

Statement of Environmental Effects

225 Hudson Parade
Clareville NSW 2107

Development Application for:
Dwelling Alterations and Additions

31 May 2024

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1 Introduction

Council Approval Group has been engaged by Neil and Stephanie Agass to prepare and submit a Development Application for dwelling alterations and additions at 225 Hudson Parade, Clareville. Once determined, this proposal will facilitate the expansion and refinement of the dwelling, enriching both its internal living areas and outdoor spaces. By integrating the proposed alterations and additions to the property as one development outcome the result will enhance the residential amenity and living comfort of the occupants.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Pittwater Local Environmental Plan 2014 (LEP 2014), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with Schedule 1 of The Environmental Planning and Assessment Regulation 2000 for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2014*. We are pleased to present this SoEE for dwelling alterations and additions which, once approved, will allow for an extension of this dwelling, which expands and improves upon the existing living spaces and outdoor areas, whilst also fulfilling and enhancing the overall residential amenity for the occupants.

2 The Subject Site and Locality

2.1 Description of site and surroundings

Details of the site are provided below. The location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. A Google street image of the property is included at **Figure 3**. The property is located in the Northern Beaches Council area. The site is improved with an existing two storey dwelling.

The Land Title and Survey of the property do not identify any easements. However, the property does have a shared driveway which provides access to the adjoining properties to the East, as shown on **Figure 2**.

Address	Title Details	Site Area	Site Frontage
225 Hudson Parade, Clareville NSW 2107	Lot 3, DP 519303	733.5 sqm (by title)	30.4 metres (approx.)



Figure 1: Site location (Source: Landchecker)



Figure 2: Site aerial (Source: Landchecker)



Figure 3: Google Street View

2.2 Summary environmental mapping constraints

In summary, the land is mapped with the following mapping constraints under the LEP:

- Floor Space Ratio: not applicable
- Building Height: 8.5 m
- Minimum Lot Size: 700 sq m
- Heritage: not applicable
- Biodiversity: Mapped as Terrestrial Biodiversity
- Geotechnical Hazards: Mapped as Geotechnical Hazard H1

2.3 Site zoning

The site is zoned under Pittwater Local Environmental Plan 2014 (LEP) as Zone C4 – Environmental Living.

2.4 Development history

A search of Council's records reveals the following:

Reference No.	Description of Works	Date Lodged / Determined
2783/79	Dwelling Extension	Approved 14/08/1979
A430/69	Dwelling	Approved 24/09/1969

3 The Proposed Development

3.1 Description of proposed development

At present the subject property is occupied by a two-storey dwelling house. The property owners are now proposing to undertake extensions and renovations, inclusive of extensive landscaping to enhance the visual appearance of the site, increase the living area available and improve their overall amenity and comfort on the site.

The architectural plans and landscape plans provided within this application demonstrate the comprehensive development outcome that is proposed for this property, which is anticipated to enhance the overall visual appearance of the site and within the immediate surrounding area.

3.2 Details of proposed development

3.2.1 Privacy, Views, Overshadowing, and Noise

When looking at the specific characteristics of the subject property, existing dwelling, surrounding land and the proposed development it is anticipated that there should be no adverse impediment resulting from the owners proposed plans to enhance their property.

When noting that views from a home can have considerable value to owners, consideration has been given to the four (4) general principles established through the judgement of *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* in relation to view sharing, and in turn privacy and overshadowing.

In no way does the proposed development take away the complete view of any adjacent property, particularly when noting existing conditions of neighbouring properties, the topography of the land and nature of the proposal.

Consideration has been given to land in each direction as follows.

- North – The property that adjoins the site to the North maintains an extensive bamboo screen, whilst the proposed alterations and additions should not create any additional bulk and form at the second floor which would impede on this rear adjacent site. The current rear setback is retained.
- East – The property to the East is located on land that is higher in its natural ground level than the subject site and therefore existing views towards the South and West are retained.
- South – Properties on the opposite side of Hudson Parade are lower than the subject site and therefore not at all impeded upon by the proposed development as they maintain direct water views.
- West – The property that adjoins the site to the West has recent development history and it is noted that this sits below the subject site in terms of ground levels. Therefore, the proposed development should have no impediment upon this lower property.

A shadow analysis is shown on DA-018 of the architectural plans.

3.2.2 Construction Management Plan

While a Construction Management Plan has not been prepared at present, it is anticipated that one would be developed in response to conditions of a consent. A Construction Management Plan would understandably be required before the issuing of a Construction Certificate.

3.2.3 Contamination

There is no recognised contamination on the subject property.

3.2.4 Demolition

The proposed alterations and additions incorporate demolition as illustrated on the architectural plans (DA-007 and DA-008). There has been no asbestos identified on the site. Demolition can be carried out in accordance with reasonable and relevant conditions of consent, inclusive of a detailed Construction Management Plan.

3.2.5 Schedule of Materials

The architectural plans include a schedule of materials (DA-017). The provided detail effectively conveys the intended color and form of the proposed alterations and additions. It is anticipated that the intended visual appearance and finish are clearly discernible on the plans and reflects the current appearance of the dwelling.

The existing dwelling is white in colour and consequently the proposed alterations and additions are intended to match this.

3.2.6 Trees and Vegetation

Peake Arboriculture conducted a pre-development consultation at 225 Hudson Parade, Clareville NSW 2107, assessing one tree in a neighboring property. The assessment included tree species, dimensions, tree protection zone (TPZ), structural root zone (SRZ), retention value, and overall health. Tree No. 1 (Refer to **Figure 4**), a *Corymbia maculata* (Spotted Gum), exhibited medium health with a lopped southern stem and some deadwood. Approximately 20% of Tree 1's TPZ extends into the subject site, with existing Astro Turf on a concrete slab within. Proposed construction at or above existing grade is unlikely to cause long-lasting detrimental impacts, but if structures occupy over 10% of the TPZ, tree-sensitive construction methods are recommended. The proposal development, inclusive of landscaping design and stormwater management have taken this TPZ into consideration and acceptable outcomes are anticipated to be achieved.

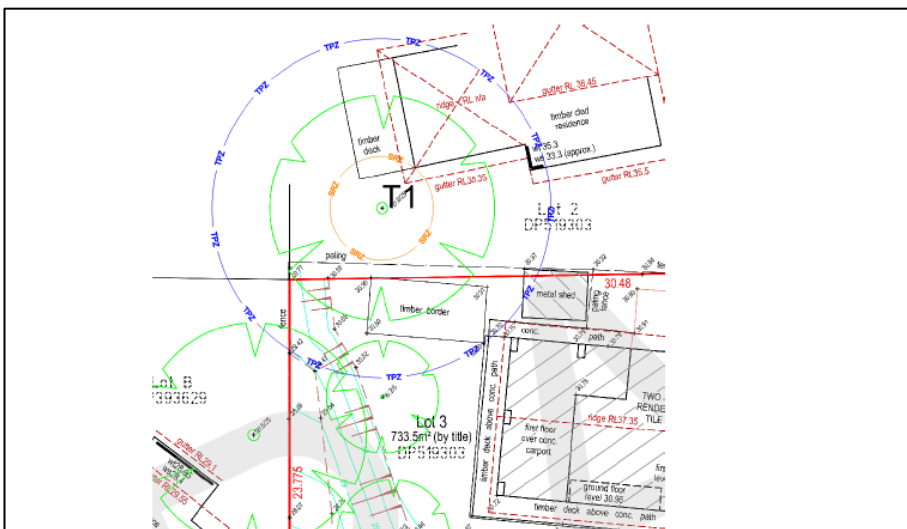


Figure 4 Extract from Arborist Report showing location of identified TPZ

Alongside the alterations and additions to the dwelling house the applicant is proposing extensive landscaping, as illustrated on the Landscape Concept Plans prepared by Serenesapes. This includes hard landscaping, soft landscaping and swimming pool which will enhance the overall visual appearance of the subject property and the immediate surrounding area.

3.2.8 Geotechnical Assessment

With reference to the Geotechnical Assessment Report prepared by AscentGeo the proposed development is deemed suitable for the site, with both existing conditions and the planned construction posing a low risk to property and suitable outcomes for the locality, provided that specific recommendations outlined in Table 6 of the Geotechnical Assessment Report are followed during the design and construction phases.

The recommendations made by AscentGeo cover various aspects including soil and rock excavation, vibration management, excavation support, retaining structures, footings, fills, sediment and erosion control, stormwater disposal, inspections, and compliance with local council conditions. Adherence to these recommendations aims to ensure safety, stability, and regulatory compliance throughout the development process.

4 Environmental Assessment

4.1 State Environmental Planning Policies


4.1.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004



The estimated cost of works proposed for the alterations and additions to the existing dwelling will exceed \$50,000. A BASIX Certificate for alterations/additions to the existing dwelling also accompanies this application. The accompanying plans reflect the BASIX certificate commitments in accordance with the requirements of this SEPP.


4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021


Chapter 2 Coastal Management

The subject site is situated in the coastal zone and is thus subject to the provisions of this Chapter.

Clause	Statement of Compliance
<p>Clause 2.7: Development on certain land within coastal wetlands and littoral rainforests area</p> <p><i>(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—</i></p> <p><i>(a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,</i></p> <p><i>(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,</i></p> <p><i>(c) the carrying out of any of the following—</i></p> <p><i>(i) earthworks (including the depositing of material on land),</i></p> <p><i>(ii) constructing a levee,</i></p> <p><i>(iii) draining the land,</i></p> <p><i>(iv) environmental protection works,</i></p> <p><i>(d) any other development.</i></p> <p><i>Note—</i></p> <p><i>Clause 2.14 provides that, for the avoidance of doubt, nothing in this Part—</i></p> <p><i>(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or</i></p> <p><i>(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.</i></p> <p><i>(2) Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.</i></p> <p><i>(3) Despite subsection (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in—</i></p> <p><i>(a) the relevant certified coastal management program, or</i></p> <p><i>(b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or</i></p>	<p>Not applicable – not mapped</p> 

<p>(c) a plan of management under Division 3.6 of the Crown Land Management Act 2016.</p> <p>(4) A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.</p> <p>(5) Nothing in this section requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.</p> <p>(6) This section does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.</p>	
<p>Clause 2.8: Development on land in proximity to coastal wetlands or littoral rainforest</p>	
<p>Note—</p> <p>The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.</p> <p>(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</p> <p>(2) This section does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.</p>	<p>Not applicable – not mapped</p> 
<p>Clause 2.9: Development on land within the coastal vulnerability area</p>	
<p>Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that—</p> <p>(a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</p> <p>(b) the proposed development—</p> <p>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and</p> <p>(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and</p> <p>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and</p> <p>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</p>	<p>Not applicable – not mapped</p> 
<p>Clause 2.10: Development on land within the coastal environment area</p>	
<p>(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—</p>	<p>Complies</p> <p>The property is partially mapped within the coastal Environment area.</p>

<p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(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,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p> <p>(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p>(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p>	 <p>The proposed development is not anticipated to have any adverse impacts on:</p> <ul style="list-style-type: none"> the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; coastal environmental values and natural coastal processes; the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014) or any sensitive coastal lakes; marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms; 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; Aboriginal cultural heritage, practices and places; The use of the surf zone. <p>The property is not located within the Sydney Harbour Catchment.</p>
<p>Clause 2.11: Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p>	<p>Complies</p> <p>The property is partially mapped within the coastal use area.</p>

<p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p> <p>(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</p>	 <p>The proposed development is not anticipated to have any adverse impacts on:</p> <ul style="list-style-type: none"> existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public (including persons with a disability); overshadowing, wind funnelling or loss of views from any public places to foreshores; the visual amenity and scenic qualities of the coast and coastal headlands; Aboriginal cultural heritage, practices and places; any cultural and built environmental heritage; the surrounding coastal and built environment having regard to the bulk, scale and size of the proposed development.
<p>Clause 2.12: Development in coastal zone generally—development not to increase risk of coastal hazards</p>	
<p><i>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.</i></p>	<p>The proposed development will not cause increased risk of coastal hazards on the subject property or any other land.</p>
<p>Clause 2.13: Development in coastal zone generally—coastal management programs to be considered</p>	
<p><i>Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.</i></p>	<p>The proposed development is not subject to any coastal management program or coastal zone management plan that applies to the land.</p>

Chapter 4 Remediation of land

Clause 4.6 of this SEPP provides that Council must not consent to the carrying out of development unless it has considered whether the land is contaminated and if so, it must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is to be carried out.

The site has no known historical use that would have resulted in contamination of the land. Under the circumstances, particularly as the site has been approved for residential purposes, it is submitted that there is no need for any further detailed contamination investigation/assessment.

4.2 Local Environmental Plan

4.2.1 Pittwater Local Environmental Plan 2014

Pittwater Local Environmental Plan 2014 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned C4 – Environmental Living. The Land Use Table for the zone is as follows:

2. Permitted without consent

Home businesses; Home occupations

3. Permitted with consent

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Environmental protection works; 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; Water recreation structures*

4. Prohibited

Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The subject Development Application to Council seeks approval for alterations and additions to the existing dwelling house. The proposal is permitted with the consent of Council.

The objectives of the Zone C4 – Environmental Living are as follows:

- *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 proposal is consistent with these objectives, in that:

- The alterations and additions meet the living needs of the residents and provides for improved amenity outcomes for the existing low density dwelling without adversely impacting the ecological, scientific or aesthetic value of the area.
- The proposal maintains the low density and scale of the site and local area, remaining well integrated into the local landscape and built form.
- The proposal improves the existing land use and should create no impediment upon the local environmental values.

Other Relevant Clauses

LEP Clause / Provision	Statement of Compliance												
<p>Clause 4.3: Height of buildings</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,</p> <p>(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,</p> <p>(c) to minimise any overshadowing of neighbouring properties,</p> <p>(d) to allow for the reasonable sharing of views,</p> <p>(e) to encourage buildings that are designed to respond sensitively to the natural topography,</p> <p>(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) Despite subclause (2), development on land—</p> <p>(a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and</p> <p>(b) that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map, may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.</p> <p>(2B) Despite subclause (2), development on land—</p> <p>(a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and</p> <p>(b) that has a maximum building height of 11 metres shown for that land on the Height of Buildings Map, may exceed a height of 11 metres, but not be more than 10.5 metres above the flood planning level.</p> <p>(2C) Despite subclause (2), development on an area of land shown in Column 1 of the table to this subclause and identified as such on the Height of Buildings Map, may exceed the maximum building height shown on the Height of Buildings Map for that land, if the height of the development is not greater than the height shown opposite that area in Column 2.</p> <table border="1" data-bbox="113 1321 1077 1680"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> </tr> <tr> <th>Area</th> <th>Maximum height above the flood planning level</th> </tr> </thead> <tbody> <tr> <td>Area 1</td> <td>11.5 metres</td> </tr> <tr> <td>Area 2</td> <td>8.5 metres on the street frontage and 10.5 metres at the rear</td> </tr> <tr> <td>Area 3</td> <td>8.5 metres</td> </tr> <tr> <td>Area 4</td> <td>7.0 metres</td> </tr> </tbody> </table> <p>(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—</p> <p>(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and</p> <p>(b) the objectives of this clause are achieved, and</p> <p>(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and</p> <p>(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.</p>	Column 1	Column 2	Area	Maximum height above the flood planning level	Area 1	11.5 metres	Area 2	8.5 metres on the street frontage and 10.5 metres at the rear	Area 3	8.5 metres	Area 4	7.0 metres	<p>Complies</p> <p>The property is mapped with a maximum building height allowance of 8.5m. Building height is measured from the existing ground level in accordance with the definition below.</p> <p>building height (or height of building) means—</p> <p>(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or</p> <p>(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,</p> <p>including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>The height of the proposed additions, alongside the existing dwelling form, does not exceed 8.5m as shown on the architectural plans.</p>
Column 1	Column 2												
Area	Maximum height above the flood planning level												
Area 1	11.5 metres												
Area 2	8.5 metres on the street frontage and 10.5 metres at the rear												
Area 3	8.5 metres												
Area 4	7.0 metres												

LEP Clause / Provision	Statement of Compliance												
<p>(2E) Despite subclause (2), development for the purposes of shop top housing on land identified as “Area 5” on the Height of Buildings Map may have a height of up to 10 metres if the top floor of the building is setback a minimum of 6 metres from the boundary to the primary street frontage.</p> <p>(2F) Despite subclause (2), development on land identified as “Area 6” on the Height of Buildings Map must not exceed 8.5 metres within the area that is 12.5 metres measured from the boundary of any property fronting Orchard Street, Macpherson Street, Warriewood Road or Garden Street.</p> <p>(2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker’s dwelling in Zone C4 Environmental Living or Zone RU2 Rural Landscape is 5.5 metres if the secondary dwelling or rural worker’s dwelling is separate from the principal dwelling.</p> <p>(2FB) Despite subclause (2), in the case of a dual occupancy (detached), the maximum height for the dwelling that is furthest back from the primary street frontage of the lot is 5.5 metres.</p> <p>(2G) In this clause—</p> <p>flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard determined by an adopted FRM plan, within the meaning of the Flood Risk Management Manual.</p> <p>Flood Risk Management Manual—see clause 5.21(5).</p>													
<p>Clause 7.1: Acid sulfate soils</p>													
<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</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> <table border="1" data-bbox="113 994 1077 1509"> <thead> <tr> <th data-bbox="113 994 279 1021">Class of land</th> <th data-bbox="279 994 1077 1021">Works</th> </tr> </thead> <tbody> <tr> <td data-bbox="113 1043 279 1070">1</td> <td data-bbox="279 1043 1077 1070">Any works.</td> </tr> <tr> <td data-bbox="113 1093 279 1120">2</td> <td data-bbox="279 1093 1077 1155">Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td data-bbox="113 1178 279 1205">3</td> <td data-bbox="279 1178 1077 1263">Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td> </tr> <tr> <td data-bbox="113 1285 279 1312">4</td> <td data-bbox="279 1285 1077 1370">Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td> </tr> <tr> <td data-bbox="113 1393 279 1420">5</td> <td data-bbox="279 1393 1077 1509">Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td> </tr> </tbody> </table> <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>(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—</p> <p>(a) 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</p> <p>(b) 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.</p> <p>(5) 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)—</p> <p>(a) 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,</p>	Class of land	Works	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	<p>Complies</p> <p>The property is mapped with Class 5 acid sulfate soils and is located less than 500m from land mapped as Class 4 Acid Sulfate Soils. However, the subject site is located at approximately 30m AHD and as such further preliminary assessment of the proposed works and preparation of an acid sulfate management plan is not required.</p>
Class of land	Works												
1	Any works.												
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.												
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.												
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.												
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.												

LEP Clause / Provision	Statement of Compliance
<p>(b) 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),</p> <p>(c) minor work, being work that costs less than \$20,000 (other than drainage work).</p> <p>(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—</p> <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>	
<p>Clause 7.2: Earthworks</p>	
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p> <p>(4) In this clause— environmentally sensitive area has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.</p>	<p>Complies</p> <p>It is not expected that the proposed works will result in any adverse impact on the local environmental functions and/or processes, neighbouring uses or features on surrounding land. All work can be carried out in accordance with reasonable and relevant conditions of consent and approved Construction Management Plan.</p>
<p>Clause 7.6: Biodiversity</p>	
<p>(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <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>Complies</p> <p>The subject property is mapped as containing terrestrial biodiversity. Proposed clearing is considered to be appropriate for the site and surrounding area, noting that the Landscape Plan include a detailing planting schedule which has been proposed through consideration of the site and surrounds.</p>

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<p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(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</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	
<p>Clause 7.7 Geotechnical Hazards</p>	
<p>(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—</p> <p>(a) matches the underlying geotechnical conditions of the land, and</p> <p>(b) is restricted on unsuitable land, and</p> <p>(c) does not endanger life or property.</p> <p>(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—</p> <p>(a) site layout, including access,</p> <p>(b) the development’s design and construction methods,</p> <p>(c) the amount of cut and fill that will be required for the development,</p> <p>(d) waste water management, stormwater and drainage across the land,</p> <p>(e) the geotechnical constraints of the site,</p> <p>(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless—</p> <p>(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</p> <p>(b) the consent authority is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</p> <p>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</p> <p>(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</p>	<p>Complies</p> <p>The property is mapped as Geotechnical Hazard H1. A geotechnical report prepared by AscentGeo accompanies this application.</p>
<p>Clause 7.10 Essential Services</p>	
<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>Complies</p> <p>All essential services are, and can be, provided to meet the needs of the dwelling.</p>

4.3 Development Control Plan

4.3.1 Pittwater 21 Development Control Plan

Pittwater 21 Development Control Plan applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan, being;

- Section B General Controls
 - B3 Hazard Controls
 - B4 Controls Relating to the Natural Environment
 - B5 Water Management
 - B6 Access and Parking
 - B8 Site Works Management
- Section C Development Type Controls
 - C1 Design Criteria for Residential Development
- Section D Locality Specific Development Controls
 - D3 Bilgola Locality.

DCP Clause / Provision	Statement of Compliance
Section B General Controls	
B3 Hazard Controls	
B3.1 Landslip Hazard	
<p><i>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</i></p>	<p>Complies</p> <p>The property is mapped as Geotechnical Hazard H1. The policy requires that a Geotechnical Report be prepared for all development on land identified as Geotechnical Hazard Zone H1 and H2 and, where excavation and/or filling is to take place (subject to specific criteria) for development on all land in the Pittwater LGA.</p> <p>A report has been prepared by a suitably qualified geotechnical consultant. The report is provided in Appendix G and concludes that the proposed development is appropriate for the site.</p>
<p><i>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</i></p>	<p>Complies</p> <p>The report provided in Appendix G establishes suitability of the proposed development.</p>
<p><i>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</i></p>	<p>Complies</p> <p>The report provided in Appendix G establishes suitability of the proposed development.</p>
B3.6 Contaminated Land and Potentially Contaminated Land	
<p><i>Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.</i></p> <p><i>In particular, Council shall consider:</i></p> <ul style="list-style-type: none"> • <i>whether the land is contaminated; and</i> • <i>if the land is contaminated, whether 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</i> 	<p>Complies</p> <p>It is understood that this subject property is not subject to any contamination from previous land uses.</p> <p>There is no identified presence of asbestos materials on the site.</p>

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<ul style="list-style-type: none"> if the land requires remediation, whether the land will be remediated before the land is used for that purpose. <p>Where a development would involve a change of use on land listed below, Council must consider a preliminary investigation report prepared in accordance with the contaminated land planning guidelines.</p> <p>The land concerned is land:-</p> <ul style="list-style-type: none"> on which development for a purpose referred to in the table below is being, or is known to have been, carried out; or on which it is proposed to carry out development for residential, educational, recreational or child care purposes, or for the purposes of a hospital, and there is no or incomplete knowledge as to whether development for a purpose referred to in the table below has been carried out, and on which it would have been lawful to carry out; or that is within an investigation area (as declared under Division 2 Part 3 of the Contaminated Land Management Act 1997). 	
<p>B4 Controls Relating to the Natural Environment</p> <p>Subject mapping is not publicly available. Council's development assessment officer advised on 18/11/2021 that the subject property is mapped as Category 1 and 2, spotted gum and is not mapped as a Wildlife Corridor. Requirements of B4.2 and B4.6 therefore do not apply.</p>	
<p>B4.1 Flora and Fauna Conservation Category 1 Land</p>	
<p>Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities.</p>	<p>Complies</p> <p>The proposed development will provide for a significant improvement to landscaping and will not have any direct negative effect on threatened species threatened species, endangered populations or endangered ecological communities.</p>
<p>Development shall retain and enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities.</p>	<p>Complies</p> <p>Landscaping and vegetation improvements to the property will enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities.</p>
<p>Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.</p>	<p>Complies</p> <p>Proposed landscaping provides for no net loss of canopy cover.</p>
<p>Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.</p>	<p>Complies</p> <p>An acceptable percentage of new plantings are native vegetation species as demonstrated in the accompanying landscape plan and schedule provided in Appendix C. Species selection and design has been undertaken by a suitably qualified landscape designer.</p>
<p>Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.</p>	<p>Noted</p>
<p>Fencing, where permitted, shall be passable by native wildlife.</p>	<p>Complies</p> <p>Proposed fencing/safety balustrade to the front of the property does not exceed 1m in height and is of a style/material that allows native animals to pass through.</p>
<p>B4.3 Flora and Fauna Habitat Enhancement Category 2 Land</p>	
<p>Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.</p>	<p>Complies</p>

DCP Clause / Provision	Statement of Compliance
	The proposed development will provide for a significant improvement to landscaping and will not have any direct negative effect on threatened species, endangered populations or endangered ecological communities.
<i>Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.</i>	Complies Landscaping and vegetation improvements to the property will enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities.
<i>Development shall not result in a significant onsite loss of canopy cover or a net loss in native canopy trees.</i>	Complies Proposed landscaping provides for no net loss of canopy cover.
<i>Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.</i>	Superseded by B4.1 requirements above
<i>Caretakers of domestic animals shall prevent them from entering bushland.</i>	Noted
<i>Fencing, where permitted, shall be passable by native wildlife.</i>	Complies Proposed fencing/safety balustrade to the front of the property does not exceed 1m in height and is of a style/material that allows native animals to pass through.
B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community	
<i>Development shall not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community.</i>	Complies It is anticipated that this proposal should have no impediment on the local Pittwater Spotted Gum Endangered Ecological Community. The proposed landscape outcomes for the subject property are inclusive of a suitable planting schedule (refer to Appendix C). It is noted that domestic animals should be prevented from entering wildlife areas. Proposed fencing to the front of the property does not exceed 1m in height and is of a style/material that allows native animals to climb. The accompanying landscape plan and planting schedule provided in Appendix C is considered to present acceptable outcomes for the site and surrounding area. Species selection and design has been undertaken by a suitably qualified landscape designer.
<i>Development shall restore and/or regenerate Pittwater Spotted Gum Endangered Ecological Community and provide links between remnants.</i>	
<i>Development shall be in accordance with any Pittwater Spotted Gum Forest Recovery Plan.</i>	
<i>Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.</i>	
<i>Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.</i>	
<i>Caretakers of domestic animals shall prevent them from entering wildlife habitat.</i>	
<i>Fencing shall allow the safe passage of native wildlife.</i>	
<i>Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community).</i>	
<i>Development shall ensure any landscaping works are outside areas of existing Pittwater Spotted Gum Endangered Ecological Community and do not include Environmental Weeds.</i>	
B4.22 Preservation of Trees and Bushland Vegetation	
<i>A Vegetation Clearing Permit is required for:</i> a) Removal or cutting down of any tree over five (5) metres in height; b) Pruning of more than ten percent (10%) of a tree canopy. c) The removal or cutting down of vegetation in "Bushland".	The proposed development incorporates extensive landscaping outcomes (refer to Appendix C), and as shown on the landscape plans there are two trees proposed to be removed. Appropriate compensatory and replacement planting is proposed. There is no impact on trees external to the site and the TPZ of the tree on adjacent land is not adversely impeded upon by the proposed outcome.
<i>When a DA required for clearing vegetation the following requirements apply:</i> <ul style="list-style-type: none">• 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.	

DCP Clause / Provision	Statement of Compliance
<ul style="list-style-type: none"> • <i>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> • <i>Development must also avoid any impact on trees on public land.</i> • <i>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> • <i>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>An Arborist Pre-Development Review is provided in Appendix E.</p>
B5 Water Management	
B5.13 Development on Waterfront Land	
<p><i>Any waterfront land (as defined in the Water Management Act 2000) on a the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions.</i></p> <p><i>Natural or artificially modified water courses cannot be diverted onto adjoining lands, filled, channelised and/or dammed.</i></p> <p><i>Waterfront land in a degraded state, should be restored and rehabilitated.</i></p> <p><i>Development within waterfront land shall incorporate appropriately sized riparian corridor zones into the design based on Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land (NSW Office of Water, July 2012).</i></p> <p><i>Development adjoining waterfront land is to be landscaped with local native plants.</i></p> <p><i>Council encourages the replacement of a piped stormwater system where appropriate with a restored watercourse with appropriate flow carrying capacity, wherever feasible.</i></p> <p><i>The piping or artificial channelling of natural watercourses and drainage channels is not permitted.</i></p> <p><i>A Water Management Plan with supporting documentation is to be submitted demonstrating the feasibility of the proposed watercourse works within the site.</i></p> <p><u><i>Structures Over and Adjacent to Easements, Piped Drainage System or Natural Watercourses</i></u></p> <p><i>No encroachments or low lying overhangs of the development are permitted over natural water courses. Structural support elements are not permitted within the cross sectional area of a natural watercourse. Structural support elements adjacent to a natural water course located on the development site or on adjacent lands must be founded on a stable foundation to the depth directed by a geotechnical engineer.</i></p>	<p>Complies</p> <p>The subject property is not directly adjacent to a body of water; however it is located nearby to waterfront land.</p> <p>It is expected that the proposed development should not result in any adverse impediment on the adjoining lands and waterbodies. Appropriate measures can be implemented during construction to manage sediment and erosion control.</p> <p>A Water Management Plan is not necessary as there are no works proposed within a watercourse.</p> <p>There is no encroachment over a natural watercourse.</p>
B5.15 Stormwater	
<p><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> <p><i>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with <u>Council's Water Management for Development Policy</u>.</i></p>	<p>Complies</p> <p>A stormwater concept plan prepared by an appropriately qualified consultant is provided in Appendix H and demonstrates that stormwater management and discharge will be of an amount and quality that is in accordance with Council's policy.</p> <p>It is anticipated that the proposed development should have no adverse stormwater runoff impacts on adjacent land and downstream environmental areas.</p>
Northern Beaches Council Water Management for Development Policy	

DCP Clause / Provision		Statement of Compliance														
<p>Table 5 – General Stormwater Quality Requirements</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Performance Requirements</th> </tr> </thead> <tbody> <tr> <td>Total Phosphorous</td> <td>65% reduction in the post development mean annual load¹</td> </tr> <tr> <td>Total Nitrogen</td> <td>45% reduction in the post development mean annual load¹</td> </tr> <tr> <td>Total Suspended Solids</td> <td>85% reduction in the post development mean annual load¹</td> </tr> <tr> <td>Gross Pollutants</td> <td>90% reduction in the post development mean annual load¹ (for pollutants greater than 5mm in diameter)</td> </tr> <tr> <td>pH</td> <td>6.5 - 8.5</td> </tr> <tr> <td>Hydrology</td> <td>The post-development peak discharge must not exceed the pre-development peak discharge for flows up to the 50% AEP</td> </tr> </tbody> </table> <p>¹The percentage reduction in the post development mean annual loads are relative to the loads from the proposed development without treatment applied.</p>		Pollutant	Performance Requirements	Total Phosphorous	65% reduction in the post development mean annual load ¹	Total Nitrogen	45% reduction in the post development mean annual load ¹	Total Suspended Solids	85% reduction in the post development mean annual load ¹	Gross Pollutants	90% reduction in the post development mean annual load ¹ (for pollutants greater than 5mm in diameter)	pH	6.5 - 8.5	Hydrology	The post-development peak discharge must not exceed the pre-development peak discharge for flows up to the 50% AEP	<p>Complies</p> <p>See accompanying stormwater management plan in Appendix H.</p>
Pollutant	Performance Requirements															
Total Phosphorous	65% reduction in the post development mean annual load ¹															
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<p>B6 Access and Parking</p>																
<p>B6.1 Access Driveways and Works on the Public Road Reserve</p>																
<p><u>General Requirements</u></p> <p>An Access Driveway to the standards as set out below must be provided for: any new development;</p> <ul style="list-style-type: none"> any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m²; and where additional car parking spaces and/or garages are proposed. <p>Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate compliance with this control.</p>		<p>Can Comply</p> <p>It is noted that alterations are proposed to be made to the existing driveway in order to accommodate the proposed landscaping. Works can be undertaken to achieve compliance with the relevant standards and profiles.</p>														
<p><u>Access Driveway Design</u></p> <p>The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards:</p> <ul style="list-style-type: none"> Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking. Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control. 		<p>Can Comply</p>														
<p><u>Number of Access Driveways per Allotment</u></p> <p>The number of permissible Access Driveways to an allotment is as follows:</p> <ul style="list-style-type: none"> where the frontage of an allotment to a local public road is less than 30m, one only access driveway. where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit. where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints. Council, under the Local Government Act 1993, may direct as to which frontage access is to be gained where traffic safety issues are a consideration. 		<p>Complies</p> <p>The property has one access driveway</p>														
<p><u>Shared Driveways and Access Driveways located in front of adjoining properties</u></p> <p>Shared Access Driveways shared between adjoining private properties and Access Driveways located in front of adjoining properties will be considered on merit, based on Council's consideration of the site constraints.</p>		<p>There is an existing shared access that provides for the subject property and properties to the East.</p>														
<p><u>Access Driveway Location</u></p> <p>Access Driveways shall be designed and located to provide adequate sight distance to</p>		<p>Complies</p>														

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<p><i>maximise pedestrian and vehicular safety as follows:</i></p> <ul style="list-style-type: none"> <i>minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and</i> <i>minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary.</i> <p><i>For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb.</i></p> <p><i>For corner allotments adjacent to traffic signals, the location of the Access Driveway will be subject to the approval of the Roads and Maritime Services as the authority responsible for traffic signal facilities.</i></p> <p><i>For developments in commercial centres where separate entry/exit vehicular access is required, access driveways for entry and exit are to be separated by a minimum distance of 2 metres.</i></p> <p><i>The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.</i></p>	<p>Access driveway location is existing and not proposed to change. It is considered suitable for the subject property.</p>
<p><u><i>Access Driveway Profile and Gradient</i></u></p> <p><i>Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles.</i></p> <p><i>Access Driveway Construction and Finishes</i></p> <p><i>All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.</i></p> <p><i>Gutter crossings are to be in plain concrete.</i></p> <p><i>Access Driveways are to be in plain concrete. Cosmetic Access Driveways on a public road reserve are not permitted.</i></p> <p><i>Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition.</i></p> <p><i>The Access Driveway is to be structurally adequate for its intended use.</i></p> <p><i>Suspended driveways must not use the existing road structure for support.</i></p>	<p>Can Comply</p> <p>The alterations proposed for the existing access driveway are considered to be appropriate in enhancing the efficiency of this access for the site and adjacent properties. Works can be undertaken in a manner that is suitable for the characteristics of the site and relevant construction standards, whilst also recognising that the existing driveways sets the precedent for a suitable outcome.</p>
<p>B6.2 Internal Driveways</p>	
<p><u><i>Internal Driveway Profiles</i></u></p> <p><i>Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.</i></p> <p><i>For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length.</i></p> <p><i>Provision is to be made for vehicles to enter and leave the site in a forward direction, where:</i></p> <ul style="list-style-type: none"> <i>the internal driveway grade exceeds 1:4 (V:H);</i> 	<p>Complies</p> <p>Proposed amendments to the existing driveway result in a gradient of approx. 1:6 which is appropriate for the site when recognising the presence of the existing driveway.</p>

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<ul style="list-style-type: none"> the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre); driveways are more than 30m in length; and the driveway enters onto a classified road. 							
<p><u>Internal Driveway Stormwater Drainage</u></p> <p>Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system and to maximise stormwater discharge into adjacent landscape areas by the use of grass swales and soakage pits.</p>	<p>Complies</p> <p>See accompanying stormwater management plan in Appendix H.</p>						
<p><u>Internal Driveway Construction/Finishes</u></p> <p>Internal Driveways shall have a stable surface for all weather construction.</p> <p>Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.</p>	<p>Complies</p> <p>Existing internal driveway in concrete. All changes/amendment proposed to be undertaken to be provided with a concrete surface to tie in with the existing.</p>						
<p><u>Driveway width for dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.</u></p> <p>The Internal Driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows:</p> <ul style="list-style-type: none"> Single Dwelling: 3.0 metres minimum. Dual Occupancy: 3.0 metres minimum. Combined driveway for more than 2 dwellings: 3.0 metres minimum except where the driveway length exceeds 40 metres, a passing bay to an overall minimum width of 5.0 metres for a length of 10 metres with suitable transitions to the adjacent narrow driveway. 	<p>Complies</p> <p>The changes to the driveway allow for more than the minimum 3m width.</p>						
<p>B6.3 Off-Street Vehicle Parking Requirements</p>							
<p>The minimum number of vehicle parking spaces to be provided for off-street parking is as follows :</p> <ul style="list-style-type: none"> 2 bedrooms or more; 2 spaces 	<p>Complies</p> <p>The proposed alterations provide for not less than 2 carparking spaces, 1 within the proposed garage and an external visitor carparking space adjoining the driveway. The open space adjoining the driveway will only be for use of visitors.</p> <p>The proposed changes to carparking arrangements provide for a substantial improvement to the current carparking provisions on-site.</p>						
<p>Minimum dimensions of internal space for on-site parking are:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;">Single car parking spaces on hard stand and Single Carport</td> <td>2.4 metre x 5.5 metre with 0.3m minimum clear space each side for access to doors</td> </tr> <tr> <td>Enclosed garage(internal dimension)</td> <td>3.0 metre x 6.0 metre, with 2.4 metre minimum width entry</td> </tr> <tr> <td>Multiple side by side carport and enclosed garage(internal dimension)</td> <td>5.7 metre x 6.0 metre for 2 adjacent vehicles + 2 metre width for each additional vehicle with, 2.4 metre minimum width entry per vehicle space</td> </tr> </table>	Single car parking spaces on hard stand and Single Carport	2.4 metre x 5.5 metre with 0.3m minimum clear space each side for access to doors	Enclosed garage(internal dimension)	3.0 metre x 6.0 metre, with 2.4 metre minimum width entry	Multiple side by side carport and enclosed garage(internal dimension)	5.7 metre x 6.0 metre for 2 adjacent vehicles + 2 metre width for each additional vehicle with, 2.4 metre minimum width entry per vehicle space	<p>Complies</p> <p>Car parking spaces provided exceed the minimum dimensions detailed by this control.</p>
Single car parking spaces on hard stand and Single Carport	2.4 metre x 5.5 metre with 0.3m minimum clear space each side for access to doors						
Enclosed garage(internal dimension)	3.0 metre x 6.0 metre, with 2.4 metre minimum width entry						
Multiple side by side carport and enclosed garage(internal dimension)	5.7 metre x 6.0 metre for 2 adjacent vehicles + 2 metre width for each additional vehicle with, 2.4 metre minimum width entry per vehicle space						
<p><u>Bicycle Storage</u></p> <p>For residential development (other than a dwelling house, dual occupancy, secondary dwellings, exhibition homes and rural workers' dwellings), secure bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 3 dwellings.</p>	<p>Complies</p> <p>There is ample space available to accommodate bicycles in associated with this dwelling.</p>						
<p>B6.7 Transport and Traffic Management</p>							
<p><u>Transport and Traffic Planning</u></p> <p>Where development generates pedestrian, cyclist, traffic and transport requirements in excess of the capacity of the existing road and transport network, the capacity of the</p>	<p>Complies</p>						

DCP Clause / Provision	Statement of Compliance
<p><i>surrounding public infrastructure and transport network is required to be upgraded to at least match the additional demands generated by the development.</i></p> <p><i>Any improvement works external to the development site, required to ensure the development complies with this control, must be provided as part of the development at the full cost to the applicant.</i></p> <p><i>All traffic assessments are to be undertaken in accordance with the Roads and Maritime Services Guidelines for Traffic Generating Developments or similar guidelines.</i></p> <p><i>All proposed traffic facilities must comply with the Roads and Maritime Services and/or relevant Australian Standards.</i></p> <p><i>An assessment of the impact of traffic generated by the proposed development on the local street system must be undertaken.</i></p> <p><i>Adequate vehicular entrances to and exits from the site are to be provided so that vehicles using those entrances and exits will not endanger persons using adjoining roads.</i></p> <p><i>Adequate space is to be provided within the site of the building or development for the loading, unloading or fueling of vehicles, and for the picking up and setting down of passengers.</i></p>	<p>The proposed changes to this dwelling are not anticipated to increase or change the demand placed on the existing road and transport network.</p> <p>It is not considered necessary to undertake a traffic assessment for alterations and additions to an existing dwelling.</p> <p>Adequate space will remain available on the site to set down and pick up passengers if and when required.</p> <p>This proposal is not anticipated to create any adverse or unsafe traffic management issues.</p>
B8 Site Works Management	
B8.1 Construction and Demolition – Excavation and Landfill	
<p><i>Excavation and landfill on any site that includes the following:</i></p> <ul style="list-style-type: none"> • <i>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</i> • <i>Any excavation greater than 1.5 metres deep below the existing surface;</i> • <i>Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;</i> • <i>Any landfill greater than 1.0 metres in height; and/or</i> • <i>Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</i> <p><i>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.</i></p>	<p>Complies</p> <p>A report has been prepared by a suitably qualified geotechnical consultant in accordance with the requirements of Part 6.5 Geotechnical Report to Support Development Application of Council's Geotechnical Risk Management Policy for Pittwater. The report is provided in Appendix G.</p> <p>Construction details from a suitably qualified engineer will be provided accompanying the Construction Certificate application.</p> <p>It would be expected that a suitable Construction Management Plan would be put in place prior to construction works commencing.</p>
B8.3 Construction and Demolition - Waste Minimisation	
<p><i>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</i></p>	<p>Complies</p> <p>A Waste Management Plan is provided in Appendix F.</p>
B8.4 Construction and Demolition - Site Fencing and Security	
<p><i>All sites are to be protected by site fencing for the duration of the works.</i></p> <p><i>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act 1993.</i></p>	<p>Can Comply</p> <p>The licensed builder responsible for undertaking the works will secure the site as required.</p> <p>It would be expected that a suitable Construction Management Plan would be put in place prior to construction works commencing.</p>
B8.5 Construction and Demolition - Works in the Public Domain	
<p><i>All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.</i></p>	<p>Noted</p>

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	Appropriate arrangements will be undertaken before, and during construction.
<i>All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.</i>	Noted Appropriate arrangements will be undertaken before, and during construction.
<i>All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.</i>	Noted Appropriate arrangements will be undertaken before, and during construction.
B8.6 Construction and Demolition – Traffic Management Plan	
<i>For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.</i>	Can Comply It is not expected that the carrying out of the proposed construction works should result in any adverse nuisance to adjoining residents.
<i>All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.</i>	It would be expected that a suitable Construction Management Plan would be put in place prior to construction works commencing.
Section C Development Type Controls	
C1 Design Criteria for Residential Development	
C1.1 Landscaping	
<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>	Complies The proposed landscape plan (refer Appendix C) is considered to appropriately address the landscaping requirements for the site and local area. A significant portion of the proposed alterations and additions to this existing dwelling pertain to improving the external areas and landscaping, facilitating the residential environment that is desired by the owners. The landscaping proposing is reflective of the area and scale of the dwelling on the site.
<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>	Complies
<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>	Complies
<i>The following soil depths are required in order to be counted as landscaping:</i> <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1 metre for trees 	Complies
<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"> • A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, • 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and • 50% for all other forms of residential development. 	Complies The landscape plan shows 64.55% landscaping forward of the dwelling.



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<i>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</i>	Complies
<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>	Complies
<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>	Complies
<i>Noxious and undesirable plants must be removed from the site (www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds)</i>	Can Comply
C1.2 Safety and Security	
<p><u>1. Surveillance</u> <i>Building design should allow visitors who approach the front door to be seen without the need to open the door.</i></p> <p><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></p> <p><i>Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</i></p> <p><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></p> <p><i>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</i></p> <p><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></p> <p><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>	<p>Complies</p> <p>When considering the nature of the land use and proposed alterations and additions, it is anticipated that the outcome is consistent with achieving suitable surveillance opportunities.</p>
<p><u>2. Access Control</u> <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> <p><i>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</i></p> <p><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></p> <p><i>The street number of the property is to be clearly identifiable.</i></p> <p><i>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</i></p>	<p>Complies</p> <p>The entrance to this dwelling is, and will remain, clearly visible from the street.</p> <p>The property address will continue to be easily identifiable and access is not intended to be impeded by landscaping or other restrictions.</p>

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<p><u>3. Territorial reinforcement</u></p> <p><i>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</i></p>	<p>Complies</p> <p>Entry to the site is clearly identified through the presence of the driveway. The topography and street front of the site does not allow for any specific walkway or separate pedestrian entry, however there are a set of stairs incorporated into the landscaping which allow for resident access.</p>
C1.3 View Sharing	
<p><i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i></p>	<p>Complies</p> <p>The proposed changes to this existing land use are not anticipated to impede upon the ability of surrounding properties to maintain appropriate current views.</p>
<p><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></p>	<p>Complies</p> <p>It is expected that view sharing will be appropriately maintained and achieved through this proposal.</p>
<p><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></p>	<p>it is not expected that this proposed development is going to obstruct any view in an adverse way, noting the location of adjacent properties and topography of the surrounding land.</p>
<p><i>Views are not to be obtained at the expense of native vegetation.</i></p>	<p>Complies</p> <p>No clearing of vegetation to enhance views is proposed as part of this development. Two trees are proposed to be removed for the benefit of incorporating landscaping outcomes as outlined by the Landscape plan (refer Appendix C)</p>
C1.4 Solar Access	
<p><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></p>	<p>Complies</p> <p>It is expected that the proposed alterations and additions to this dwelling should results in appropriate access to natural light between the hours of 9am to 3pm.</p>
<p><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></p>	
<p><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></p>	
<p><i>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</i></p>	
<p><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>	
C1.5 Visual Privacy	
<p><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></p>	<p>Complies</p> <p>When considering the topography of the land surrounding the subject property it is noted that suitable levels of privacy should be maintained for residents and adjacent properties. Landscaping outcome, existing and proposed, contribute to maintaining privacy.</p>
<p><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></p>	<p>Complies</p> <p>There is an existing balcony which is to be improved through this development. No privacy screens are proposed to be incorporated at this time. it is submitted that the proposed deck does not result in</p>

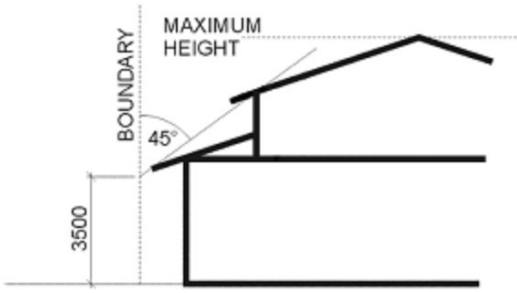
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	any significant adverse privacy outcomes to the adjoining dwelling to the West.
<p><i>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</i></p> <ul style="list-style-type: none"> • <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> • <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> 	Complies
C1.6 Acoustic Privacy	
<p><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></p>	<p>Complies</p> <p>Bedrooms are predominantly proposed to be located on the ground floor and within the existing portion of the dwelling separated from proposed living areas and private open space.</p>
<p><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></p>	<p>Complies</p> <p>Pump and filtration system to service the proposed pool will be located in a suitable enclosure preventing noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p>
C1.7 Private Open Space	
<p><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></p>	<p>Complies</p> <p>The dwelling will continue to maintain a private open space area that is in excess of the minimum 80m² required.</p>
<p><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></p>	Complies
<p><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></p>	<p>Complies</p> <p>When considering the proposed development and existing layout of the dwelling it is noted that the proposed additions do allow for outdoors areas to function as an extension of internal living areas.</p>
<p><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 sunlight throughout the year (see Solar Access).</i></p>	<p>Complies</p> <p>It is suggested that there is good solar orientation to the private open space, and also important to note that this area is provided in response to the existing siting of the dwelling and use areas.</p>
<p><i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i></p>	<p>Partially Complies</p> <p>The positioning of the existing dwelling to the rear of the site prevents the entirety of the POS area from being located at the rear of the property. Portions are therefore located at the front and side of the dwelling but will be appropriately screened in accordance with the below control.</p>
<p><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></p>	<p>Complies</p> <p>Proposed swimming pool and POS to the front and side of the dwelling will be screened by landscape</p>

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	plantings for the privacy of the occupants. Existing height difference and retaining walls along the street frontage also contribute towards acceptable outcomes.
<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>	Complies Proposed deck to the front and side of the dwelling off the living area is calculated as part of the POS and has a width exceeding 2.4m. Overlooking to adjoining property to the West is limited noting the positioning of the dwelling at an angle and using landscaping.
<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>	Complies Clothes drying facilities are provided in the POS at the rear of the dwelling.
<i>An accessible and usable area for composting facilities within the ground level private open space is required.</i>	Complies Area suitable for composting facilities are provided in the POS at the rear of the dwelling.
C1.12 Waste and Recycling Facilities	
<i>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</i>	Complies A Waste Management Plan is provided in Appendix F .
C1.15 Storage Facilities	
A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Complies It is noted that there is more than enough storage capacity available on the site to accommodate the needs of residents.
C1.17 Swimming Pool Safety	
Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations . The fencing and warning notices (resuscitation chart) shall be permanent structures.	Can Comply It is expected that this provision will be complied with through the construction of the proposed swimming pool. Fencing and notices will be maintained in accordance with requirements.
Section D Locality Specific Development Controls	
D3 Bigola Locality	
D3.1 Character as viewed from a public place	
<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>	Complies There is no blank street frontage façade in this design. The design of this dwelling is intended to make the most of the dwelling's location and view lines out from the front of the dwelling. The proposed design provides for an appropriate level of visual interest which does not detract from, but rather enhances the character of the original dwelling within this location.
<i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i>	Complies The design utilises the existing dwelling footprint. Whilst fronting the street with a length more than 8m it is noted that there is enough visual interest and articulation to achieve a suitable outcome, also reflecting the existing appearance of the dwelling to the frontage.

DCP Clause / Provision	Statement of Compliance
<p><i>Any building facade to a public place must incorporate at least two of the following design features:</i></p> <ul style="list-style-type: none"> • <i>entry feature or portico;</i> • <i>awnings or other features over windows;</i> • <i>verandahs, balconies or window box treatment to any first floor element;</i> • <i>recessing or projecting architectural elements;</i> • <i>open, deep verandahs; or</i> • <i>verandahs, pergolas or similar features above garage doors.</i> 	<p>Complies</p> <p>The proposed design incorporates a verandah (existing) and deep balcony (proposed) to the first floor on the front façade. Proposed new large feature front door with sidelights on either side also create a feature of the entry to the dwelling.</p>
<p><i>The bulk and scale of buildings must be minimised.</i></p>	<p>Complies</p> <p>The bulk of the additions proposed for this dwelling is considered to be appropriate for the site and locality.</p>
<p><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></p>	<p>Complies</p> <p>Carparking areas will not be the dominant site feature of the property when viewed from the street.</p> <p>The proposed garage is setback inline with the front building line of the dwelling.</p> <p>An open hardstand carparking space is provided just to the front of the dwelling and will be significantly screened from view by landscaping and existing retaining walls located along the road reserve.</p>
<p><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 appearance of being secondary to landscaping and vegetation.</i></p>	<p>Complies</p> <p>Landscaping of the development has been designed by an appropriately qualified and experienced designer. As detailed in the plans in Appendix C, the landscaping provides for substantial vegetation to the front boundary including canopy trees and vegetation of varying heights that will substantially screen the dwelling particularly when viewed from a distance.</p> <p>Due to the height of retaining walls along the road reserve the dwelling is not generally visible from the street frontage. The increase in plantings will further reduce the dwelling's visibility.</p>
<p><i>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</i></p>	<p>Complies</p> <p>Telecommunication equipment will be kept minimal and screened from view on the rear side of the dwelling.</p>
<p><i>General service facilities must be located underground.</i></p> <p><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></p>	<p>Complies</p> <p>Services will be located underground and on rear roof/building facades.</p>
<p>D3.2 Scenic protection – General</p>	
<p><i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i></p>	<p>Complies</p> <p>When considering the subject property and locality it is anticipated that the proposed development should not create any visual impact on the natural environment.</p>
<p>D3.3 Building colours and materials</p>	
<p><i>External colours and materials shall be dark and earthy tones as shown below:</i></p>	<p>Variation Sought</p> <p>The existing dwelling is white, and the proposed alterations and additions include the retention of existing building colours and similar building materials.</p>

DCP Clause / Provision	Statement of Compliance
 <p>Black ✓ Dark grey ✓ Dark green ✓</p> <p>Dark brown ✓ Mid grey ✓ Green ✓</p> <p>Brown ✓ Dark blue ✓</p> <p>White, light coloured, red or orange roofs and walls are not permitted:</p>  <p>White ✗ Light blue ✗ Red ✗</p> <p>Orange ✗ Light grey ✗ Beige ✗</p>	
<p><i>Finishes are to be of a low reflectivity.</i></p>	<p>Can Comply</p> <p>All existing and proposed finishes will be of low-reflectivity.</p>
<p>D3.6 Front building line</p>	
<p><i>The minimum front building line shall be in accordance with the following table.</i></p> <ul style="list-style-type: none"> - 10m or established building line (whichever is greater) in land zoned E4 	<p>Complies</p> <p>The proposed additions to the existing dwelling, living area addition and garage addition comply with the existing established front building line of the dwelling.</p>
<p><i>Built structures other than driveways, fences and retaining walls are not permitted within the front building setback.</i></p>	<p>Variation sought</p> <p>A variation of this control is sought for the proposed pool, which is located forward of the dwelling into front boundary setback. This is however considered appropriate when looking at the existing positioning of the dwelling and characteristics of the site and location. It is also considered important to preserve the topographic features of the site as much as possible.</p> <p>The location and design of the proposed pool and landscaping has been carefully considered with regard to the objectives of this control:</p> <ul style="list-style-type: none"> • <i>Achieve the desired future character of the Locality.</i> • <i>Equitable preservation of views and vistas to and/or from public/private places.</i> • <i>The amenity of residential development adjoining a main road is maintained.</i> • <i>Vegetation is retained and enhanced to visually reduce the built form.</i> • <i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</i> • <i>To encourage attractive street frontages and improve pedestrian amenity.</i> • <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i>

DCP Clause / Provision	Statement of Compliance
	<p>Location of the proposed pool has been selected based on thorough consideration of the site and its context in the immediate area.</p> <p>The location away from property boundaries also provides for protection of neighbours amenity. Having the pool located further from adjoining dwellings reduces the chance of any adverse impacts on neighbours such as noise from children utilising the pool. Adjoining dwelling to the west is oriented with windows directed towards the NW corner of the subject property.</p> <p>The difference in height between the street and the proposed pool location is significant. The pool will not be visible from street level or by dwellings located on the opposite side of Hudson Parade. Vegetation screening to the front of the property will also further prevent the pool from being visible within the front setback.</p> <p>Visibility of the pool from both upstairs and downstairs living areas, verandah and deck also provides for improved pool safety, providing for good passive surveillance of the swimming pool without resulting in overlooking into neighbouring properties.</p> <p>It is submitted that the outcomes from the proposed variation of this control are more beneficial than if the swimming pool was located behind the building line noting the complexities of the site.</p>
<p>D3.7 Side and rear building line</p>	
<p><i>The minimum side and rear building line for built structures including pools and parking structures other than driveways, fences and retaining walls, shall be in accordance with the following table:</i></p> <ul style="list-style-type: none"> - Land zoned E4 – Environmental Living (other than 'visual protection zone), 2.5 at least to one side; 1.0 for other side and to 6.5 rear 	<p>Partially Complies</p> <p>The proposed additions to either side of the existing dwelling comply with the side boundary setback controls.</p> <p>Variation of the proposed rear boundary setback of dwelling additions to be less than 6.5m is sought and justified below.</p>
<p><u>Variations</u></p> <p><i>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.</i></p>	<p>Complies</p> <p>The existing dwelling is located at an angle across the block with an existing rear setback that is less than 6.5m. Keeping the proposed additions in line with the existing dwelling retains the rear setback.</p> <p>Maintaining the existing alignment of the rear wall of the dwelling through the dwelling additions allows for functional integration between existing dwelling and the proposed additions.</p> <p>The reduced rear setback is consistent with the existing character of the area and established setbacks. Maintaining this rear setback and overall footprint of the dwelling allows for an outcome that is consistent with the property and adjacent land, whilst facilitating an enhancement of the visual appropriateness and amenity of the site.</p> <p>Detail in the proposed design allows for the privacy of adjoining properties to not be adversely impacted. This includes orientating noise sources such as pool and deck/outdoor entertaining areas to the front of</p>

DCP Clause / Provision	Statement of Compliance
	<p>the property not the rear, which is consistent with the current use of the property.</p> <p>There is existing bamboo screening within the adjoining property to the rear of the site which already blocks resident views in that direction.</p> <p>The height of proposed additions is appropriate, and the addition is otherwise contained within the existing building envelope. There is a setback of more than the minimum required 2.5m provided to Western boundary so that views from the deck of property to the rear looking southwest are retained.</p>
<p>D3.9 Building envelope</p>	
<p><i>Buildings are to be sited within the following envelope:</i></p>  <p style="text-align: center;">STREET FRONTAGE</p> <p><i>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).</i></p> <p>Variations</p> <p><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></p> <p><i>Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</i></p>	<p>Complies</p> <p>Proposed dwelling additions are contained within the building envelope as demonstrated by the accompanying plans in Appendix B.</p>
<p>D3.11 Landscaped Area - Environmentally Sensitive Land</p>	
<p><i>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</i></p>	<p>Complies</p> <p>The landscape plan identifies that 60.34% of the site is proposed to be landscape area.</p>
<p>D3.12 Fences – General</p>	
<p><i>a. Front fences and side fences (within the front building setback)</i></p> <p><i>Front fences and side fences (within the front building setback) shall:</i></p> <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><i>Fences are to be constructed of open, see-through, dark-coloured materials.</i></p> <p><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></p> <p><i>Original stone fences or stone fence posts shall be conserved.</i></p>	<p>Complies</p> <p>Other than a 1m high open timber post and rail safety balustrade with stainless steel wire (refer to Landscape Plan in Appendix C) there is no front fencing. Existing side fencing will be retained.</p>

DCP Clause / Provision	Statement of Compliance
<p><i>b. Rear fences and side fences (to the front building line)</i></p> <p><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>	Rear fence is to be retained.
D3.14 Construction, Retaining walls, terracing and undercroft areas	
<p><i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i></p> <p><i>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</i></p> <p><i>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</i></p> <p><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>	<p>Complies</p> <p>Suitable materials and construction methodology are allowed for in order to address the characteristics of the site and environmental values of the local area.</p> <p>Sandstone boulder walls are incorporated into the landscape plans.</p>

4.4 Section 4.15 Considerations

4.4.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall the development is considered an appropriate usage of the site.

4.4.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will have a positive effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives

4.4.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iia) – Has consideration been given to all relevant provisions of 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?	N/A

Matters for Consideration	Considered?
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for alterations and additions to the existing dwelling at 225 Hudson Parade, Clareville.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2014*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- The alterations and additions fulfill the residents' living requirements whilst enhancing the overall comfort of the existing low-density dwelling, without causing any negative effects on the ecological, or aesthetic significance of the area.
- The plan ensures that the site and surrounding area maintain their low-density character and scale, seamlessly blending into the local landscape and built environment.
- The proposal enhances the current land use without posing any potential impediment to local environmental values or other residential land uses.

We are pleased to present this SoEE for alterations and additions to the existing dwelling, which, once approved, will allow for an extension of this dwelling, which expands and improves upon the existing living spaces, whilst also fulfilling and enhancing the overall residential amenity for the occupants.

5.1 Recommendation

Under all the circumstances of the case, the proposed alterations and additions to this existing dwelling house are therefore recommended to Council for favourable consideration.

Appendix A. Site Survey

Appendix B. Architectural Plans

Appendix C. Landscape Plans

Appendix D. BASIX Certificate

Appendix E. Arborist Pre-Development Review

Appendix F. Waste Management Report

Appendix G. Geotechnical Report

Appendix H. Stormwater Management Plan