list-style-type: none"> <i>• Fences are to be setback 3 metres from the property boundary adjacent to the waterway and shall have a maximum height of 1.8 metres.</i> <i>• Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.</i> <p><i>e. Corner lots or lots with more than one frontage</i></p> <ul style="list-style-type: none"> <i>• Applicants shall nominate their side, rear and front boundaries if fences are proposed</i> <p><i>f. Fencing on land on Council's Flood Hazard Maps</i></p> <ul style="list-style-type: none"> <i>• No masonry fences will be permitted on land identified in High Flood Hazard Areas or on land within a Floodway.</i> <i>• All fences in High Flood Hazard Areas or within a Floodway are to be constructed in 'open' materials, for the full height of the fence, to allow for the passage of floodwaters through the fence.</i> <p>Variations</p> <ul style="list-style-type: none"> <i>• Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres may be considered where the main private open space is in front of the dwelling, the lot is a corner lot or has more than one frontage or the site is located on a main road with high traffic noise. In such instances, front fencing shall:</i> <p><i>i. be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with</i></p>	<p>Not applicable.</p> <p>Not Applicable.</p> <p>Not Applicable.</p> <p>Not Applicable.</p>

Clause No.	DCP Clause	Response
	<p><i>more than one frontage this setback may be varied based on merits); and</i></p> <p><i>ii. be articulated to provide visual interest and further opportunities for landscaping, and</i></p> <p><i>iii. be screened by landscaping within the setback area; and</i></p> <p><i>iv. not restrict casual visual surveillance of the street, and</i></p> <p><i>v. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres; and</i></p> <p><i>vi. 50% or more of the fence is transparent.</i></p> <p><i>See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking</i></p> <p><i>Provided the outcomes of this control are achieved, where fencing exceeds more than 1 metre in height and abuts a public road, a boundary setback less than the height of the fence may be considered based on merits.</i></p>	
D3.14	Construction, Retaining walls, terracing and undercroft areas	
	<ul style="list-style-type: none"> <i>• Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i> <i>• Where retaining walls and terracing are visible from a public place, preference is</i> 	<p>Satisfactory.</p> <p>The preferred building methodology to address site topography and constraints is for an elevated ‘bearers and joists’ construction for the ground floor rather than using a ‘cut and fill’/concrete raft slab, thereby maintaining the existing natural ground levels with minimal alteration.</p> <p>There are no retaining walls required, the ground external to the building</p>

Clause No.	DCP Clause	Response
	<p><i>given to the use of sandstone or sandstone like materials.</i></p> <ul style="list-style-type: none"> <i>• In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</i> <i>• Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</i> 	<p>footprint is battered back to the existing ground levels.</p> <p>The Al fresco paved area is proposed as a partially suspended slab to accommodate the existing ground levels.</p> <p>Not applicable. There are no undercroft areas.</p>
D3.15	Scenic Protection Category One Areas	
	<ul style="list-style-type: none"> <i>• Screen planting shall be located between structures and boundaries facing waterways.</i> <i>• Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.</i> <i>• Development is to minimise the impact on existing significant vegetation.</i> <i>• The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</i> <i>• The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</i> <i>• The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.</i> <i>• The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior</i> 	<p>Not Applicable.</p> <p>The land is not mapped within this area.</p>

Clause No.	DCP Clause	Response
	<p><i>surfaces shall help blend structures into the natural environment.</i></p> <ul style="list-style-type: none"> • <i>Applicants are to demonstrate that proposed colours and materials will be dark and earthy.</i> <p>Variations</p> <ul style="list-style-type: none"> • <i>Council may consider a variation to the provision of screen planting where the outcomes of this control are achieved.</i> 	

3.0 SUMMARY AND RECOMMENDATIONS

In summary, the proposal is for alterations and additions to a single dwelling, refurbishment of a swimming pool and minor landscaping works within the context of the existing scheme.

Due consideration has been given in the design of the modified dwelling to the Northern Beaches Council's PDGP 21 Controls and PLEP 2014 Objectives, with the proposal having been closely informed by the extensive assessments and recommendations of the various technical consultants to address the constraints and opportunities offered by the site and to ameliorate any potential amenity impacts upon adjoining neighbours. Where minor variations from the DCP Controls have been identified, these have no significant impacts upon any neighbour and are well supported on merit grounds.

The proposal has negligible amenity and aesthetic impacts and is in the public interest as it provides for well-designed accommodation within a long-established residential precinct, this being consistent with the R2: 'Low density residential' zoning and permissible land use for this site and with Council's broader objectives for the Bilgola Plateau area.

I commend the development application to Council as being worthy of support.

CLARON CONSULTING PTY LTD



Brent M Winning JP [B.Build Hons.), GDURP, MAIB, MPIA]
Registered Planner, Building & Development Consultant, Chartered Builder

3.1 Statement of Professional Qualifications

I am a Registered Planner #6700 with the Planning Institute of Australia. I have completed a Bachelor degree in Building at the University of Western Sydney, Hawkesbury in 1997, and post-graduate Diploma in Urban and Regional Planning at University of New England in 2003. I have worked as a consulting planner since 1997 and I am a member of several relevant professional associations including PIA and AIB.



Brent M Winning JP [B.Build Hons.), GDURP, MAIB, MPiA]
Registered Planner, Development and Chartered Building Consultant