

**Four Towns
Planning**

Planning and property consultant

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition of existing dwelling
house, subdivision into (2)
Torrens Title lots and the
construction of a new dwelling
house on each new lot including
a swimming pool and associated
landscaping works**

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Demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works
120 Prince Alfred Parade, Newport

This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

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11 February 2022

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for the demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works at 120 Prince Alfred Road, Newport, been Lot 34 in Deposited Plan 13457, Lot 35 in Deposited Plan 13457, Lot B in Deposited Plan 391307, Lot 9 in Deposited Plan 752046 and Licence 190387.

This report has been prepared following instructions from the client Ella and Luke Miles. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2000;
- Relevant State Environmental Planning Policies;
- Pittwater Local Environmental Plan 2014 (PLEP 2014);
- Pittwater Development Control Plan 21 (PDCP21);
- Survey Plan prepared by DP Surveying;
- QS Report prepared by Property and Building Assessments Pty Ltd;
- Architectural Plans prepared by Corben Architects;
- Landscape Plan prepared by Andrew Davies Landscape Designer;
- Civil Engineering Plans prepared by Taylors Consulting;
- Flood Impact Assessment prepared by Taylors Consulting;
- Geotechnical Assessment prepared by White Geotechnical Group;
- Acid Sulfate Management Plan prepared by White Geotechnical Group;
- Arboricultural Impact Assessment prepared by MS Consulting;
- Waste Management Plan prepared by Corben Architects;
- Letter from Michael Chapman;
- BASIX Certificate prepared by DHW Design;
- Photomontage.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's PDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being the demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works is permissible with development consent and is consistent with the relevant statutory planning instruments including Pittwater Local Environmental Plan 2014 and relevant planning policies of Pittwater Development Control Plan 21.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

1.2 Background Information

The site is not the subject of any recent Development Applications to Northern Beaches Council. The proposal was the subject of a pre-lodgement meeting with Northern Beaches Council PLM2021/0314 held on 2 December 2021.

The following comments are made in relation to the notes provided by Council:

2.5 Additional permitted uses for particular land – Schedule 1 - 23 Use of certain land in Zone W1 Natural Waterways

Whilst the proposal does not physically alter the existing boat shed in the north eastern portion of the existing site, the process of subdivision will bring into question its ownership and subsequently the issue of permissibility as it partially resides on Crown Land. Please refer to the subheading 'Property' under the Specialist Advice section below for further information.

Comment: Refer to letter prepared by Michael Chapman – Maritime Consultant and Lawyer dated 23 December 2021. In summary the following is noted:

In my opinion and experience there is no justification whatsoever for Council to defer assessment of the above DA pending "sorting out any issue of the partial encroachment of the boatshed on Council reserve, Florence Park." There is nothing to sort out because

- 1. There is no encroachment by the boatshed on Florence Park*
- 2. The DA relates to a building proposal which does not touch, does not include and which is unrelated to the boatshed*
- 3. The boatshed is unaffected by the DA*
- 4. The DA and the boatshed are independent of one another.*

The DA should be assessed on its merits and those merits have nothing to do with the boatshed.

Clause 4.3 Height of Buildings

The height breach of approx... 1.75m enables the development at 120 to achieve 3 storeys in height, mirroring the scale of the adjacent property to the west. It is understood that this layout is an outcome due to the shape of the site (the portion behind the Foreshore Building Line) as well as higher street level access in comparison to 120A, which may or may not necessitate vehicular access from this proposed third storey. Therefore, it must be demonstrated by the applicant in a Clause 4.6 assessment that this variation to the development standard is necessary to achieve amenity, as well as why design alternatives below the height threshold are not feasible.

Comment: The proposed development has been designed with regard to the existing streetscape, noting the bulk and scale to the west of the site along Prince Alfred Parade. Adequate justification has been provided throughout this statement and also in the form of the Clause 4.6 Variation to Development Standard report.

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7.8 Limited development on foreshore area

Despite outdoor recreation facilities being conditionally permitted beyond the FBL, the terrace roof in this proposal is attached to the dwelling and could be interpreted as the dwelling extending beyond the FBL which is a prohibited development. See Figure 2 below: Therefore it must be clearly demonstrated by the applicant that the structure is solely for the purpose of a recreation facility (outdoor) and will not in turn enable the applicant to apply for future development consent to enclose, extend or alter the area under clause (2)(a) of this principle development standard.

Comment: The proposal has been amended to comply with Clause 7.8.

C1.3 View Sharing

*The current proposal is compliant with **D10.8 Side and rear building line** in the Pittwater Development Control Plan. Despite this, a concern regarding the close proximity of the two properties was raised by Council attendees in the meeting with respect to its impact on views from neighbouring properties as well as from roads and public places. The perceived impacts at this preliminary stage led to the preference that the development be redesigned to achieve further physical separation, by increasing the side boundary setbacks or otherwise.*

Comment: Whilst it is noted that we comply with the required side setbacks, the design has been amended to provide further separation down the middle of the proposed subdivision.

D10.11 Building envelope (excluding Newport Commercial Centre)

The proposed breach is considered minor in nature. However, it does play into broader issues around the physical separation of the two buildings as well as bulk and scale. The breach could be accepted subject to other design amendments occurring to mitigate these two issues as well as the applicant's ability to demonstrate that the proposal achieves the outcomes of the control.

Comment: The proposed development has had significant modifications from the pre-lodgement meeting which included increased side setbacks and compliant landscaping. As noted, the building envelope is a minor issue which is exacerbated by the topography of the site. The proposal meets the outcomes of the controls. It is also noted that the

D10.13 Landscaped Area - Environmentally Sensitive Land

A new build is expected to achieve full compliance with this control, and a variation will unlikely be supported in consideration to all the proposed non-compliances. It must be noted that in reference to the green roof proposed at 120A, impervious landscape treatments higher than 1 metre above ground level (existing) cannot be incorporated into this calculation. The applicant must demonstrate that the proposal achieves the outcomes of this control.

Comment: The proposed development has been modified to comply with the 60% landscape control.

Landscape

Councils Senior Landscape Architect Joseph Tramonte has advised the following: The Statement of Environmental Effects shall include commentary of relevant landscape clauses

of the DCP, and in this instance the following:

- *B4.22 Preservation of Trees and Bushland Vegetation*
- *C1.1 Landscaping*
- *D10 Newport Locality, with reference to relevant controls*

Preliminary architectural and landscape plans are provided as well as a preliminary arboricultural report.

The arboricultural report notes trees within the property that can be retained by this development proposal and this is one tree at the rear of the property. Other existing trees are impacted by the development proposal and it is noted the majority of these trees are exempt species. One native tree is lost.

All trees within the adjoining public reserve are noted as not impacted by development subject to tree protection measures and these shall be detailed within the development application Arboricultural Impact Assessment. Likewise no trees or vegetation within the road reserve shall be impacted upon.

The landscape plan retains the one existing tree recommended for retention in the arboricultural report, and includes native palm and fern planting, and other mass planting to the remaining landscape areas.

The remaining landscape areas raise concern as the setback to the frontage will not permit effective landscaping to satisfy the landscape outcome of C1.1 Landscaping. Of concern is that the landscape areas to the frontage and the side boundary areas include proposed planting in proximity to the buildings. All landscape planting are within 2 metres of the proposed buildings and hence may be conceived as exempt and removable under the 2m exemption rule. It is considered that the proposed landscape is unable to achieve planting that can be established in the long term and the building setbacks should be increased, and in particular the front setback.

The proposed plans additionally propose public road reserve encroachment that cannot be supported under a development application including retaining walling, stairs and landscaping and these elements should be located within the site boundaries.

It is advised that minor encroachment applications are available to be considered by Council, under the Roads Act provisions.

Comment: The application is supported by an Arboricultural Impact Assessment and Landscape Plans. The design and retention of trees and new landscaping is consistent with the relevant controls and is further justified throughout the report. The proposal is consistent with the streetscape of Prince Alfred Parade, most notably the front setback proposed.

Property

The boathouse appears to encroach upon Florence Park, which is community land under the provisions of the Local Government Act 1993 and managed under the Parks & Playgrounds Plan of Management. This POM does not appear to endorse a lease or licence over the for the purposes

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of a private boathouse.

Should the Mean High Water Mark (MHWM) extend around the land side of the boathouse, you are advised that you will need to deal with Crown Lands as they administer leases and licences below MHWM.

Regarding the possibility that an agreement existed between the original owners of the site and Warringah Council and that Florence Park may have gifted to Council by this owner, you are advised to conduct your own search of the relevant title deeds and submit any evidence that supports this.

Comment: Refer to letter prepared by Michael Chapman – Maritime Consultant and Lawyer dated 23 December 2021 (summary provided on page 5). The boathouse is not encroaching on Council land, therefore no further review or consent is required.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 2 December 2021 to discuss a proposed subdivision, demolition and construction of two dwellings at 120 Prince Alfred Parade Newport. The notes reference the plans prepared by Philip Corben dated 26 October 2021. The design of the proposed structures and their character are generally considered to have merit and complement the surrounding environment. The close proximity of the two dwellings however is of significant concern in relation to view loss. It is advised that the design should be amended to achieve greater physical separation as well as increase the ratio of landscaped open space on each lot. It is important that any variation sought as mentioned above should be analysed in depth as to how it still meets the outcomes of each control.

Comment: The subject application has had numerous design changes through consultation with the project architect and the clients. It is noted that a thorough assessment of all planning controls and the existing streetscape has been undertaken. It is considered that the proposal as submitted, adequately addresses Council's concerns (where required) and will provide a substantial enhancement to the site and Prince Alfred Parade. Council cannot ignore the existing streetscape of Prince Alfred Parade, noting the non-compliant front setbacks, building height and three-four storey bulk and scale. Whilst there are some minor variations proposed with the numerical components of controls, the proposal complies with the objectives and intent of the controls. The proposal will not have a visual impact of the streetscape, in fact, the proposal will soften the built form with a building that has been architecturally designed to provide articulation, modulation, varying setbacks and building heights with the topography of the site. This report along with the Clause 4.6 Variation to Development Standard report for the building height, adequately justify the proposal and approval should be granted by Council, as submitted.

2. Site Profile

2.1 Property Description

The subject allotment is described as 120 Prince Alfred Road, Newport, being:

- Lot 34 in Deposited Plan 13457
- Lot 35 in Deposited Plan 13457
- Lot B in Deposited Plan 391307
- Lot 9 in Deposited Plan 752046
- Licence 190387

The site is zoned E4 Environmental Living and W1 Natural Waterways under Pittwater Local Environmental Plan 2014. The site is not listed as a heritage item, nor is it located within a heritage conservation area.

2.2 Site and Locality Description

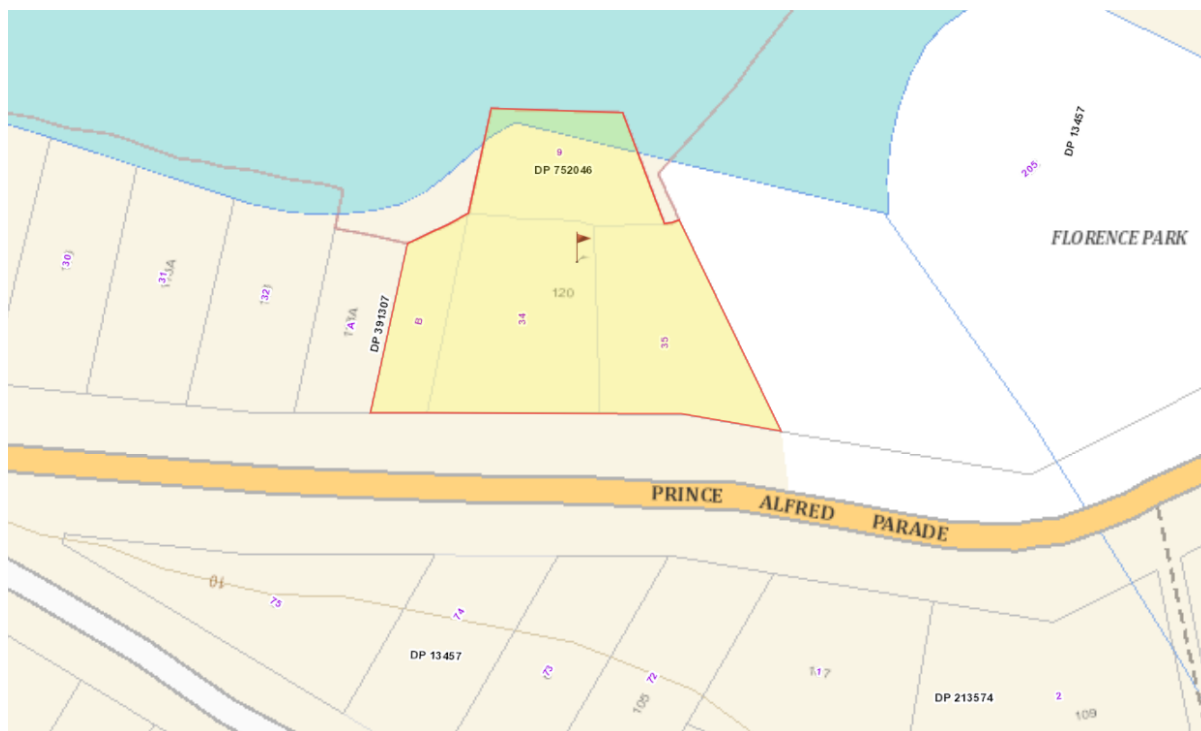
The site is located on the northern side of Prince Alfred Parade to the east of the intersection with Elvina Avenue. The site is irregular in shape with a 58.87m frontage to Prince Alfred Parade and a rear boundary to Salt Pan Cove. The property has vehicular access off Prince Alfred Parade. The existing property has a single storey dwelling house and detached garage with studio. The site also has a licence to boat shed on the eastern boundary. The locality maps below and on the following page show the location and area of the site:

Locality Maps



Source: NSW Land and Property Information 2021

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Source: NSW Land and Property Information 2021

The locality has a variety of property types and sizes. The existing surrounding development comprises a mix of single detached dwellings comprising of one to four storeys in height. It is important to note the adjoining dwellings to the west of the site 118A, 118, 116A, 116 and 114 Prince Alfred Parade which are built to the front boundary with a four-storey appearance from Salt Pan Cove.

The proposal is not out of context and will fit in with the existing streetscape of the precinct. A streetscape analysis is provided on the following pages:

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Visual Analysis



Photograph of the existing driveway entrance to the site



Photograph of the site looking south from Salt Pan Cove

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Photograph of adjoining properties to the west from Salt Pan Cove - # Note the four-storey bulk and scale



Photograph of adjoining properties to the west along Prince Alfred Parade - # Note the structures above the road and front setbacks provided

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Photograph from Florence Park looking west to the site

3. Proposal

The proposal is for the demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works.

Subdivision

The proposal includes the subdivision of the existing four (4) Torrens Title Lots into two (2) Torrens Title Lots:

For the purposes of this application, the two proposed new lots will be known as:

- 120 Prince Alfred Parade (western lot – left) – proposed site area 800sqm
- 120a Prince Alfred Parade (eastern lot – right) – proposed site area 831.6sqm

Demolition Works

The proposal includes the demolition of the existing dwelling house and detached garage and studio. Refer to architectural plans for full assessment of works to be demolished.

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Ground Level

The ground floor level has been created as the living and dining component of the dwelling. The proposal has been well designed with adequate storage and facilities for the high-end market with a terrace that flows into the dwelling whilst accommodating the views of Newport. The proposal also includes a swimming pool and landscaped area to the foreshore.

First Level

The first-floor level has been designed as the sleeping quarters and relaxation component of the dwelling. This dwelling provides four bedrooms on the first floor along with a home office and media/children's retreat area.

Entry Level

As a result of the topography of the land, 120 Prince Alfred Pde has been designed to be consistent with the adjoining properties to the west. The proposal includes a double garage, main entry and a guest bedroom.

External Works

- Swimming Pool and associated works such as decking
- Landscaping as per plans prepared by Andrew Davies Landscape Designer.

120a Prince Alfred Road, Newport

Ground Level

The ground floor level has been created as the living and dining component of the dwelling. The proposal has been well designed with adequate storage and facilities for the high-end market with a

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terrace that flows into the dwelling whilst accommodating the views of Newport. The proposal also includes a swimming pool and landscaped area to the foreshore. 120a Prince Alfred Pde, includes a garage integrated with the ground floor through retaining the existing driveway access point off Prince Alfred Pde.

First Level

The first-floor level has been designed as the sleeping quarters and relaxation component of the dwelling. This dwelling provides four bedrooms on the first floor along with a media room/children's retreat area.

External Works

- Swimming Pool and associated works such as decking
- Landscaping as per plans prepared by Andrew Davies Landscape Designer.

Refer to architectural plans prepared by Corben Architects for a full description of all works.

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policies;
- Pittwater Local Environmental Plan 2014; and
- Pittwater Development Control Plan 21.

4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2000, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Infrastructure) 2007

It is submitted that the site does not fall under the provisions of SEPP (Infrastructure) 2007 and therefore no assessment is required.

BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004. The proposal is supported by a BASIX Certificate which confirms compliance with the relevant requirements for Water and Energy.

SEPP No. 55 Remediation of Land

Clause 7 of SEPP No. 55 Remediation of Land requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

It is submitted that the site has been used for the purpose of residential accommodation for decades. It is envisaged that land contamination should not be on the site and no further reports are required. Refer to the Geotechnical Investigation and Acid Sulfate Preliminary Assessment prepared by White Geotechnical Group for further justification.

A review of the existing dwelling house and proposed works show that the dwelling existing would not have required any fill during construction due to the levels of the site. Therefore, it is highly unlikely that sub-soil contamination would occur.

Notwithstanding the above, builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation. The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal is supported by an Arboricultural Impact Assessment which supports the retention and removal of various trees on the site.

SEPP (Coastal Management) 2018



The site is identified as Division 3 - Coastal environment area and Division 4 – Coastal Use area as per the maps above and a review of SEPP (Coastal Management) 2018 is required:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*

(c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

Comment:

A review of section 1 is below:

- The proposal retains the integrity and resilience of the biophysical, hydrological and ecological environment. The application is supported by the various expert consultants which have helped create the final design that is compatible and enhances the existing coastal environment of the site.
- The proposal has been designed at or above the EPL levels for the site. The proposal is also supported by a Coastal Assessment which ensures that the coastal environmental values and natural coastal processes are not adversely impacted by the proposal.
- The proposal is supported by a civil engineering package which ensures that the water quality will be safe through various elements and natural filtration of stormwater on the site. The dwellings will be connected to Sydney Water sewer facilities.
- The proposal will not impact and is not located within marine vegetation, headlands or rock platforms.
- The site does not allow public access to the foreshore area.
- The site and area is not impacted by surf zones.

A review of section 2:

- The proposal has been designed and sited to avoid any adverse impacts referred to in Section 1 above. The building footprints have been designed to comply with side and rear setbacks including the landscaping controls. The proposal is also consistent with the front building alignment of neighbouring properties.
- The development does not have any adverse impacts that need to be minimised to be compliant with section 1 above.

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A review of section 3:

- The site is not located within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#), therefore this clause applies to the site.

Division 4 Coastal use area

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that—

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

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

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).

Comment:

A review of section 1(a) is below:

- The proposal will not result in any adverse impacts to the existing safe access provided to the Salt Pan Cove foreshore and any headland or rock platform in this immediate locality where members of the public have access to.
- The proposal does not result in overshadowing, wind funnelling or the loss of any significant views from a public place to the foreshores.
- The visual amenity and scenic qualities of the coastline in this immediate locality are not impacted in any way by the proposed development.
- The proposal does not result in any impacts upon Aboriginal cultural heritage, practices or places.
- The cultural and built environment heritage in this locality are not impacted by the proposed development.

A review of section 1(b):

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- The proposal has been designed and sited to avoid any adverse impacts referred to in Section (a) above. The building footprints have been designed to comply with side and rear setbacks including the landscaping controls. The proposal is also consistent with the front building alignment of neighbouring properties.
- The development does not have any adverse impacts that need to be minimised to be compliant with section 1(a) above.

A review of section 1(c):

- The development has been designed considering the surrounding coastal and built environment and the bulk, size and scale of the development. The proposal is appropriate for the site and considered to be compatible with the existing and future character of the neighbourhood and surrounding environment. The site is compatible in terms of building height and appearance for the locality.

A review of section 2:

- The site is not located within the Foreshores and Waterways Area within the meaning of [*Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005*](#), therefore this clause applies to the site.

Division 5 General

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

Comment: The proposed development will not increase the risk of coastal hazards. The proposal has been designed above the EPL and is supported by Coastal Assessment.

4.3 Pittwater Local Environmental Plan 2014 (PLEP2014)

The relevant matters to be considered under the PLEP2014 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,</p> <p>(b) to ensure development is consistent with the desired character of Pittwater's localities,</p> <p>(g) to protect and enhance Pittwater's natural environment and recreation areas,</p> <p>(h) to conserve Pittwater's European and Aboriginal heritage,</p> <p>(i) to minimise risks to the community in areas subject to environmental hazards including climate change,</p> <p>(j) to protect and promote the health and well-being of current and future residents of Pittwater.</p>	<p>The proposal has been designed to meet the aims of PLEP2014.</p> <p>The proposed dwellings are environmentally sustainable with a strong and consistent character with approvals granted in the Newport locality.</p> <p>The proposal enhances and upgrades the site through new dwellings which protect the natural environment while providing modern dwellings which blend in with the coastal area.</p> <p>The proposal is supported by expert consultant advice which ensures that the design is not impacted by climate change and is sustainable with the locality and bulk and scale of Prince Alfred Parade.</p>

Part 2 Permitted or prohibited development		
Standard	Control	Comments
2.5 Additional permitted uses for particular land	<p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent,</p>	<p>Not applicable – the site includes zone W1 Natural Waterways. The proposal does not include development for the purposes of new boat sheds, jetties or water recreation structures.</p>

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	<p>in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	
2.6 Subdivision—consent requirements	<p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>Notes—</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note—The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	Complies – the proposal includes the subdivision of the existing four (4) Torrens Title lots into two (2) Torrens Title lots which comply with relevant requirements under Clause 2.6 and 4.1.
2.7 Demolition requires development consent	<p>The demolition of a building or work may be carried out only with development consent.</p> <p>Note—</p> <p>If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes)</p>	Complies – the proposal includes the demolition of existing structures as required with Northern Beaches Council consent.

Demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works
120 Prince Alfred Parade, Newport

	2008 , as exempt development, the Act enables it to be carried out without development consent.	
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Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	700sqm	N# 120 - 800sqm and N# 120a - 831.6sqm	Complies – the proposal has been designed with compliant lot areas.
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.1B Minimum lot sizes for dual occupancies	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	N# 120 – 9.143m N# 120a – 8.0m	N# 120 Prince Alfred Pde - Minor non-compliance supported by Clause 4.6 variation N# 120a Prince Alfred Pde – complies
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.5A Density controls for certain residential accommodation	N/A	N/A	N/A
4.6 Exceptions to development standards	Noted	Yes	Clause 4.6 to be utilised for breach to building height on dwelling 120 Prince Alfred Parade.

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purposes	N/A

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5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 (Repealed)	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9, 5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A
5.21 Flood planning	The site is identified as flood prone land. A flood assessment is provided to support the application.
5.22 Special flood considerations	N/A

Part 6: Urban Release Areas	
Provisions	Comments
6.1 to 6.2	N/A – the site is not located within an urban release area.

Part 7: Relevant Additional Local Provisions	
Provisions	Comments
7.1 Acid sulfate soils	The site is identified as Class 1 and Class 5 Acid Sulfate Soils. A preliminary Acid Sulfate Soils report is provided with the application.
7.2 Earthworks	The proposal includes excavation works which are supported by relevant documentation with the DA package. Refer to Geotechnical Investigation prepared by White Geotechnical Group.
7.3 (Repealed)	N/A
7.4 Floodplain risk management	The site is identified as flood prone and on the estuarine hazard map. The proposal has been assessed in regards to flood impacts and is supported by a Flood Assessment prepared by Taylor Consulting.
7.5 Coastal risk planning	N/A – the proposal is not identified in the areas highlighted as coastal risk planning.
7.6 Biodiversity	N/A – the site is not located within the biodiversity map.
7.7 Geotechnical hazards	The site is identified within the geotechnical hazards map. Refer to Geotechnical Investigation prepared by White Geotechnical Group.
7.8 Limited development on foreshore area	The site is identified with land within the foreshore area. The proposal has been designed to comply with Clause 7.8.
7.9 Residual lots	N/A
7.10 Essential service	The proposal will provide relevant services as per Clause 7.10.
7.11 Converting serviced apartments to residential flat buildings	N/A
7.12 Location of sex service premises	N/A

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	The foreshore area is identified as Area 23.
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

Zoning Provisions



Zone C4 Environmental Living

1 Objectives of zone

- 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.

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

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.
- To provide for sustainable fishing industries and recreational fishing.
- To ensure development does not adversely impact on the natural environment or obstruct the navigation of the waterway.
- To provide opportunities for private access to the waterway where these do not cause unnecessary impact on public access to the foreshore.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Environmental facilities; Mooring pens

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

23 Use of certain land in Zone W1 Natural Waterways

(1) This clause applies to land identified as "Area 23" on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.

The proposed use is defined as follows under PLEP2014:

dwelling house means a building containing only one dwelling.

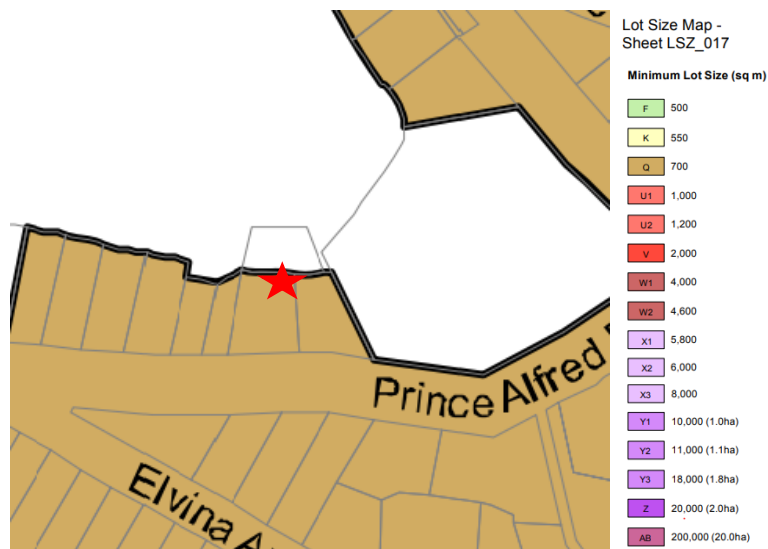
Note— Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Comment:

The site is zoned C4 Environmental Living and W1 Natural Waterways. A dwelling house and associated works are permissible land uses within the C4 Environmental Living zone. The proposed dwellings for both lots have been strategically designed to be of a scale that integrates with the area whilst accommodating high-end residential dwellings. The proposal will provide an enhanced site with new plantings and outdoor spaces which enrich the area and the focal of the foreshore area within Salt Pan Cove.

Part 4 Principal development standards

4.1 Minimum subdivision lot size



(1) The objectives of this clause are as follows—

- (a) to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,
- (b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,
- (c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,
- (d) to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,
- (e) to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,
- (f) to maintain the existing function and character of rural areas and minimise fragmentation of rural land,
- (g) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(4) This clause does not apply in relation to the subdivision of any land—

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- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
(b) by any kind of subdivision under the Community Land Development Act 1989.

Comment:

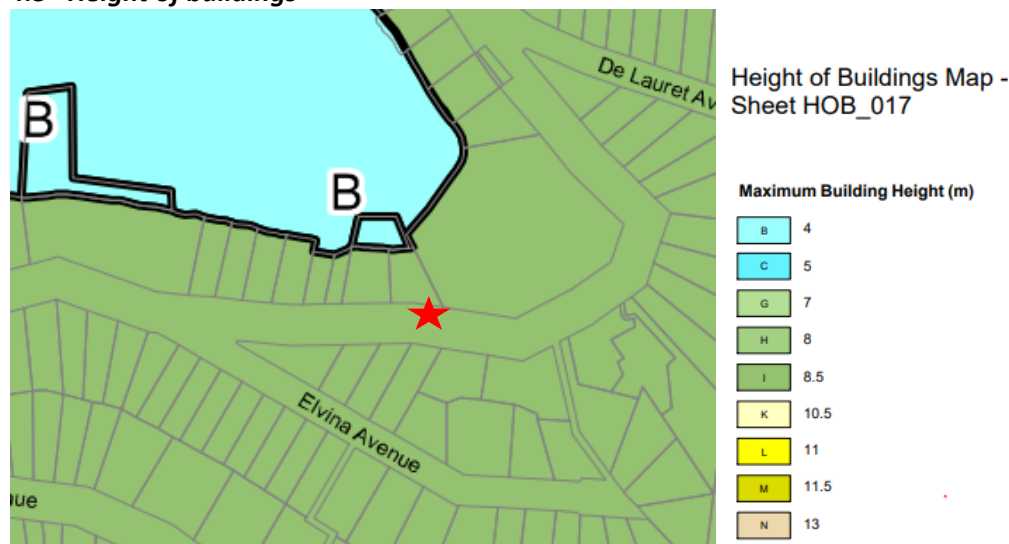
The site has a minimum lot size of 700sqm for subdivision. The proposal includes the subdivision of the existing four (4) Torrens Title Lots into two (2) Torrens Title Lots:

- 120 Prince Alfred Parade (western lot – left) – proposed site area 800sqm
- 120a Prince Alfred Parade (eastern lot – right) – proposed site area 831.6sqm

The proposal complies with the minimum lot size and objectives of Clause 4.1 as outlined below:

- The proposal retains the residential character of the locality by providing a development that is consistent with the pattern and size of existing lots, most notably the lots to the west.
- The proposal provides for the construction of buildings that are safe from hazards. Relevant expert consultants have provided design advice and support for the proposed application.
- The proposed dwellings have been designed to maximise landscaping and enhance the natural environment, including the amenity of neighbouring properties.
- The proposal provides adequate and safe access to the dwelling with the introduction of one new crossover and driveway and the retention of the existing driveway.
- The proposal provides for a development that is consistent with other developments in the locality. The proposal has been designed with a consistent design as per the streetscape of Prince Alfred Parade while ensuring compliance with landscape controls and side setbacks.

4.3 Height of buildings



(1) The objectives of this clause are as follows—

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

- (c) to minimise any overshadowing of neighbouring properties,*
- (d) to allow for the reasonable sharing of views,*
- (e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

(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.

(2A) Despite subclause (2), development on land—

- (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*
- (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.

(2B) Despite subclause (2), development on land—

- (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*
- (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.

(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.

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

(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—

- (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*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (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.*

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(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.

(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.

(2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker’s dwelling in Zone E4 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.

(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.

(2G) In this clause—

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 floodplain risk management plan.

floodplain risk management plan has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.

Comment:

The site has a maximum building height provision of 8.5m. The proposal includes the following proposed maximum building heights for the two dwellings:

- N# 120 Prince Alfred Pde – 9.143m
- N# 120a Prince Alfred Pde – 8.0m

Due to the existing topography and access to the site, the proposed dwelling for 120 Prince Alfred Parade will have a minor breach of 7.56% to the maximum building height. It is submitted that there is more than enough justification and precedence within the area to support the breach.

In determining the building heights of the development, it is important to understand the definitions of building height and ground level (existing) and also relevant case law from the NSW Land and Environmental Court. The following is pertinent to the assessment of the proposed building heights for this development:

Building height is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

Ground level existing is defined as follows:

ground level (existing) means the existing level of a site at any point.

The court provides two key examples which consider the definition of “ground level (existing)” been *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070 which was then followed by the decision of *Stamford Property Services Pty Ltd v City of Sydney & Anor* [2015] NSWLEC 1189.

In *Stamford Property Services*, the Court followed the reasoning adopted in *Bettar* and confirmed that “ground level (existing)” must relate to the levels of the site, and not to the artificially modified

levels of the site as reflected by the building presently located on the land. In this regard the Court preferred the Council's approach which required that the proposed height be measured from the natural ground levels of the site where known, such as undisturbed levels at the boundary, and from adjacent undisturbed levels such as the level of the footpath at the front boundary of the site. These levels could then be extrapolated across the site reflecting the pre-development sloping topography of the land, consistent with the approach adopted in Bettar.

As a result of the above, it is determined that the maximum building above interpolated unmodified ground level is 9.143m for the proposed dwelling on 120 Prince Alfred Parade. This results in a 0.643m variation or 7.56%. This is a result of the existing building structures on the land which prove that the site has been modified to its current form including retaining walls within the front setback and the existing building footprint. The review above allows a thorough analysis of the objectives of Clause 4.3, which confirms that the proposal is consistent with the objectives of the zone, as outlined below:

(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,

The site is located within an area identified within A4.10 Newport Locality which outlines the desired character of the area. The desired character statement of A4.10 Newport locality is provided below:

A4.10 Newport Locality

Desired Character

The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy

and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors. Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

After reviewing the desired character statement, it is my professional opinion that the buildings by virtue of its height, bulk and scale, is consistent with the locality and desired character of the area. The following is noted to support my opinion:

- Notwithstanding the minor building height breaches to the dwelling for 120 Prince Alfred Parade, the Newport locality will remain a low-density residential area for dwelling houses, noting the proposed 2 and 3 storey dwellings with this application and the existing 3 to 4 storey dwellings to the west along Prince Alfred Parade.
- The building height breach is toward the rear of the entry level before the dwelling further stepping down with the topography of the site. The dwelling is consistent with the streetscape noting the drop down in RL levels from the neighbouring properties.
- The building presents as a 1-2 storey dwelling from the streetscape and has been strategically designed as a 2-3 storey appearance from Salt Pan Cove with the breaching element not readily discernible as viewed from adjoining properties. It is noted that the adjoining properties to the west present as 4 storey dwellings to Salt Pan Cove.

As a result of the above, I have formed the considered opinion that the project is a sympathetic design and development with a bulk and scale consistent with the existing and future character of the area. It is also noted that most observers would not find the proposed development by virtue of its height and scale, in particular the building height breaching elements, offensive, or unsympathetic in a streetscape context nor the context from Salt Pan Cove.

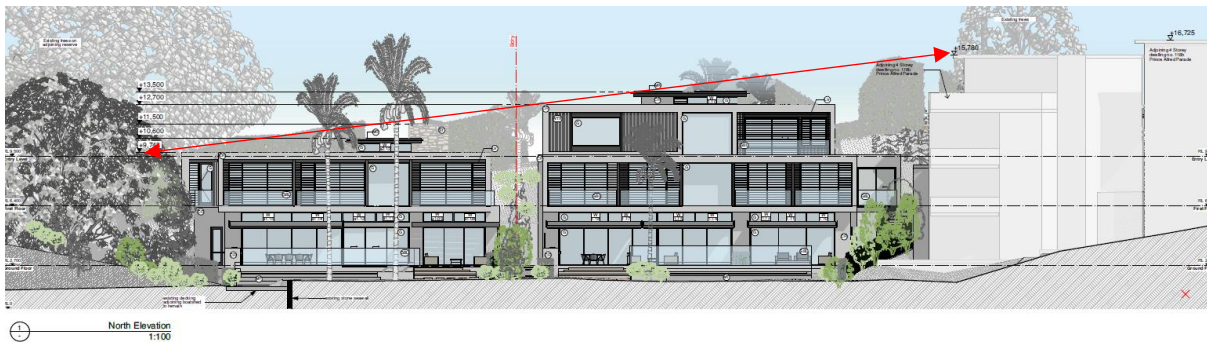
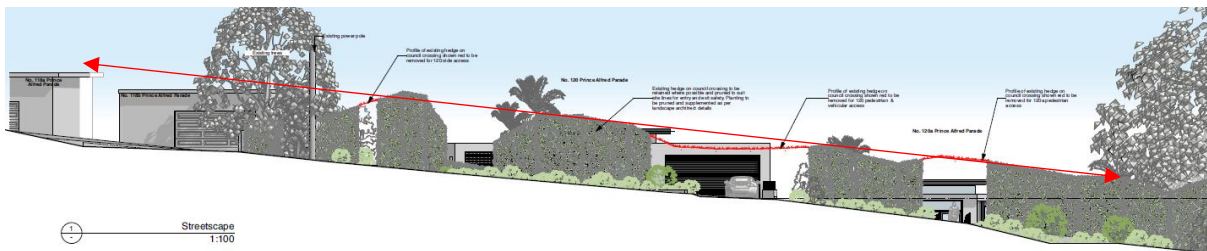
Notwithstanding the proposed minor variation to the building height, the proposal is consistent with this objective.

(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

The proposal has been strategically designed to minimise the impact and bulk and scale of the project. The project architects have worked tirelessly to design two new modern high-end dwellings that meet the sites constraints and the existing bulk and scale of the area. Due to the topography of

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the site and requiring driveway access to the new lot, the proposal integrates an entry level from the street for 120 Prince Alfred Parade, which is consistent with the adjoining properties to the west (Refer to Visual Analysis on pages 11-12 for photos). Further, the project architects have integrated the new dwellings to flow from the four-storey bulk and scale of the western neighbours, with a proposed three-storey dwelling for 120 Prince Alfred Parade and a two-storey dwelling for 120a Prince Alfred Parade. Refer to the excerpt from the streetscape plan and north elevation plan (below) which shows the reduction in height compared to the adjoining western dwelling houses. It is noted there is a 2.28m reduction in height from the adjoining neighbour to the west to the proposed maximum building height of 120 Prince Alfred Pde. The proposal then drops another 2.0m in height from 120 Prince Alfred Pde to the proposed maximum building height of 120a Prince Alfred Pde.

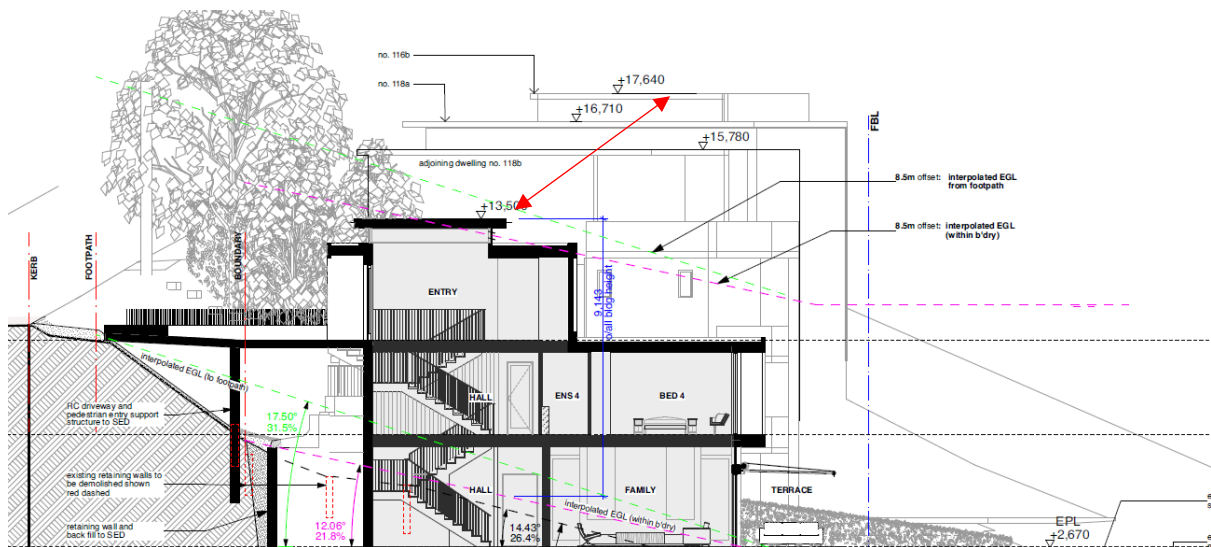


It is important to acknowledge the existing approved RLs of the adjoining neighbours to the west, and the concerted effort from the project architects to provide an enhanced reduction in height between the existing neighbours and the proposed new dwellings. The following RLs are noted (and shown below with the plan Section A No 120):

- 116b Prince Alfred Parade – RL17.64
- 118a Prince Alfred Parade – RL16.71
- 118b Prince Alfred Parade – RL15.78
- Proposed 120 Prince Alfred Parade – RL13.50
- Proposed 120a Prince Alfred Parade – RL11.50

It is essential to recognise the 0.9m reduction between existing dwellings and the proposed increase by 2.28m to proposed 120 Prince Alfred Parade and then a further 2.0m reduction to proposed 120a Prince Alfred Parade. The proposal has been designed to be compatible with the existing streetscape while accommodating a bulk and scale that is complementary to the natural environment.

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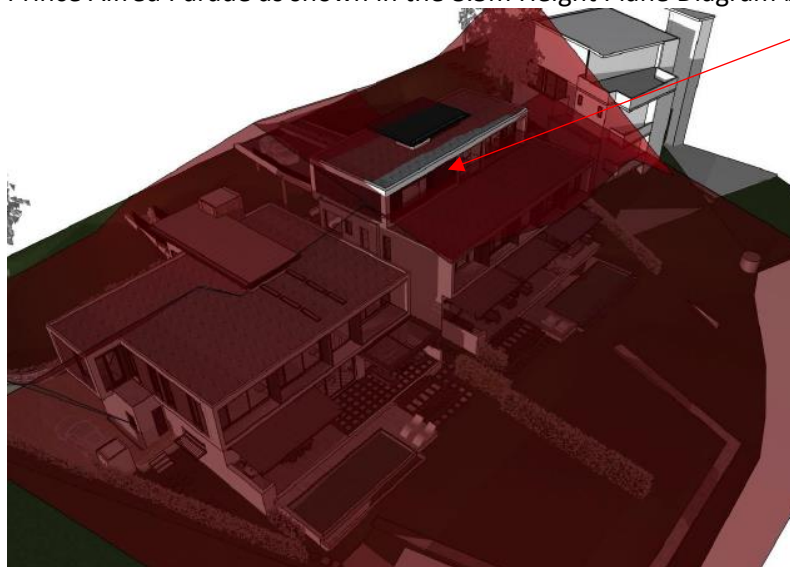


(c) to minimise any overshadowing of neighbouring properties,

The proposal has been designed with compliant side setbacks and side boundary envelope to the western neighbour. The sites are north-south facing and will have no adverse impacts to access to sunlight requirements. Further, the proposed minor variation to the building height on 120 Prince Alfred Parade will not further impact neighbouring properties than that of a compliant design. Refer to Shadow Studies provided as part of the architectural package.

(d) to allow for the reasonable sharing of views,

The sites are located on the foreshore of Salt Pan Cove with views across Newport. It is noted that views are in a north-west direction with minimal (if any) impact proposed. The proposal has been designed with a compliant building height for 120a Prince Alfred Parade and a minor variation to 120 Prince Alfred Parade as shown in the 8.5m Height Plane Diagram below:



1 8.5m Height Plane Diagram

The proposed variation will not have an adverse impact as it sits towards the rear of the building and below the potential maximum due to the topography of the site. The proposal has also been designed with compliant side setbacks, including an increase to the 1m requirement with a proposed 3.237m corridor through the middle of the site. The proposal has also been designed to sit below the existing front hedge.

The proposal as designed allows for adequate view sharing and will not adversely impact view corridors to Salt Pan Cove.

Having inspected the site and identified available public and private view lines over and across the site, I am satisfied that the building height variation will not give rise to any unacceptable view loss with a view sharing outcome maintained in accordance with the planning principle established in the matter of *Tenacity vs Warringah Council* (2004) NSWLEC 140. Notwithstanding the proposed minor building height variation, the proposal is consistent with this objective.

(e) to encourage buildings that are designed to respond sensitively to the natural topography,

The proposed dwellings have been designed to respond to the existing natural topography of the land, while still accommodating dwellings that are consistent with the bulk and scale of the area. The proposal is consistent with this objective.

(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

The proposal will enhance the site through new sustainable dwellings which will improve the landscaping of the site. The proposal will add value to the natural environment and will be visually pleasing to the surrounding areas. The site is not identified or located close to known heritage items. The proposal is consistent with this objective.

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless—*
- (a) the consent authority is satisfied that—*
- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note—** *When this Plan was made it did not include all of these zones.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4.*

Comment:

As described under Clause 4.3, a Clause 4.6 Variation to Development Standard is required to support the breach to the building height on proposed lot 120 Prince Alfred Parade. It is submitted that the proposal warrants a variation, and it would be unreasonable and unnecessary for Council to enforce the development standard, as the development meets the relevant objectives under Clause

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4.3 and Clause 4.6. A Clause 4.6 Variation to Development Standard report is provided with the DA package.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

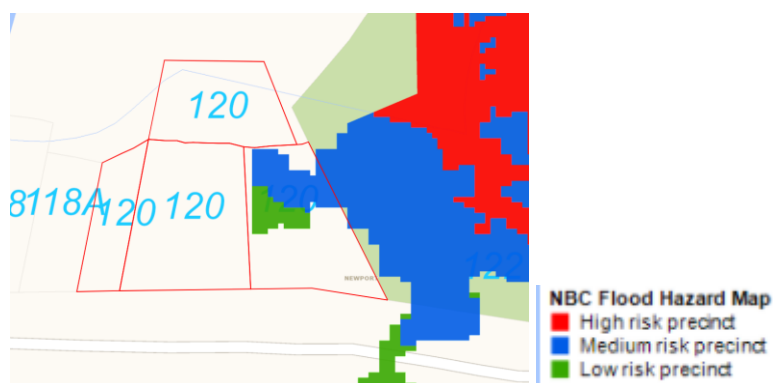
(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

5.21 Flood planning



(1) The objectives of this clause are as follows—

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

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Floodplain Development Manual.

Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.

Comment:

A portion of the eastern side of the site is identified as flood prone land. A flood assessment has been undertaken by Taylor Consulting dated 28 January 2022, as provided below:

This letter is to advise that I have reviewed the architectural details for the proposed dwelling (attached) with respect to the Council flood certificate dated 06 August 2021 (also attached).

The very northern portion of the site has only a minor affectation with respect to the 1 in 100-year flood event.

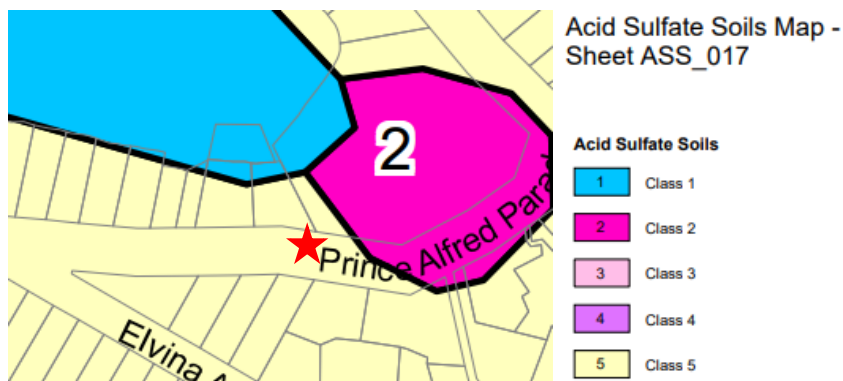
The proposed dwelling will be constructed outside and above the extents of the 1 in 100-year flood extents and as such the works do not require special flood proofing measures.

Additionally, the proposed ground floor level is above the maximum Flood Planning Level designation for the site and as such the proposal is considered to be in compliance with Clause B3.11 of Council Development Control Plan - 'Flood prone Land'

Consequently the proposed works are considered satisfactory with respect to flooding of the site and it is considered that a site-specific Flood Risk Management Plan is not considered warranted in this instance, noting that any emergency response to a flood event would be to 'stay-in-place' until the cessation of the flood.

Part 7 Additional local provisions

7.1 Acid sulfate soils



(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(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.

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.

(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.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

(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

(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.

(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)—

- (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,*
- (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),*
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).*

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—

- (a) the works involve the disturbance of less than 1 tonne of soil, and*
- (b) the works are not likely to lower the watertable.*

Comment:

The site is identified as Class 1 and Class 5 Acid Sulfate Soils. The proposal is supported by a Preliminary Assessment for Acid Sulfates which identified that an Acid Sulfate Soils Management Plan is not required for the site. The conclusion of the preliminary assessment is provided below:

6. Conclusions

This report was carried out in accordance with the Field pH and Peroxide Test guidelines (ASSMAC, 1998).

Ground testing performed in the location of the uphill side of the proposed houses (AH4) indicates the subsurface profile below the topsoil is derived from the Newport formation of the Narrabeen Group Rocks. This formation is Middle Triassic in age and is much older than the Holocene sediments from which acid sulphates are generally derived from on the east coast. Additionally, the Narrabeen Group Rocks do not contain high concentrations of sulphides which can provide the required iron concentrations for acid generation in older bedrock. As such, only the overlying topsoil was tested at this location as its origin is unknown.

No Acid Sulfate Soils were identified in the test holes. The pHF levels tested in all auger holes did not fall lower than 5.6. This is above a PH of 4 that is an indicator of acid sulfate soils. No Potential Acid Sulfate Soils were identified in the test holes. The measured pHF levels varied up to 0.6 from the measured pHFOX levels. A movement of 1 unit or more is an indicator of potential acid sulfate soils. In addition, the measured pHFOX for all tests did not fall lower than 5.6. A pHFOX <3 is a strong indicator of potential acid sulfate soils. No observable colour change or sulphurous odours were identified during the peroxide testing. It is likely the low reactions to peroxide testing were due to inclusions in the soil other than sulphides.

This preliminary assessment indicates that an Acid Sulfate Soils management plan is not required for the proposed works.

7.2 Earthworks

(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.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(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.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

(4) In this clause—

environmentally sensitive area has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.

Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

Comment:

The proposal includes excavation works to the site. The proposal will meet the objective of Clause 7.2 with a Geotechnical Investigation prepared by White Geotechnical Group submitted with the application.

7.4 Floodplain risk management

(1) The objectives of this clause are as follows—

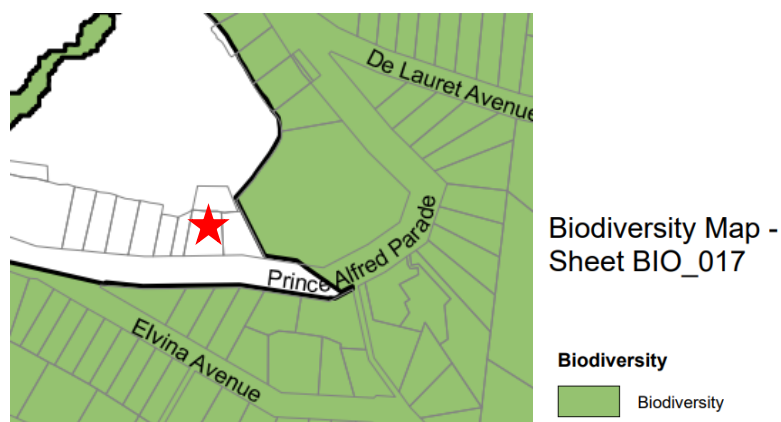
(a) in relation to development with particular evacuation or emergency response issues—to enable evacuation of land subject to flooding in events exceeding the flood planning level,

(b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

Comment:

The site has minor flooding to the northern part of the site as identified in the flood assessment. Refer to review and assessment provided under Clause 5.21.

7.6 Biodiversity



- (1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservaion and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the [Biodiversity Map](#).*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) *whether the development is likely to have—*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
 - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (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*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

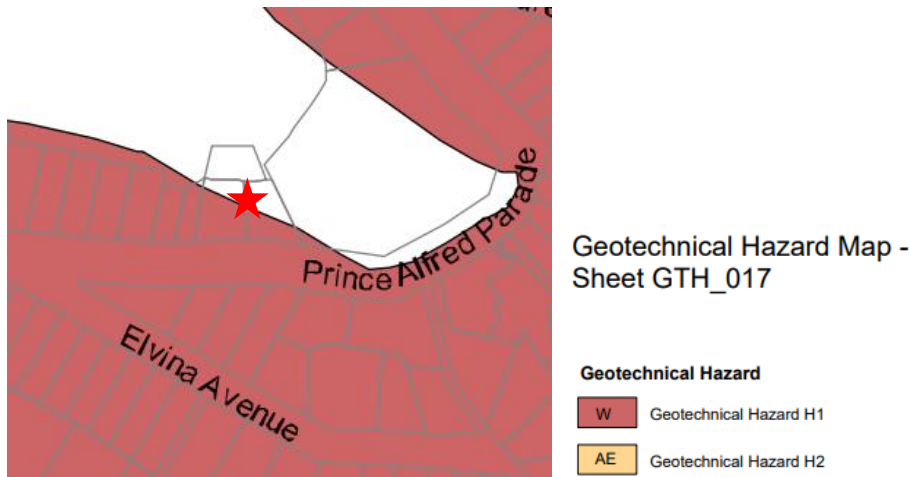
Comment:

The site is not identified as land within the biodiversity map. Regardless, an Arboricultural Assessment has been undertaken by Michael Shaw to review existing vegetation and a Landscape

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Plan prepared by Andrew Davies Landscape Designer ensures integration with the existing proposed landscape elements on the site.

7.7 Geotechnical hazards



(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—

- (a) matches the underlying geotechnical conditions of the land, and
- (b) is restricted on unsuitable land, and
- (c) does not endanger life or property.

(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.

(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—

- (a) site layout, including access,
- (b) the development’s design and construction methods,
- (c) the amount of cut and fill that will be required for the development,
- (d) waste water management, stormwater and drainage across the land,
- (e) the geotechnical constraints of the site,
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless—

- (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
- (b) the consent authority is satisfied that—
 - (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

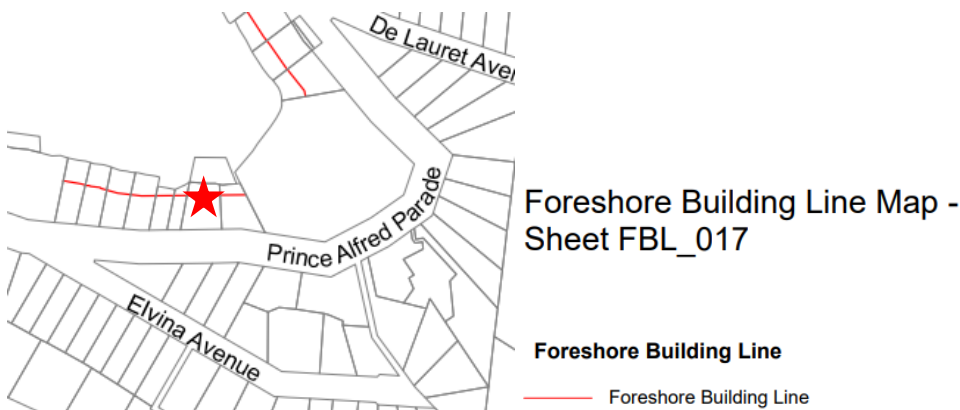
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- (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
- (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

Comment:

The site is identified within the geotechnical hazard map as hazard H1. The proposal will meet the objectives of Clause 7.2 with a Geotechnical Investigation prepared by White Geotechnical Group submitted with the application.

7.8 Limited development on foreshore area



- (1) The objectives of this clause are as follows—*
 - (a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
 - (b) to ensure continuous public access along the foreshore area and to the waterway.*
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—*
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
 - (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that—*
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and*
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
 - (c) the development will not cause environmental harm such as—*
 - (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*

- (iii) an adverse effect on drainage patterns, or*
 - (iv) the removal or disturbance of remnant riparian vegetation, and*
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
 - (h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*
- (4) In deciding whether to grant consent for development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following—*
- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,*
 - (b) public access to link with existing or proposed open space,*
 - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
 - (d) public access to be located above mean high water mark,*
 - (e) the reinforcing of the foreshore character and respect for existing environmental conditions.*
- (5) In this clause—*
- foreshore area*** means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the [Foreshore Building Line Map](#).
- foreshore building line*** means the line shown as the foreshore building line on the [Foreshore Building Line Map](#).

Comment:

The site is identified as a waterfront site. The proposed design of both 120 and 120a Prince Alfred Parade have been designed with the dwelling behind the foreshore building line with ancillary elements forward of the building line as allowed. The proposal has amended the plans from pre-lodgement stage to ensure all structures are behind the foreshore building line with only ancillary elements such as swimming pools and landscaping forward of the line. The proposal meets the objectives of Clause 7.8 and has been assessed under SEPP (Coastal Management) 2018.

7.10 Essential services

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—

- (a) the supply of water,*
- (b) the supply of electricity,*

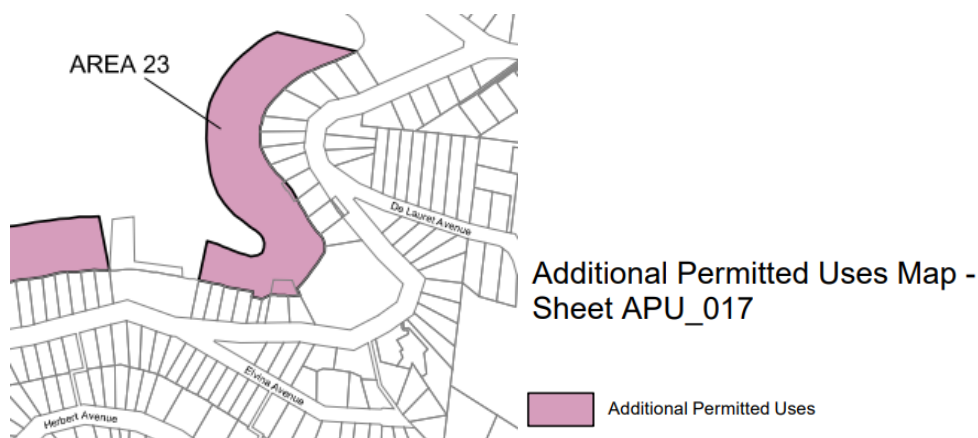
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- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

Comment:

Complies – the site has access to the relevant essential services.

Schedule 1 Additional permitted uses



23 Use of certain land in Zone W1 Natural Waterways

- (1) This clause applies to land identified as “Area 23” on the [Additional Permitted Uses Map](#).*
- (2) Development for the purposes of boat sheds, jetties or water recreation structures is permitted with development consent.*

Comment:

Not applicable – the proposal does not include any new boat sheds, jetties or water recreation structures.

General

The site is not identified on the following maps within PLEP2014:

- Biodiversity Map
- Land Reservation Acquisition Map
- Heritage Map
- Coastal Risk Planning Map
- Floor Space Ratio Map
- Urban Release Area Map

4.4 Pittwater Development Control Plan (PDCP21)

In designing the built form, due consideration must be given to the respective sections and objectives of PDCP, in particular:

- Section B General Controls
- Section C Development Control Types
- Section D Locality Specific Development Controls

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the PDCP21.

Key components of the DCP have been detailed in the table below.

Pittwater Development Control Plan		
	Requirement	Proposed
Building Envelope	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 Variations can be applied – refer to D10.11 Building Envelope	Minor variation – due to topography of the site from the street to the foreshore.
Front Setback	6.5m or established building line, whichever is the greater	Complies with established building line to the west.
Side Setbacks	2.5m at least to one side; 1.0m for other side	Complies – both proposed 120 and 120a dwellings comply
Rear Setback	Foreshore building line applies	Complies - both proposed 120 and 120a dwellings comply
Landscaping	Total landscaped area shall be 60% of the site area Variations can be applied – refer to D10.13 Landscaped Area - Environmentally Sensitive Land	Complies - both proposed 120 and 120a dwellings comply
Private Open Space	Minimum 80sqm at ground level	Complies - both proposed 120 and 120a dwellings comply

Section A Shaping Development in Pittwater		
Control	Proposed	Compliance
<p>A4.10 Newport Locality <u>Desired Character</u></p> <p><i>The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a</i></p>	<p>The proposal has been strategically designed by the project architects and the client with a view to provide a contemporary building while retaining the natural</p>	<p>Yes</p>

<p><i>natural landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.</i></p> <p><i>Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.</i></p> <p><i>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.</i></p> <p><i>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.</i></p> <p><i>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early</i></p>	<p>topography and increasing better and more usable landscaping to the site.</p> <p>The proposal provides a new dwelling on each proposed lot which is lower than the adjoining properties to the west which respects the vertical and horizontal massing of the existing built form.</p> <p>The proposal utilises pergolas and new plantings along with natural building materials and colours to harmonise with the natural environmental and the local setting of Newport and Salt Pan Cove.</p> <p>The proposal complies with the desired character of the Newport locality and therefore warrants approval as submitted.</p>	
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<p><i>settlement in the locality will be conserved.</i></p> <p><i>Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.</i></p> <p><i>Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.</i></p>		
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Section B General Controls		
Control	Proposed	Compliance
B1 Heritage Controls		
B1.1-1.4	Not applicable – the site is not identified as a heritage item or within a heritage conservation area, nor does it adjoin or will impact a heritage item.	N/A
B2 Density Controls		
<p>B2.2 Subdivision - Low Density Residential Areas</p> <p><i>Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.</i></p> <p><i>Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot</i></p>	Complies – the proposal subdivision from four (4) lots to two (2) lots is a substantially better outcome in terms of lot sizes and frontages. The proposal has been designed to comply with the minimum lot size, frontage	Yes

<p><i>width at the building line of 16 metres.</i></p> <p><i>Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 2 or 3 on the Landscaped Area Map shall have a minimum lot width at the building line of 15 metres.</i></p> <p><i>Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot width at the building line of 9 metres at the waterfrontage.</i></p> <p><i>Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.</i></p> <p><i>A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).</i></p> <p><i>The minimum area for building shall be 175m².</i></p> <p><i>Variations</i> <i>Provided the outcomes of this control are achieved, Council may consider a variation for the following purposes:</i></p> <ul style="list-style-type: none"> <i>• the making of an adjustment to a boundary between allotments that does not create an additional lot;</i> <i>• the rectifying of an encroachment on an allotment;</i> <i>• the excising from an allotment of land that is or is intended to be used for public purposes, including drainage, rescue services, public conveniences or public reserve.</i> 	<p>requirements and lot depths.</p> <p>The proposed lots have been assessed against relevant hazards with the proposal supported by expert consultant reports and documentation to ensure the construction of the buildings is safe from hazards.</p> <p>The proposed lots will not have a slope in excess of 16.7 degrees.</p> <p>The proposed lots accommodate dwellings greater than 175sqm.</p>	
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B3 Hazard Controls		
<p>B3.1 Landslip Hazard 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).</p> <p>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.</p> <p>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.</p>	<p>Complies – the proposal is supported by a geotechnical assessment report in accordance with Northern Beaches Councils requirements. Refer to Geotechnical Investigation Report prepared by White Geotechnical Group.</p>	<p>Yes</p>
<p>B3.2 Bushfire Hazard Controls All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p>	<p>Not applicable – the site is not identified as bushfire prone land.</p>	<p>N/A</p>
<p>B3.7 Estuarine Hazard - Low density residential <u>Obtaining Estuarine Planning Level</u></p> <p>To apply this control, the Estuarine Planning Level must first be established by:</p> <ul style="list-style-type: none"> • Obtaining Estuarine Planning Level (EPL) advice from Council, or; • An independent assessment undertaken by a Coastal Engineer (as defined in Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater). <p>The Estuarine Planning Level may vary landward across the site based on foreshore edge treatment and distance from the foreshore edge.</p> <p>The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or pontoons located on the</p>	<p>The proposed new dwellings have been designed at or above the required EPL.</p>	<p>Yes</p>

seaward side of the foreshore edge.

Estuarine Risk Management Policy for Development in Pittwater

For additional information, applicants are referred to [Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater](#).

Protection of Development from Wave Action and Tidal Inundation

Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.

General to all Development

The following applies to all development:

- All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and,*
- All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,*
- All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,*
- All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and,*
- The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute the waterway, is not permitted below the Estuarine Planning Level; and,*
- For existing structures, a tolerance of up to minus 100mm may be applied to the*

<p><i>Estuarine Planning Level in respect of compliance with these controls.</i></p> <ul style="list-style-type: none"> <i>To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.</i> <p><u><i>Wave Action and Tidal Inundation Mitigation Works</i></u> <i>Developments that propose mitigation works that modify the wave action or tidal inundation behaviour within the development site including the filling of land, the construction of retaining structures and the construction of wave protection walls may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that:</i></p> <ul style="list-style-type: none"> <i>The wave action or tidal inundation mitigation works do not have an adverse impact on any surrounding property or estuarine processes up to the Estuarine Planning Level; and,</i> <i>The wave action or tidal inundation mitigation works result in the protection of the existing and proposed development from inundation up to the Estuarine Planning Level.</i> <i>The wave action or tidal inundation mitigation works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow paths and the clearing of vegetation).</i> <p><i>Where wave action or tidal inundation mitigation works are undertaken to protect the development from inundation as set out above, the application of the Estuarine Planning Level requirements of this control need not apply.</i></p> <p><i>A Section 88B notation under the Conveyancing Act 1919 may be required to be placed on the title describing the location and type of wave action or tidal inundation mitigation works with a requirement for their retention and maintenance.</i></p> <p><u><i>Floor Levels - New Development and Additions</i></u></p>		
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<p><i>All floor levels within the dwelling, including floor levels of the existing dwelling, but excluding open balconies (with open balustrades), shall be at, or above, or raised to the Estuarine Planning Level.</i></p> <p>Floor Levels - Boat shed Facilities <i>New boat shed: All floor levels shall be at or above the Estuarine Planning Level.</i> <i>Basement (i.e. below ground level (existing)) boat shed facilities: All access and potential water entry points must be above the Estuarine Planning Level and a clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level, separate from the access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action. All access and potential water entry points must be above the Estuarine Planning Level and a clearly signposted pedestrian access to a 'safe haven' above the Estuarine Planning Level, separate from the access ramps, shall be provided. The access ramp to the basement, where practical should not face the direction of wave action.</i></p> <p>Variations <i>Innovative Design in Wave Action and Tidal inundation Protection Measures</i></p> <p><i>Innovative and alternative design in wave action and tidal inundation protection measures may be permitted on a merit basis subject to demonstration through and Estuarine Risk Management Report that the protection measures can be achieved.</i></p>		
<p>B3.10 Estuarine Hazard - Subdivision</p> <p><u><i>Obtaining Estuarine Planning Level</i></u></p> <p><i>To apply this control, the Estuarine Planning Level must first be established by:</i></p> <ul style="list-style-type: none"> • <i>Obtaining 'Estuarine Planning Level (EPL) advice' from Council, or;</i> • <i>An independent assessment undertaken by a Coastal Engineer (as defined in Appendix</i> 	<p>The proposed new dwellings have been designed at or above the required EPL.</p>	<p>Yes</p>

<p><u>7 - >Estuarine Risk Management Policy for Development in Pittwater.</u></p> <p><i>The Estuarine Planning Level may vary landward across the site based on foreshore edge treatment and distance from the foreshore edge.</i></p> <p><i>The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or pontoons located on the seaward side of the foreshore edge.</i></p> <p><u>Estuarine Risk Management Policy for Development in Pittwater</u></p> <p><i>For additional information, applicants are referred to <u>Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater></u>.</i></p> <p><u>Protection of Development from Wave Action and Tidal Inundation</u></p> <p><i>Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.</i></p> <p><u>General to all Development</u></p> <p><i>The following applies to all development:</i></p> <ul style="list-style-type: none"><i>• All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they will not be adversely affected by estuarine processes; and</i><i>• All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and,</i><i>• All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and,</i>		
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<ul style="list-style-type: none"> • <i>All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and</i> • <i>The storage of toxic or potentially polluting good, materials or other products which may be hazardous or pollute the waterway, is not permitted below the Estuarine Planning Level; and</i> • <i>For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls</i> • <i>To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level.</i> <p><u><i>Wave Action and Tidal Inundation Mitigation Works</i></u></p> <p><i>Developments that propose mitigation works that modify the wave action or tidal inundation behaviour within the development site including the filling of land, the construction of retaining structures and the construction of wave protection walls may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that:</i></p> <ul style="list-style-type: none"> • <i>The wave action or tidal inundation mitigation works do not have an adverse impact on any surrounding property or estuarine processes up to the Estuarine Planning Level.</i> • <i>The wave action or tidal inundation mitigation works result in the protection of the existing and proposed development from inundation up to the Estuarine Planning Level; and</i> • <i>The wave action or tidal inundation mitigation works do not have an adverse impact on the environment. (This includes but is not limited to the altering of natural flow paths and the clearing of vegetation).</i> <p><i>Where wave action or tidal inundation mitigation</i></p>		
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<p><i>works are undertaken to protect the development from inundation as set out above, the application of the Estuarine Planning Level requirements of this control need not apply.</i></p> <p><i>A Section 88B notation under the Conveyancing Act 1919 may be required to be placed on the title describing the location and type of wave action or tidal inundation mitigation works with a requirement for their retention and maintenance.</i></p> <p><u><i>Land Subdivision - Building Platforms</i></u></p> <p><i>The subdivision of land requires the area of land contained on the landward side of the Foreshore Building Line for each additional allotment created to be at or above the Estuarine Planning Level.</i></p> <p><i>Variations</i> <u><i>Innovative Designs in Wave Action and Tidal Inundation Protection Measures</i></u></p> <p><i>Innovative and alternative designs in wave action and tidal inundation protection measures may be permitted on a merit basis subject to demonstration through an Estuarine Risk Management Report that the protection measures can be achieved.</i></p>		
<p>B3.11 Flood Prone Land Requirements <i>1. Development must comply with the prescriptive controls set out in the Matrix below. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property.</i> <i>2. Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.</i></p>	<p>The site is identified as flood prone land. A flood assessment has been undertaken by Taylor Consulting which highlighted that a flood impact assessment is not required. The proposed development does not impact the flood regime of the site.</p>	<p>Yes</p>
<p>B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume) Controls <u><i>When this control applies:</i></u> <i>This control applies where 'intensification of</i></p>	<p>A flood assessment has been undertaken by Taylor Consulting which highlighted that a flood impact assessment is not required. The proposed</p>	<p>Yes</p>

<p><i>development' is proposed. 'Intensification of development' includes but may not be limited to:</i></p> <ul style="list-style-type: none"> • <i>an increase in the number of dwellings (but excluding dual occupancies and secondary dwellings);</i> • <i>an increase in commercial or retail floor space.</i> <p>2) Climate Change Assessment for Land Identified on Flood Hazard Maps</p> <p><i>For land identified on Council's Flood Hazard Maps involving development to which this control applies, a Flood Risk Management Report shall be prepared in accordance with Appendix 8 - Flood Risk Management Policy for Development in Pittwater, which includes an assessment of climate change. This assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered:</i></p> <p><i>Scenario 1: Impacts of sea level rise only</i> <i>Scenario 2: Impacts of sea level rise combined with increased rainfall volume</i></p> <p><i>Flood Planning Levels for Scenario 1 and 2 have not been adopted by Council to date.</i></p> <p><i>Applicants should contact Council to be directed to the source of the best available information to determine the likely increase in Flood Planning Levels as a result of climate change.</i></p>	<p>development does not impact the flood regime of the site.</p>	
<p>B4 Controls Relating to the Natural Environment</p>		
<p>B4.11 Land Adjoining Bushland</p> <p><i>Controls</i> <i>Development shall not adversely impact on the adjoining reserve.</i></p> <p><i>Development shall ensure that at least 80% of any</i></p>	<p>The proposed development has been designed with increased setbacks to the eastern boundary with Florence Park reserve. Further the bulk and scale of proposed 120a Prince</p>	

<p><i>new planting incorporates native vegetation (as per species found on the site or listed in Native Plants for Your Garden available on the Pittwater Council website).</i></p> <p><i>Landscaping works are to be outside areas of bushland and do not include Environmental Weeds.</i></p> <p><i>Compliance with Council’s Water Management for Development Policy is required.</i></p> <p><i>Domestic animals will be restricted from entering bushland.</i></p> <p><i>Development shall not result in a significant loss of canopy cover or a net loss in native canopy trees.</i></p> <p><i>Fencing, where permitted, shall be passable to native wildlife.</i></p> <p><i>Variations</i> <i>Council may consider variation to this control for:</i> <ul style="list-style-type: none"> • <i>environmental restoration projects whose sole objective is the restoration and regeneration of bushland.</i> • <i>those activities listed in adopted Plans of Management for public reserves.</i> • <i>Where fencing is required to contain domestic animals and that fencing is located on a part of the site that does not impede native fauna from traversing the site.</i> </p>	<p>Alfred Parade has been reduced to a two-storey dwelling with compliant landscaping. The proposed dwelling has also been designed with regard to the existing vegetation within the reserve.</p> <p>Refer to the arboricultural assessment prepared by Michael Shaw for further details.</p>	
<p>B4.22 Preservation of Trees and Bushland Vegetation</p> <p><i>Controls</i> <i>1. Authority to clear a tree or other vegetation is regulated in this plan in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 i.e. ‘Vegetation SEPP’. In particular, Part 2 of the Vegetation SEPP sets out the authority to clear vegetation and Part 3 provides for Council to declare under this DCP when a Vegetation</i></p>	<p>The proposal includes the retention and removal of vegetation on the site. The proposal also includes to trim trees on the eastern boundary as highlighted on the plans.</p> <p>Refer to the Arboricultural Impact Assessment prepared by Michael Shaw</p>	<p>Yes</p>

<p><i>Clearing Permit may be issued for clearing of vegetation.</i></p> <p><i>However a permit under Part 3 of the Vegetation SEPP (clause 10(3)) cannot allow the clearing of vegetation that is or forms part of a heritage item or that is within a heritage conservation area, or that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity:</i></p> <ul style="list-style-type: none"> <i>• is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</i> <i>• would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</i> <p><i>Requirements for other Development Applications</i> <i>When a DA required for clearing vegetation the following requirements apply:</i></p> <p><i>5. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p> <p><i>6. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</i></p> <p><i>7. Development must also avoid any impact on trees on public land.</i></p> <p><i>8. For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.</i></p> <p><i>9. Where trees proposed to be retained may be</i></p>	<p>which supports the proposed works.</p>	
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<p><i>affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.</i></p> <p><i>Variations</i></p> <p><i>Council may consider a variation to the requirements where:</i></p> <ul style="list-style-type: none"> • <i>Council is satisfied a tree or other vegetation is dying or dead and is not required as habitat for native fauna.</i> • <i>Council is satisfied a tree or other vegetation is a risk.</i> 		
<p>B5 Water Management</p>		
<p>B5.13 Development on Waterfront Land Controls</p> <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</i></p>	<p>The application is supported by a Stormwater Management Plan prepared by Taylor Consulting which confirms the following:</p> <p><i>This is to certify that the Stormwater Management Plan layout as shown on plan STORM-1 by Taylor Consulting Civil & Structural Engineers has been designed in accordance with section 3.1.2, 'Drainage', of the Building Code of Australia Housing Provision, AS/NZS 3500.3.2 – Stormwater Drainage and Northern Beaches Council - Water Management for Development Policy.</i></p>	<p>Yes</p>

<p><i>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> <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><i>Variations</i> <i>Variations may be considered when an activity or work is permissible with a controlled activity approval from the NSW Office of Water.</i></p> <p><i>Variations will be considered where the activity or work is required to mitigate risk including: landslip; geotechnical risk; flooding; erosion; risk to utilities; and bushfire hazard.</i></p>		
<p>B5.15 Stormwater Objectives</p> <ul style="list-style-type: none"> • <i>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</i> • <i>Minimise the risk to public health and safety;</i> • <i>Reduce the risk to life and property from any flooding and groundwater damage;</i> • <i>Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</i> 	<p>The application is supported by a Stormwater Management Plan prepared by Taylor Consulting which confirms the following:</p> <p><i>This is to certify that the Stormwater Management Plan layout as shown on plan STORM-1 by Taylor Consulting Civil & Structural Engineers has been designed in accordance with section 3.1.2, 'Drainage', of the Building Code of</i></p>	<p>Yes</p>

<ul style="list-style-type: none"> • Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle • Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources • Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities. <p>Requirements 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. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p>	<p>Australia Housing Provision, AS/NZS 3500.3.2 – Stormwater Drainage and Northern Beaches Council - Water Management for Development Policy.</p>	
<p>B6 Access and Parking</p>		
<p>B6.1 Access driveways and Works on the Public Road Reserve</p> <p><i>Controls</i> <u>General Requirements</u> Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 - Driveway Profiles.</p> <p>An Access Driveway to the standards as set out below must be provided for:</p> <ul style="list-style-type: none"> • any new development; • any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m²; and 	<p>The application is supported by civil documents prepared by Taylor Consulting which includes a driveway plan and long sections.</p> <p>The proposal has been designed to retain the existing driveway location for proposed 120a Prince Alfred Parade with a new driveway and crossover for proposed 120 Prince Alfred Parade.</p> <p>The proposal allows for a suspended driveway to 120 Prince Alfred Parade along with required works within</p>	<p>Yes</p>

<ul style="list-style-type: none"> • <i>where additional car parking spaces and/or garages are proposed.</i> <p><i>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.</i></p> <p><u><i>Access Driveway Design</i></u> <i>The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards:</i></p> <ul style="list-style-type: none"> • <i>Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking.</i> • <i>Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.</i> <p><u><i>Number of Access Driveways per Allotment</i></u> <i>The number of permissible Access Driveways to an allotment is as follows:</i></p> <ul style="list-style-type: none"> • <i>where the frontage of an allotment to a local public road is less than 30m, one only access driveway.</i> • <i>where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit.</i> • <i>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.</i> <p><i>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.</i></p> <p><i>Shared Driveways and Access Driveways located in front of adjoining properties</i></p> <p><i>Shared Access Driveways shared between adjoining private properties and Access Driveways located in front of adjoining properties will be considered on</i></p>	<p>the public road reserve for pedestrian access to the two lots.</p> <p>The proposed new driveway and works within the public road reserve are consistent with the adjoining properties to the west.</p>	
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merit, based on Council's consideration of the site constraints.

Access Driveway for Service Vehicles to Loading Dock

Access Driveways providing access for service vehicles to loading docks must be separated from access used by the general public for access to public parking areas.

Access Driveways providing access for service vehicles to loading docks shall, where practical, be located on a rear public road frontage providing separation from pedestrian activity.

Where Access Driveways are located on the same frontage, the minimum distance between an Access Driveway for service vehicles and an Access Driveway for the general public shall be 5 metres from the inside edge to the inside edge of the Access Driveways.

Access Driveway Location

Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows:

- 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*
- 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*

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.

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.

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.
The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.*

Access Driveway Width

The maximum width of an Access Driveway for dual occupancies, dwellings houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation shall be as follows:

Distance Building Line to Boundary
Nil to 3.5m
Greater than 3.5m to 6.5m
Greater than 6.5m

Width at Boundary
Width of car parking area or garage opening
4.0m
3.0m

Width at Kerb
Width of car parking or garage opening plus 0.5m
4.5m
3.5m

Access Driveway width can be varied subject to a merit based consideration.

Access Driveway Profile and Gradient

Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles.

Access Driveway Construction and Finishes

All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.

Gutter crossings are to be in plain concrete.

Access Driveways are to be in plain concrete.

Cosmetic Access Driveways on a public road reserve are not permitted.

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.

The Access Driveway is to be structurally adequate for its intended use.

Suspended driveways must not use the existing road structure for support.

Ancillary Structures within the Road Reserve

Ancillary structures within the Road Reserve will be

<p><i>supported for the purposes of structurally supporting the access driveway only. Ancillary structures include retaining walls.</i></p> <p><i>Encroachment into the road reserve is to be minimised.</i></p> <p><i>Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes.</i></p> <p><i>All structural elements within the Road Reserve must be certified by a Structural Engineer.</i></p> <p><i>In addition, where the land is identified on the Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.</i></p> <p><u><i>Access Driveway - Stormwater Drainage</i></u> <i>All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway.</i></p> <p><u><i>Access Driveway and Public Utilities Costs</i></u> <i>The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.</i></p> <p><i>Variations</i></p> <p><u><i>Access Driveway Location</i></u> <i>If driveways are located where the sight distance is below the minimum criteria, consideration will be given on a merit basis subject to the submission of a Traffic Assessment Report by a suitably qualified Traffic Engineer.</i></p> <p><u><i>Access Driveway Profile and Gradient</i></u> <i>A new driveway or an existing structurally sound driveway with gradients up to 1:3 (V:H) may be permitted to remain on merit subject to demonstration through a Traffic Assessment Report and relevant certification that the Access Driveway including surface finish is safe for its intended use and that a pedestrian footpath either can be accommodated in the road reserve or is not required.</i></p>		
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<p><u>Dual Occupancy / Secondary Dwelling Development</u> For Dual Occupancy and Secondary Dwelling development, a separate Access Driveway to each dwelling will be considered on merit, based on Council's consideration of the site constraints.</p> <p><u>Alternative Design on steeply sloping sites</u> Where it can be demonstrated to Council's satisfaction that this control is not applicable in the case of steeply sloping sites and steeply sloping public road reserve verges, the design of the Access Driveway may be in accordance with the current edition of the following Australian standard, based on turning paths for a B85 vehicle and subject to provision for a 1.5metre footpath width, kerb and gutter and stormwater drainage being directed away from the Access Driveway:</p> <ul style="list-style-type: none"> • Australian Standard AS/NZS 2890.1 "Parking Facilities Part 1" Off-Street Car Parking. 		
<p>B6.2 Internal Driveways</p> <p><u>Controls</u> <u>General</u> An Internal Driveway must be provided for in:</p> <ul style="list-style-type: none"> • any new development; • development where additional car parking spaces and/or garages are required by Council's plans or policies; • any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m² ; and • development where additional car parking spaces and/or garages are proposed. <p>If the applicant proposes to retain the existing driveway, the applicant will need to demonstrate compliance with the outcomes and driveway standards of this control.</p> <p><u>Internal Driveway</u></p> <p><u>Internal Driveway Profiles</u></p> <p>Internal Driveways are to be designed and</p>	<p>Refer to Civil Plans prepared by Taylor Consulting which provide documentation on driveway plans and driveway long-sections.</p>	<p>Yes</p>

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.

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.

Provision is to be made for vehicles to enter and leave the site in a forward direction, where:

- the internal driveway grade exceeds 1:4 (V:H);*
- 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.*

Internal Driveway Stormwater Drainage

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.

Internal Driveway Construction/Finishes

Internal Driveways shall have a stable surface for all weather construction.

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.

Internal Driveway Design for all other uses than dual occupancies, dwelling house, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.

The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standards:

- *Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.*
- *Australian Standard AS/NZS 2890.2-2002: Parking Facilities - Off-Street Commercial Vehicle Facilities except as qualified in this control.*

Driveway width for dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.

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:

- *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.*

Internal Driveway and Driveway Corridor Width for all other development than dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation

Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements.

Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical.

Turning movements are to be in accordance with the

<p><i>turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking).</i></p> <p>Variations <i>For existing Internal Driveways on steeply sloping or difficult sites proposing dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation, gradients up to a maximum of 1:3 (V:H) may be maintained subject to demonstration through a Traffic Assessment Report and the relevant certification that the Internal Driveway including surface finish is safe for its intended use.</i></p> <p><i>Any alternate design of the Internal Driveway (based on turning paths for a B85 vehicle) is to be in accordance with the current edition of Australian Standard AS/NZS 2890.1 "Parking Facilities Part 1" Off-Street Car Parking.</i></p> <p><i>A variation may be considered subject to demonstration through a Traffic Assessment Report and the relevant certification that an alternate vehicular access arrangement to the site is safe for all pedestrian and vehicular traffic.</i></p>								
<p>B6.3 Off-Street Vehicle Parking Requirements</p> <p>Controls <i>The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation:</i></p> <table border="1" data-bbox="220 1534 783 1615"> <thead> <tr> <th>Number of bedrooms per dwelling but not a secondary dwelling</th> </tr> </thead> <tbody> <tr> <td>1 bedroom</td> </tr> <tr> <td>2 bedrooms or more</td> </tr> </tbody> </table> <table border="1" data-bbox="220 1630 520 1711"> <thead> <tr> <th>Parking requirements per dwelling</th> </tr> </thead> <tbody> <tr> <td>1 space</td> </tr> <tr> <td>2 spaces</td> </tr> </tbody> </table> <p><i>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).</i></p>	Number of bedrooms per dwelling but not a secondary dwelling	1 bedroom	2 bedrooms or more	Parking requirements per dwelling	1 space	2 spaces	<p>Complies - The proposed dwellings both provide two (2) car spaces in the form of double garages.</p>	<p>Yes</p>
Number of bedrooms per dwelling but not a secondary dwelling								
1 bedroom								
2 bedrooms or more								
Parking requirements per dwelling								
1 space								
2 spaces								

Demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works
120 Prince Alfred Parade, Newport

<p><i>Minimum dimensions of internal space for on-site parking are:</i></p> <table border="1" data-bbox="217 383 858 539"> <tr> <td>Single car parking spaces on hard stand and Single Carport</td> </tr> <tr> <td>Enclosed garage(internal dimension)</td> </tr> <tr> <td>Multiple side by side carport and enclosed garage(internal dimension)</td> </tr> </table> <p><i>The maximum cross-fall in any direction for an open car parking space is 1:20 (V:H).</i></p> <p><i>For all other uses, the minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to be in accordance with the following:</i></p> <ul style="list-style-type: none"> <i>The total number of spaces as set out in TABLE 1 below;</i> <i>PLUS the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements.</i> 	Single car parking spaces on hard stand and Single Carport	Enclosed garage(internal dimension)	Multiple side by side carport and enclosed garage(internal dimension)		
Single car parking spaces on hard stand and Single Carport					
Enclosed garage(internal dimension)					
Multiple side by side carport and enclosed garage(internal dimension)					
<p>B8 Site Works Management</p>					
<p>B8.1 Construction and Demolition - Excavation and Landfill</p> <p><i>Controls</i></p> <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</i> 	<p>Complies – the proposal is supported by a Geotechnical Investigation Assessment Report as per the requirements of Northern Beaches Council which outlines requirements for excavation on the site.</p>	<p>Yes</p>			

<p><i>on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, 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>B8.3 Construction and Demolition - Waste Minimisation <i>Controls</i> <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>The proposal will utilise and minimise waste generation through the reuse on-site, recycling or disposal at appropriate facilities. Refer to Waste Management Plan for further details.</p>	<p>Yes</p>
<p>B8.4 Construction and Demolition - Site Fencing and Security <i>Controls</i> <i>All sites are to be protected by site fencing for the duration of the works.</i></p>	<p>Noted – the site will be fenced during construction.</p>	<p>Yes</p>
<p>B8.5 Construction and Demolition - Works in the Public Domain <i>Controls</i> <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> <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> <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></p>	<p>The proposal will require approval for any works within the public domain through applications to Council including bond lodgement forms. Further review at Construction Certificate stage.</p>	<p>Yes</p>
<p>B8.6 Construction and Demolition - Traffic Management Plan <i>Controls</i> <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</i></p>	<p>The proposal includes excavation works to the site. Further analysis and information can be provided at Construction Certificate stage if a construction traffic management plan is required.</p>	<p>Yes</p>

Demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works
120 Prince Alfred Parade, Newport

<p><i>provided and approved by Council prior to the commencement of works.</i></p> <p><i>All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.</i></p>		
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Section C Development Type Controls		
Control	Proposed	Compliance
<u>C1 Design Criteria for Residential Development</u>		
<p>C1.1 Landscaping Controls <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></p> <p><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></p> <p><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></p> <p><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></p>	<p>The proposed landscaping for the site has been formulated through expert consultant discussions between the arborist, landscape architect and project architects. Where feasible the project retains existing trees and provides a development which limits adverse impacts to the existing vegetation of value to the site.</p> <p>The proposal has been designed with a compliant landscaped area and provides relevant canopy trees as specified on the landscape plans.</p> <p>The proposal is consistent with the existing streetscape of Prince Alfred Parade, while retaining where possible the existing front hedge on the road reserve.</p> <p>Refer to Landscape Plans prepared by Andrew Davies</p>	<p>Yes</p>

<p><i>The following soil depths are required in order to be counted as landscaping:</i></p> <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees <p><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></p> <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. <p><i>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</i></p> <p><i>In bushfire prone areas, species shall be appropriate to the bushfire hazard.</i></p> <p><i>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</i></p> <p><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></p> <p><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></p> <p><i>Noxious and undesirable plants must be removed from the site</i></p>	<p>Landscape Designer and the Arboricultural Impact Assessment prepared by Michael Shaw.</p> <p>It is noted that 120a Prince Alfred Parade includes a green roof. As per the provisions of C1.1 the green roof will have a soil depth greater than 600mm and is therefore included as landscaped area. Further, it is important to note the location and topography of the where the green roof is located which gives it the guise that it forms part of the deep soil landscaping on the site noting that it is within 1m of the original land before road construction. The proposed green roof and location helps to further soften the built form.</p>	
<p>C1.2 Safety and Security Controls</p>	<p>The proposal has been designed to comply with the four principles of CPTED.</p>	<p>Yes</p>

<p><i>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</i></p> <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> <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><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>The proposed dwellings have been sited with one direct access point and driveway with no curves or hiding places between the kerb to front entrance. This allows view points from the dwelling to overlook the street and entrance to the property which maximises casual surveillance to the site.</p> <p>The proposal includes a direct and well-defined walkway off Prince Alfred Parade for both dwellings.</p>	
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<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><u><i>3. Territorial reinforcement</i></u> <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><i>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</i> <i>Blank walls along all public places (streets, open space etc) shall be minimised.</i></p> <p><u><i>4. Space management</i></u> <i>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</i></p> <p><i>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</i></p> <p><i>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these</i></p>	<p>As above, the proposed accessways are well-defined and strategically located to separate the driveway from the main entrance to the dwelling.</p> <p>The project architects have provided a well-designed and thought-out project which uses space management to increase landscaping, site cleanliness and activity coordination through well-defined aspects of the project, such as the pedestrian access points and driveway.</p>	
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<p><i>dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</i></p>		
<p>C1.3 View Sharing <i>Controls</i> <i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i></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><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><i>Views are not to be obtained at the expense of native vegetation.</i></p>	<p>The proposal has been designed with compliant side setbacks with only a minor breach to the building height for the dwelling on 120 Prince Alfred Parade. The proposal is consistent with the horizontal massing of the surrounding area, with the proposal lower than the adjoining properties to the west. Refer to further review of the tenacity principles after this table.</p>	<p>Yes</p>
<p>C1.4 Solar Access <i>Controls</i> <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><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</i></p>	<p>The proposal has been strategically designed into the natural topography of the site, which reduces, height, bulk and scale of the proposal. This helps to alleviate any potential solar impacts with the western neighbour retaining adequate sunlight, been a minimum 3 hours of sunlight. The western side setback for 120 Prince Alfred Parade is also 2.875m at the ground floor. The proposal will not impact neighbouring properties and complies with the requirements of C1.4 Solar Access.</p>	<p>Yes</p>

<p><i>solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</i></p> <p>Variations General <i>Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:</i></p> <ul style="list-style-type: none"> • <i>where the orientation or shape of a lot precludes northerly orientation (20° west to 30° east of north),</i> • <i>where there is adverse slope or topography,</i> • <i>where there is existing vegetation, obstruction, development or fences that overshadow, or</i> • <i>where other controls have priority, e.g. heritage and landscaping considerations.</i> <p><i>Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.</i></p>	<p>Refer to Shadow Studies DA-14, DA-15 and DA-16 for full details.</p>	
<p>C1.5 Visual Privacy Controls <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><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><i>Direct views from an upper level dwelling shall be</i></p>	<p>The proposal has been designed to maximise privacy to and from the subject site and main private open space areas.</p> <p>The proposed east and west elevations have been designed with adequate privacy screens to avoid overlooking to the neighbouring properties with balconies at the rear of the dwelling which look towards the views of Salt Pan Cove.</p>	<p>Yes</p>

<p><i>designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i></p> <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> <ul style="list-style-type: none"> • <i>permanent and fixed;</i> • <i>made of durable materials; and</i> • <i>designed and painted or coloured to blend in with the dwelling.</i> 	<p>The project architects have worked in conjunction with the landscape architects to create a design which enhances landscaping and visual privacy to neighbouring properties while maintaining view sharing and access to sunlight.</p>	
<p>C1.6 Acoustic Privacy</p> <p><i>Controls</i></p> <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><i>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</i></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><i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i></p>	<p>The subject development will not impact the acoustic amenity of the occupants, nor will it impact the amenity of adjoining neighbours.</p> <p>Any noise generating plant requirements such as pool motors and air-conditioning units will be designed to not produce noise levels above 5dBA and will be strategically placed and screened/soundproofed if required.</p>	<p>Yes</p>

<p>C1.7 Private Open Space <i>Controls</i> <i>Private open space shall be provided as follows:-</i></p> <p><u><i>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</i></u></p> <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><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> <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><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><i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i></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><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></p> <p><i>Private open space areas should include provision of</i></p>	<p>The proposal includes private open space for both dwellings located off the ground floor living areas which blend into the terrace and swimming pool areas.</p> <p>Both 120 and 120a Prince Alfred Parade achieve a minimum 80sqm private open space area which serve as an additional space to the internal living area and also integrate and link with the soft landscaping on the site.</p>	<p>Yes</p>
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<p><i>clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</i></p> <p><i>An accessible and usable area for composting facilities within the ground level private open space is required.</i></p>		
<p>C1.9 Adaptable Housing and Accessibility <i>Accessibility for all development</i></p> <p><i>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.</i></p> <p><i>Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.</i></p>	<p>The proposal includes a lift for both dwellings proposed on 120 and 120a Prince Alfred Parade, which allows for adaptable and accessible housing.</p>	<p>Yes</p>
<p>C1.12 Waste and Recycling Facilities <i>Controls</i></p> <p><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></p>	<p>The application includes a Waste Management Plan as per Northern Beaches Councils requirements.</p> <p>The proposed dwellings include adequate storage areas for bins, with 120 Prince Alfred Parade allocated an area within the garage and 120a Prince Alfred Parade providing an area adjacent to the turning bay.</p>	<p>Yes</p>
<p>C1.13 Pollution Control <i>Controls</i></p> <p><i>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</i></p> <p><i>Developments must comply in all respects with</i></p>	<p>The proposal has been designed to minimise pollution and will be constructed and maintained in a proper and efficient manner to prevent air, water, noise and land pollution.</p>	<p>Yes</p>

<p><i>the Protection of the Environment Operations Act 1997, and other relevant legislation.</i></p>		
<p>C1.14 Separately Accessible Structures Controls <i>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</i></p> <ul style="list-style-type: none"> <i>i. it is ancillary to a dwelling;</i> <i>ii. it is not designed for separate habitation and does not contain any cooking facilities.</i> <p><i>Variations</i> <i>Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.</i></p>	<p>The proposal does not include separately accessible structures.</p>	<p>N/A</p>
<p>C1.17 Swimming Pool Safety Controls <i>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.</i></p>	<p>The swimming pools for both 120 and 120a Prince Alfred Parade have been designed to comply with relevant swimming pool legislation and will be registered as required before occupation.</p>	<p>Yes</p>
<p>C1.19 Incline Passenger Lifts and Stairways Controls <i>Incline passenger lifts and stairways shall:</i></p> <ul style="list-style-type: none"> <i>i. be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and</i> <i>ii. be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and</i> <i>iii. be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and</i> <i>iv. be painted to blend in with surrounding vegetation and screened by landscaping and</i> <i>v. be set back two (2) metres from the side boundary to the outer face of the carriage</i> <i>vi. be located wholly on private land, and</i> 	<p>The proposal does not include any incline passenger lifts.</p> <p>The proposal does include a stairway within the western setback of 120 Prince Alfred Parade. The stairs allow for a usable space due to the topography including more structured landscaping which provides additional privacy between the adjoining neighbour and the proposed dwelling house.</p>	<p>Yes</p>

<p>vii. <i>have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.</i></p> <p><i>On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.</i></p> <p><i>Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.</i></p> <p><i>The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.</i></p> <p><i>Variations</i> <i>Where an incline passenger lift is shared between lots, the 2m side boundary setback does not apply to those lots.</i></p>		
<p>C1.23 Eaves <i>Controls</i> <i>Dwellings shall incorporate eaves on all elevations. Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</i></p>	<p>The proposal is for modern dwelling houses which provide architecturally designed dwellings. The proposal complies with BASIX requirements and has integrated screening on the east/west elevations and promoted the features of the proposal towards the water with terraces on the north elevation. It is submitted that the proposed design reflects the new modern approvals been granted for dwelling houses within a coastal area, still optimizes roof forms and provides appropriate solar access and</p>	<p>Merit Assessment</p>

<p>C1.24 Public Road Reserve - Landscaping and Infrastructure</p> <p><i>Controls</i></p> <p><u>Landscaping General - All Development</u></p> <p><i>Landscaping within the public road reserve is to include street trees planted at 6m centres. Street trees are to be planted to encourage the free passage of pedestrians. Street trees should not interfere with existing powerlines. All existing trees over 3m in height and native vegetation within the road reserve areas are to be retained where practical. The existing trees are to be protected during the construction of works through temporary perimeter fencing that is 1.8m high. New tree plantings are to be a minimum 35 litre size with 1m x1m hole and backfilled with suitable planting medium. Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with Hessian ties. To ensure a consistent streetscape the new tree plantings are to be the same as the existing adjacent street trees. Where appropriate, Council encourages the use of local endemic native species according to the list of local native species in Pittwater. Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade. All work is subject to a Section 139 approval from Council.</i></p> <p><u>Dwelling Houses, Secondary Dwellings and Dual Occupancy</u></p> <p><i>The location of new landscaping (street trees) is not to hinder the future construction of a 1.5m wide footpath in location to be nominated by Council and is subject to a Section 139 approval from Council.</i></p> <p><i>Variations</i></p> <p><i>Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of</i></p>	<p>shading to the development.</p> <p>The proposal has been designed to retain where possible the existing hedge within the public road reserve. Refer also to the Landscape Plan which proposes mass planting between the hedge and front boundary.</p> <p>It is noted that the public road reserve is significantly big with a 7m gap between the street kerb and the front boundary. It is further noted that the existing hedge is approx. 2.2m from the street kerb. The proposal therefore retains an area greater than 1.5m wide to allow for any future works if required such as a footpath. It is therefore highly supported that further landscaping treatments be allowed in the "unused" public road reserve.</p> <p>The proposal additional planting will assist in providing slope stability over the public road reserve.</p> <p>The proposal meets the outcomes of C1.24 with new landscaping which is in character with the Pittwater Streetscape and Newport locality.</p>	<p>Yes</p>
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<p><i>this control in respect to the specific landscaping or infrastructure item need not apply.</i></p> <p><i>Where the landscaping or infrastructure in the public road is located in steep terrain the landscaping and infrastructure requirements will be considered on merit.</i></p> <p><i>The merit for deciduous trees will only be considered on the grounds of solar access.</i></p>		
<p>C1.25 Plant, Equipment Boxes and Lift Over-Run Controls</p> <p><i>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</i></p> <p><i>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.</i></p> <p><i>Variations</i> <i>Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.</i></p> <p><i>Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.</i></p>	<p>The proposed dwellings on 120 and 120a Prince Alfred Parade include a lift in each dwelling. The lifts have been designed to integrate with the architectural design of the dwellings and will not result in a bulk and scale that is unacceptable with the area.</p> <p>The proposal meets the relevant outcomes of C1.25 With an appropriate design and location of the lifts, they do not create visual clutter, they do not impact views or vistas and are of a bulk and scale consistent with the streetscape and locality.</p>	<p>Yes</p>

C4 Design Criteria for Subdivision		
<p>C4.1 Subdivision - Protection from Hazards <i>Controls</i> <i>All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards.</i></p> <p><i>The subdivision must not have any adverse affect or provide a threat on public or private infrastructure, assets and people in the vicinity.</i></p>	<p>The proposed subdivision is a reduction from four (4) lots to two (2) lots with the proposed lots designed and building platforms proposed through expert design guidance throughout this project. Refer to consultant reports that support the application.</p>	<p>Yes</p>
<p>C4.2 Subdivision - Access Driveways and Off-Street Parking Facilities <i>Controls</i> <u><i>(i) Off-Street Parking Requirements</i></u> <i>The design of each individual lot created within the subdivision is to provide for off street parking facilities compatible with the proposed development uses for that lot.</i></p> <p><u><i>(ii) Access Driveways (ie; driveway crossings)</i></u> <i>A safe and functional access driveway must be designed and constructed from the road edge/kerb and gutter to the lot boundary for each individual lot within the subdivision as part of the subdivision works.</i> <i>Only one driveway access to a public road is permitted for each lot.</i></p> <p><u><i>(iii) Internal Driveways</i></u> <i>The design of each individual lot created within the subdivision is to provide for an internal driveway compatible with the proposed development uses for each individual lot.</i> <i>Where an internal driveway is located within a 'right of way' or proposed 'right of way', the internal driveway is to be designed and constructed as part of the subdivision works.</i></p> <p><i>Variations</i> <u><i>Access Driveways</i></u> <i>Council may permit a second driveway access to a public road if the street frontage to the road is 30m</i></p>	<p>The proposal has been designed to keep the existing driveway entry for proposed lot 120a Prince Alfred Parade, with proposed lot 120 Prince Alfred Parade applying a new crossover and driveway consistent with the adjoining properties to the west.</p> <p>The access driveways are safe, functional and provide for the requirements of off-street car parking to the sites.</p>	<p>Yes</p>

<p><i>or more, or where rear access to the lot is provided.</i></p> <p><u><i>Internal Driveways</i></u> <i>Consideration will be given on a merit basis where the applicant is proposing not to construct the internal driveway located within a right of way or proposed right of way as part of the subdivision works phase.</i></p>		
<p>C4.5 Subdivision - Utility Services</p> <p><i>Controls</i> <i>All lots created within the subdivision are to be fully serviced by:</i></p> <ul style="list-style-type: none"> • <i>Electricity</i> • <i>Water</i> • <i>Gas</i> • <i>Communications</i> • <i>Sewer</i> <p><i>All existing and proposed utility services to the site (where not already located underground) are to be located underground within the proposed road reserve within the developed lands and within the lots created within the subdivision.</i></p> <p><i>All utility services existing or otherwise located (where not already located underground) on the perimeter of the subdivision lands within the road reserve or within adjacent public reserves (within a distance of 6m from the boundary) are to be relocated underground for the width of the development site frontage to the public reserve or public road reserve. Design and construction of the undergrounding of utility services are to be at full cost to the developer.</i></p> <p><i>Variations</i> <i>Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:</i></p> <ul style="list-style-type: none"> • <i>electricity wires carrying 16,000 volts, 33,000 volts or more, and</i> <p><i>short lengths of overheads of two spans or less</i></p>	<p>The site has existing access to relevant utility services. The proposed lots will upgrade as required relevant utility services to both lots.</p>	<p>Yes</p>

<p>C4.7 Subdivision - Amenity and Design</p> <p><i>Controls</i> <u>Subdivision Design</u> <i>Subdivision should be designed to ensure that</i></p> <ol style="list-style-type: none"> <i>a. all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area;</i> <i>b. the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment.</i> <p><i>A comprehensive site analysis taking into account the following characteristics is to be carried out as part of the subdivision design process. This analysis should take into account the final development which will occur on the site as a result of the subdivision. The analysis and resultant subdivision design should address the following issues:-</i></p> <ul style="list-style-type: none"> <i>• the slope, topography and any natural features (e.g. creeklines);</i> <i>• trees and vegetation (particularly trees worthy of retention);</i> <i>• viewlines from within the proposed lots and from adjoining properties;</i> <i>• solar access to the subdivision site;</i> <i>• the side, rear and front setbacks of future dwellings and structures in relation to the proposed new boundaries and development on adjoining properties;</i> <i>• the visual impact of built development which will occur as a result of the subdivision process (building height, bulk and scale, visual impact of buildings);</i> <i>• the provision of vehicular access to the future buildings on the proposed lots;</i> <i>• the provision of landscaping and/or recreation space for each proposed lot;</i> <i>• the provision of onsite car parking on each proposed lot;</i> <i>• the provision of services to each lot, including sewerage, water, electricity, communications and gas (where available);</i> 	<p>The proposed subdivision is a reduction from four (4) lots to two (2) lots. It is therefore considered that the proposal is a substantially more beneficial outcome for the locality and desired character of the area, noting that the four (4) lots do not comply with PLEP Clause 4.1 Minimum Lot Size, whilst the proposed two (2) lots have been designed to comply.</p> <p>A comprehensive assessment of the site has been undertaken, including concept plans and a pre-lodgement meeting with Northern Beaches Council.</p> <p>From a planning perspective, the proposal has substantial merit and the proposed design of the new dwellings further enforces that the resultant subdivision for two (2) lots is compatible and consistent with the character of the area and relevant planning controls.</p> <p>The proposed building footprints have been designed to comply with side and rear setbacks, are consistent with the front setbacks of adjoining properties to the west and will not have an adverse impact on view corridors,</p>	<p>Yes</p>
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<ul style="list-style-type: none"> • <i>the provision of emergency services to each (bushfire, fire brigade, ambulance).</i> <p><i>In order to address these issues, a building envelope area is to be nominated on each proposed lot within which any future building is to be contained. The application should clearly demonstrate that a building envelope can be built on site that has regard for the following:</i></p> <ul style="list-style-type: none"> • <i>retention of trees and bushland,</i> • <i>vehicular access,</i> • <i>provision of services,</i> • <i>provision of emergency services,</i> • <i>and safety from hazard,</i> • <i>A building which achieves the desired character of the area and is commensurate with the amenity standards of surrounding development, and does not overly impact on the environment, and can be erected within that envelope.</i> <p><i>In this regard, an assessment of the buildings which will be erected as a result of the proposed subdivision is to be carried out demonstrating that the requirements and outcomes of the controls in this DCP which will apply to those buildings will be able to be complied with.</i></p> <p><u><i>Usable Site Area</i></u> <i>Where a right-of-carriageway to another lot is provided over a lot, the width of that right-of-carriageway shall not be more than 20% of the required minimum width of the lot over which it is located.</i></p> <p><i>Where an allotment has a boundary dimension of 6.5 metres or less to a road, then the site area of the allotment shall be increased by 20% over that required for the area.</i></p> <p><u><i>Variations</i></u> <i>Nothing shall preclude land being added to an existing lot which complies with the design criteria notwithstanding that the final lot does not comply in regard to minimum width or width at a specific location.</i></p>	<p>amenity to neighbours and existing native vegetation.</p>	
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<p>C4.8 Subdivision - Landscaping on the Existing and proposed public road reserve frontage to subdivision lots</p> <p><i>Controls</i> <u>Landscaping General</u> <i>Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres. Street trees are to be planted to encourage the free passage of pedestrians along the road verge and not interfere with existing power lines. Tree species are to be a minimum 35 litre size with 1m x1m hole and backfilled with planting medium. Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with hessian ties. All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical. Such trees are to be protected through perimeter 1.8m high temporary fencing during the construction of works. Selected species are to as per the existing adjacent street trees or native species to the area. Council encourages the use of local endemic native species according to the list of local native species in Pittwater http://www.pittwater.nsw.gov.au/environment/plants_and_animals/native_plants/species_lists Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.</i></p> <p><i>Variations</i> <i>Where landscaping or infrastructure in the public road reserve currently exists, the requirements of this Control in respect to the specific landscaping or infrastructure item need not apply.</i></p>	<p>The proposal retains the existing hedge within the public road reserve. Refer to Landscape Plan prepared by Andrew Davies Landscape Designer for full details.</p>	<p>Yes</p>
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Section D Locality Specific Development Controls		
Control	Proposed	Compliance
D10 Newport Locality		
<p>D10.1 Character as viewed from a public place</p> <p><i>Controls</i></p> <p><i>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i></p> <p><i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i></p> <p><i>Any building facade to a public place must incorporate at least two of the following design features:</i></p> <ol style="list-style-type: none"> <i>i. entry feature or portico;</i> <i>ii. awnings or other features over windows;</i> <i>iii. verandahs, balconies or window box treatment to any first floor element;</i> <i>iv. recessing or projecting architectural elements;</i> <i>v. open, deep verandahs; or</i> <i>vi. verandahs, pergolas or similar features above garage doors.</i> <p><i>The bulk and scale of buildings must be minimised.</i></p> <p><i>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should 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><i>Landscaping is to be integrated with the building design to screen the visual impact of the built form.</i></p>	<p>The proposed dwellings have been designed with articulation, modulation and varying bulk and scale with the integration of new landscaping for the sites. As highlighted under the assessment of Clause 4.3 of PLEP, the proposed building heights are substantially lower than the adjoining properties to the west which are four storeys in bulk and scale, with the proposed development three storeys for 120 Prince Alfred Parade and two storeys for 120a Prince Alfred Parade.</p> <p>The proposal has been skilfully designed by the project architects to ensure the character of the Newport locality is retained and enhanced through the natural environment and topography of the site.</p> <p>The proposal includes a new direct street presence and incorporates design elements that are consistent with the locality and recent approvals within the locality.</p>	Yes

Demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works
120 Prince Alfred Parade, Newport

<p><i>In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</i></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><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>As per the outcomes for control D10.1 the visual impact of the built form is secondary to landscaping and vegetation, with the proposal enhancing landscaping to that existing on the site and, is softened by landscaping and vegetation.</p> <p>The building is of high quality and built for the natural context and natural hazards most notably the topography and EPL of the site.</p> <p>The buildings do not dominate the streetscape and is of a scale consistent with the neighbouring dwellings to the west when viewed from Prince Alfred Parade. The proposal gives the appearance of being one-storey from the street.</p> <p>The garages for both lots have been designed to not be the dominate feature of the sites. 120a Prince Alfred Parade has also retained the existing driveway entrance to the site and includes a turning bay for vehicles to enter and leave in a forward direction. Refer to swept path analysis completed by Triaxial.</p>	
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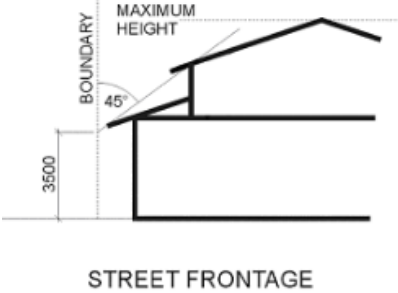
	<p>The landscaping has been designed to retain where possible native trees while introducing new native vegetation and screening.</p> <p>Existing services will be utilised with all facilities where possible to be located underground.</p>	
<p>D10.3 Scenic protection - General <i>Controls</i> <i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i></p>	<p>The proposal has been strategically designed to be lower than the existing horizontal streetscape of the neighbouring properties to the west. The proposal has been designed with materials to blend in with the natural environmental and existing streetscape of the area along with a design that builds into the topography of the land which minimises bulk and scale.</p> <p>The proposal will not have a visual impact on the natural environment. Refer to photomontage.</p>	<p>Yes</p>
<p>D10.4 Building colours and materials <i>Controls</i> <i>External colours and materials shall be dark and earthy tones as shown below:</i></p>  <p><i>White, light coloured, red or orange roofs and walls are not permitted:</i></p>	<p>The proposed dwellings have been designed to be modern and high quality while blending in with the natural coastal environment.</p> <p>Refer to architectural plans prepared by Corben Architects for details on building materials.</p>	<p>Yes</p>

		
<p>D10.7 Front building line Controls <i>The minimum front building line shall be in accordance with the following table:</i> <i>All other land zoned R2 Low Density Residential or E4 Environmental Living - 6.5 or established building line, whichever is the greater.</i></p> <p><i>Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:</i></p> <ul style="list-style-type: none"> • <i>considering established building lines;</i> • <i>degree of cut and fill;</i> • <i>retention of trees and vegetation;</i> • <i>where it is difficult to achieve acceptable levels for building;</i> • <i>for narrow or irregular shaped blocks;</i> • <i>where the topographic features of the site need to be preserved;</i> • <i>where the depth of a property is less than 20 metres.</i> 	<p>The proposal has been designed as per the established building line to the west. It is submitted that a variation is acceptable due to the constraints of the site including the FBL, topography and requirement to achieve parking. It is further noted that the majority of the dwelling's structures will be below street level. Further, the sites have a kerb to front boundary dimension of 7m which is excessive and provides the sense of a large setback than that provided.</p> <p>The proposal complies with the outcomes of D10.7 as outlined below: The proposed subdivision and dwellings achieve the desired future character of the locality. The proposed dwellings and setbacks allow equitable preservation of views and vistas. The proposal retains vegetation where possible and includes new native vegetation to support the dwellings and character of the sites.</p>	<p>Complies on merit assessment</p>

Demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works
120 Prince Alfred Parade, Newport

	<p>The dwellings are consistent with the streetscape of Prince Alfred Parade and of a lower scale than the adjoining properties to the west.</p> <p>The proposal includes an attractive street frontage and will provide pedestrian access points to the site while ensure existing pedestrian access is provided within the public road reserve.</p> <p>The proposal provides greater separation than the dwellings to the west.</p> <p>The proposal has been skilfully designed by the project architects to maximise side setbacks and building separation to provide a greater amenity for the future occupants and neighbouring property to the west.</p> <p>Refer also to the Survey Plan which shows the adjoining building footprints to the west and the existing front setbacks.</p>	
<p>D10.8 Side and rear building line <i>Controls</i> <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> <p><i>Land zoned R2 Low Density Residential or E4 Environmental Living</i></p>	<p>Side Setbacks <i>120 Prince Alfred Pde</i> 2.2m to the western elevation 1.4m to the eastern elevation 2.35m to the swimming pool</p> <p><i>120a Prince Alfred Pde</i></p>	<p>Yes – (merit assessment for the western setback of 120 Prince Alfred Parade)</p>

<p>2.5 to at least one side; 1.0 for other side 6.5 (rear) unless Foreshore Building Line applies</p> <p><i>Variations</i> For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:</p> <ul style="list-style-type: none"> • <i>satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and</i> • <i>Council is satisfied that the adjoining properties will not be adversely affected, and</i> • <i>the pool or spa is not more than 1 metre above ground level (existing), and</i> • <i>that the outcomes of this clause are achieved without strict adherence to the standards, and</i> • <i>where the site constraints make strict adherence to the setback impractical, and</i> • <i>where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.</i> 	<p>2.505m to the eastern elevation 1.0 to the western elevation 1.36m to the swimming pool</p> <p>Rear Setback Foreshore building line applies. The rear facades of the dwellings have been designed behind the FBL.</p> <p>The proposed side setbacks meet the required outcomes of control D10.8.</p> <p>The side setbacks have been increased through the middle of the proposed subdivision as noted at the pre-lodgement meeting. The proposal has changed from a 2m separation to a 3.24m separation at the first floor of the dwellings. It is submitted that the proposal complies with the side setback controls (apart from a 1m section on the western side of 120 Prince Alfred Parade) and in fact provides substantial side setbacks in particular to the western neighbour and Florence Park. As a result, the proposal ensures that the privacy, amenity and</p>	<p>Yes</p>
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	sunlight is retained and acceptable.	
<p>D10.11 Building envelope <i>Controls</i> <i>Buildings are to be sited within the following envelope:</i></p>  <p><i>Development other than residential flat buildings and multi dwelling housing:</i></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><i>Variations</i> <i>Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.</i> <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>The proposed dwellings have been designed with greater side setbacks to the adjoining neighbour to the west and Florence Park to the east. The proposal will have a minor variation to the side boundary envelope on the eastern elevation of 120 Prince Alfred Pde and the western elevation of 120a Prince Alfred Pde. The proposed variations are considered acceptable due to the topography of the land and the requirements of the EPL.</p> <p>The proposed dwellings are also lower than adjoining maximum RLs and are consistent with the streetscape of Prince Alfred Road.</p> <p>The proposal responds to, reinforces and sensitively relates to the spatial characteristics of the existing natural environment. The bulk and scale is minimised through building materials and excavation into the land, which provides equitable preservation of views and vistas to and from public/private places.</p> <p>The proposed building</p>	Complies on merit assessment

	<p>envelopes will not impact the level of privacy, amenity and solar access to neighbouring properties.</p> <p>Refer to drawing DA13 Building Envelope Section.</p>	
<p>D10.13 Landscaped Area - Environmentally Sensitive Land</p> <p><i>Controls</i> The total landscaped area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.</p> <p><i>The use of porous materials and finishes is encouraged where appropriate.</i></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><i>Variations</i> Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</p> <ol style="list-style-type: none"> 1. <i>impervious areas less than 1 metre in width (e.g. pathways and the like);</i> 2. <i>for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i> 	<p>120 Prince Alfred Pde: 499.63sqm – 62.4%</p> <p>120a Prince Alfred Pde: 499.46sqm – 60%</p> <p>It is submitted that the proposed landscape areas comply and meet the requirements of D10.13.</p> <p>The proposal has been designed to integrate the site with adjoining properties while enhancing the foreshore nature of the site.</p> <p>The proposal has been strategically designed, notwithstanding the topography of the site to maximise an effective and efficient landscape design which promotes the functionality of the dwelling houses while ensuring the natural environment of the area is retained.</p> <p>The landscaping proposed minimises the impact of the built form and reduces the bulk and scale of the proposal. The proposed</p>	<p>Yes</p>

	<p>landscaping provides a reasonable level of amenity and ensures solar access is retained to neighbouring dwellings. The proposed soft landscaping also maximises infiltration of water which minimises run-off and assists with stormwater management to the site.</p> <p>Refer to Landscape Plans prepared by Andrew Davies Landscape Designer for further information.</p>	
<p>D10.14 Fences - General Controls <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 road side. 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><i>b. Rear fences and side fences (to the front building line)</i></p>	<p>The proposal includes new fences as highlighted in the architectural package.</p> <p>The proposed fences comply with the outcomes of the D12.11 Fences control.</p> <p>The proposed new fences have been designed with consideration to the new proposed landscaping on the site, in particular within the foreshore building alignment.</p>	<p>Yes</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> <p><i><u>e. Fencing in Category 1 and 2 areas</u></i></p> <p><i>No front fences will be permitted.</i></p> <p><i>Vegetation is preferred to any fencing</i></p> <p><i>Side and rear fences where necessary are to be constructed of dark coloured materials and shall not obstruct the passage of wildlife and shall have opening(s) with minimum dimension of 150mm accessible to ground dwelling animals.</i></p> <p><i>Fencing required for the containment of companion animals should be minimised.</i></p>		
<p>D10.16 Construction, Retaining walls, terracing and undercroft areas</p> <p><i>Controls</i></p> <p><i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i></p> <p><i>Retaining walls and terracing shall be kept to a minimum. 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>The proposed retaining walls will be constructed as required by a structural engineer and geotechnical consultant.</p>	<p>Yes</p>
<p>D10.18 Scenic Protection Category One Areas</p> <p><i>Controls</i></p> <p><i>Screen planting shall be located between structures and boundaries facing waterways.</i></p> <p><i>Canopy trees are required between dwellings and boundaries facing waterways and waterfront</i></p>	<p>The proposal has been designed with scenic protection of the area.</p> <p>The proposal retains some existing planting while</p>	<p>Yes</p>

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<p><i>reserves.</i></p> <p><i>Development is to minimise the impact on existing significant vegetation.</i></p> <p><i>The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</i></p> <p><i>The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</i></p> <p><i>The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.</i></p> <p><i>The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.</i></p> <p><i>Applicants are to demonstrate that proposed colours and materials will be dark and earthy.</i></p>	<p>enhancing the site with new natives.</p> <p>The proposal has been designed to maintain and enhance the natural environment of Pittwater, while ensuring a modern elegant development which provides visual integrations between the new buildings and the existing and proposed landscaping for the sites. The proposal will not have a visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	
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5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) The provision of any Environmental Planning Instrument

Comment: The proposal is permissible and consistent with the intent of the Pittwater Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works given the constraints imposed by the site's location, topography and environmental constraints.

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

Comment: Not applicable.

(iii) Any development control plan

Comment: The proposal has been reviewed and assessed under Pittwater Development Control Plan 21.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

Comment: Not applicable.

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

Comment: Not applicable.

(v) (repealed)

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

Context and Setting:

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*

▪ *The previous and existing land uses and activities in the locality*

Comment: The proposed subdivision and new dwellings are consistent with the design of dwelling houses in the immediate area. The resultant dwelling houses will be compatible with neighbouring developments with no adverse residential amenity impacts in terms of views, privacy and overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

Comment: These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The proposal includes access to both lots with provision for a double garage within the building footprint of each new dwelling. 120a Prince Alfred Parade also retains the existing crossover and will provide a turning bay for vehicle to enter and leave in a forward direction.

Public Domain

Comment: The proposed development will have no adverse impact on the public domain. A thorough analysis has been provided throughout this report and the skilfully designed dwellings have been maximised while ensuring no impact when viewed from the water, foreshore or streetscape of Prince Alfred Parade.

Utilities

Comment: Existing utility services will connect to service the dwellings.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna. The proposal will enhance the existing landscaping on the site.

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Waste Collection

Comment: Normal domestic waste collection applies for residential dwelling with adequate bin storage provided for both lots.

Natural hazards

Comment: The site is located within a Geotechnical Risk Area, within the Estuarine Planning Level, and the Flood Planning map. The proposal has been designed and supported by the relevant expert consultants.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

i) Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

Comment: These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

Comment: The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) What would be the impacts of construction activities in terms of:

- *The environmental planning issues listed above*
- *Site safety*

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Comment: The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

Comment: The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the use as a dwelling house for both lots.

(d) Any submissions received in accordance with this act or regulations

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposed works are permissible and consistent with the intent of PLEP2014 and PDCP21 controls as they are reasonably applied to the proposed demolition of existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works. Development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal for the demolition of the existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works at 120 Prince Alfred Road, Newport, been Lot 34 in Deposited Plan 13457, Lot 35 in Deposited Plan 13457, Lot B in Deposited Plan 391307, Lot 9 in Deposited Plan 752046 and Licence 190387 is permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of PLEP 2014 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, constraints and adjoining land uses.

Accordingly, the proposal for the demolition of the existing dwelling house, subdivision into (2) Torrens Title lots and the construction of a new dwelling house on each new lot including a swimming pool and associated landscaping works at 120 Prince Alfred Road, Newport, been Lot 34 in Deposited Plan 13457, Lot 35 in Deposited Plan 13457, Lot B in Deposited Plan 391307, Lot 9 in Deposited Plan 752046 and Licence 190387, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Northern Beaches Council.