

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF THE EXISTING STRUCTURES AND
CONSTRUCTION OF A NEW TWO STOREY DWELLING, ATTACHED
SECONDARY DWELLING AND SWIMMING POOL**

LOCATED AT

1186 BARRENJOEY ROAD, PALM BEACH

FOR

BEECRAFT P/L

**Prepared
October 2016**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Beecraft P/L, dated September 2016, Drawings No. BAR - 01 – BAR - 16, to detail the demolition of the existing structures and construction of a new two storey dwelling, attached secondary dwelling and swimming pool at **1186 Barrenjoey Road, Palm Beach.**

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 1186 Barrenjoey Road, Palm Beach, being Lot 1 within Deposited Plan 1050253 and is zoned part E4 Environmental Living and part SP2 Infrastructure under the Pittwater Local Environmental Plan 2014.

The site is noted on Council's mapping as Major Overland Flow Path. The issue will be discussed further within this submission and a Flood Risk Management Report has been prepared by Northern Beaches Consulting Engineers Pty Ltd, dated 9 September 2016.

The site is identified within the Biodiversity and Wildlife Corridor mapped areas.

The site falls within the Class 3 and 5 Acid Sulfate Soils area.

3.0 Site Description

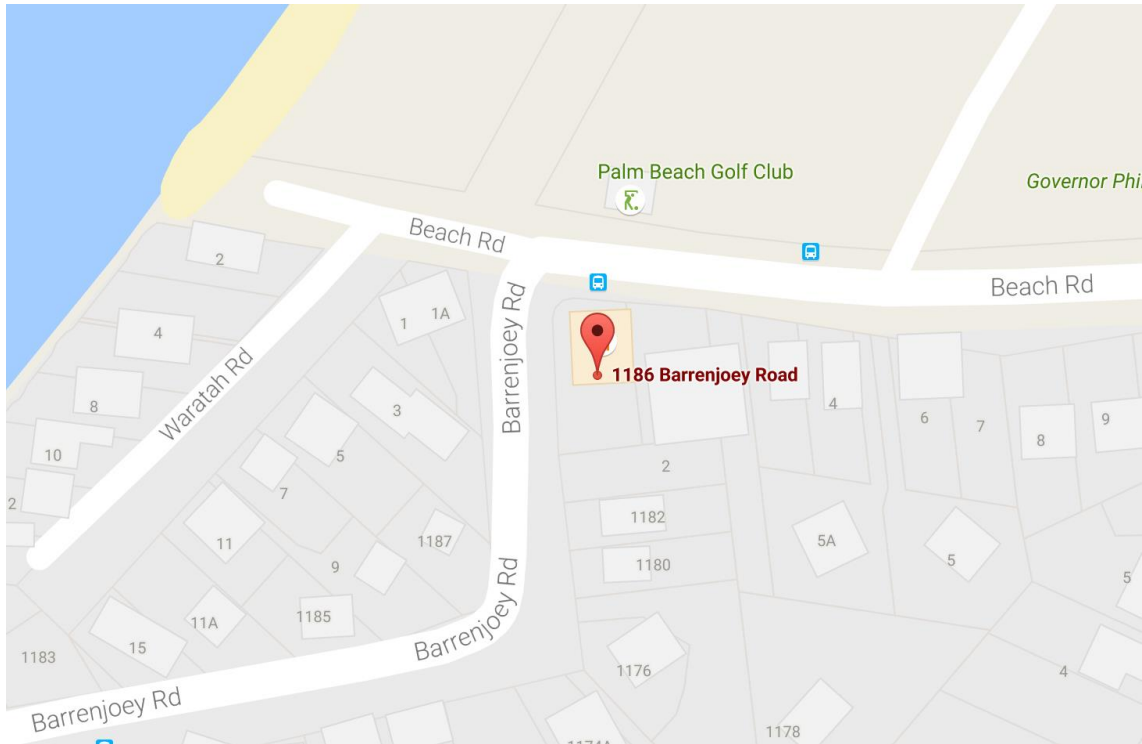
The site is located on the south-eastern corner of the intersection of Barrenjoey Road and Beach Road.

The land is generally flat, with stormwater directed to the street gutter in Beach Road.

The site is irregular in shape, with a front boundary measuring 15.49m (excluding splay corner), a secondary frontage of 38m, and eastern and southern boundaries of 40.02m and 23.7m respectively. The total site area is 920.2m².

The site is currently occupied by an existing single storey commercial development.

The details of the lots which comprise the parcel are contained within the survey report prepared by Souter & Associates, Reference No. 95-134, dated 29 February 2012 which accompanies the DA submission.



**Fig 1: Location of Subject Site
(Source: Google Maps)**



Fig 2: View of subject site as viewed from Barrenjoey Road/Beach Road intersection, looking south-east



Fig 3: View of subject site as viewed from Barrenjoey Road, looking north-east



Fig 4: View of subject site as viewed from Barrenjoey Road, looking east



Fig 5: View of Palm Beach Golf Club car park and driveway access to the south of the subject site, looking east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments characterised by the bushland setting, with a mix of low density residential developments within landscaped settings.

Adjoining the site to the east along Barrenjoey Road is the Palm Beach Golf Club, with the golf course opposite the site on the northern side of Barrenjoey Road.



Fig 6: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of existing structures and construction of a new two story dwelling with attached secondary dwelling and swimming pool.

The works will comprise:

Principal Dwelling

Ground Floor: Ground floor level to provide for entry, internal access stairs to first floor level, study, open plan kitchen, living & dining with attached deck, study, games with WC, laundry, bathroom, attached double garage with storage

First Floor: First floor level to provide for two bedrooms with walk-in robe and ensuite, three bedrooms including one with ensuite, sitting room, living room with wet bar, living room and balcony with stairs to upper level

Second Floor: Rooftop balcony

External Works: New driveway, walkways to dwelling and secondary dwelling and new swimming pool

Secondary Dwelling

Ground Floor: Ground floor level to provide for deck, entry, open plan kitchen, living & dining, bedroom, internal access stairs to upper level with laundry below

First Floor: First floor level to provide for bedroom with ensuite and balcony

The external finishes of the new dwelling will comprise rendered foamboard cladding with metal roofing.

The proposed low pitch roof form is consistent with the contemporary coastal design of the development, and maintains the modest scale of the new works.

The development indices for the development are summarised as:

Site Area	920.2m ²
Required landscape area	552.1m ² or 60%
Proposed landscape area	545.5m ² or 59.3%

6.0 Zoning and Development Controls

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX.

A BASIX Certificate has been provided to support the proposed works.

6.2 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living and SP2 Infrastructure under the provisions of the PLEP 2014.

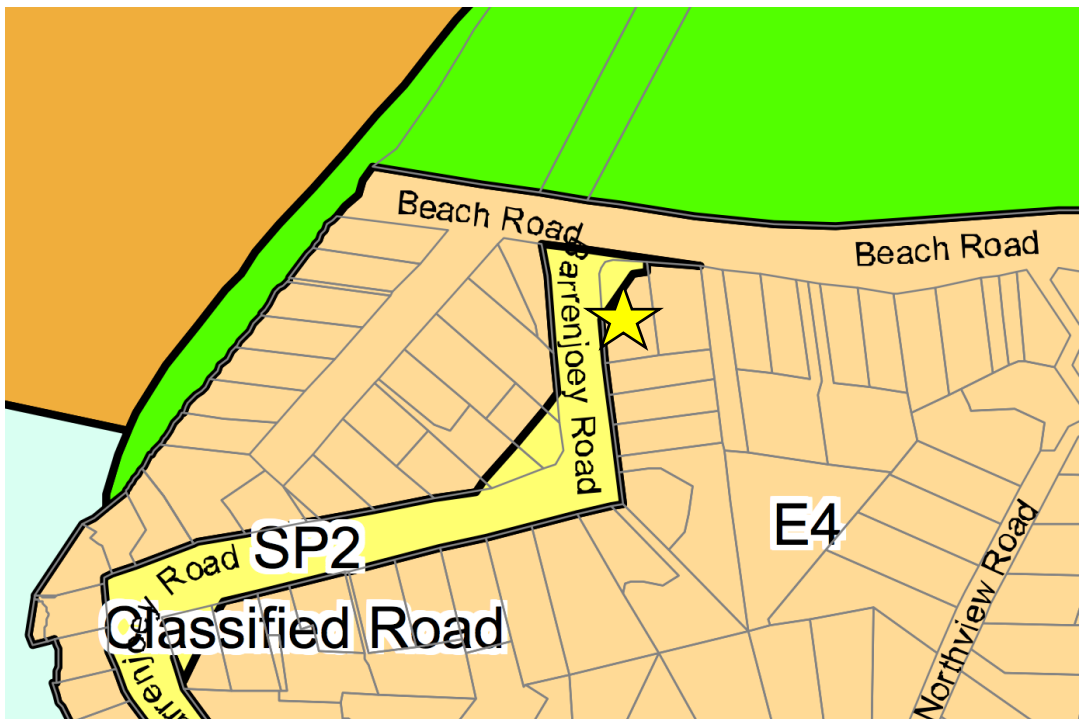


Fig 7: Extract of Pittwater Local Environmental Plan 2014 zoning map

The proposed works will be carried out within the portion of the site which falls within the E4 zone, with the north-eastern corner zoned SP2 to remain undeveloped. The proposed new two story dwelling, attached secondary dwelling and swimming pool is considered to be permissible in the E4 zone with the consent of Council.

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as (over):

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

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

It is considered that the proposed new two story dwelling, attached secondary dwelling and swimming pool will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Palm Beach is 8.5m or where the site is affected by flood restrictions, a maximum height of 8m above the flood planning level.

The subject site is affected by a FPL of RL 3.6m AHD. The maximum permissible height for the site is RL 11.6m AHD.

The proposed dwelling will present a maximum ridge height of RL 11.50m AHD or 7.9m above the FPL which complies with the height control.

Clause 5.4 – Controls relating to miscellaneous permissible uses

This clause provides the following regarding secondary dwellings:

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,*
- (b) 25% of the total floor area of the principal dwelling.*

The proposed floor area of the primary dwelling is 390.7m², and the allowable floor area for the proposed secondary dwelling at 25% of the total floor area is 97.2m². The proposed secondary dwelling has a gross floor area of 89.1m² and therefore complies with this control.

Clause 5.9 – Preservation of trees or vegetation

The proposal will not see the removal of any significant vegetation to accommodate the development.

The landscape plan prepared for the development will see the managed re-planting of the site and the re-introduction of screen planting to contribute to the landscaped character of the locality.

Clause 5.10 – Heritage Conservation

The site does not contain any heritage items, nor is it within a conservation area. However, the site is within the vicinity of the heritage listed picnic shelter sheds opposite beach road in Governor Phillip Park and the Barrenjoey Heritage Conservation Area.

The modest height and scale of the proposed development will respect the heritage item and conservation area. The proposed landscaping will soften the built form of the development, further reducing the visual impact.

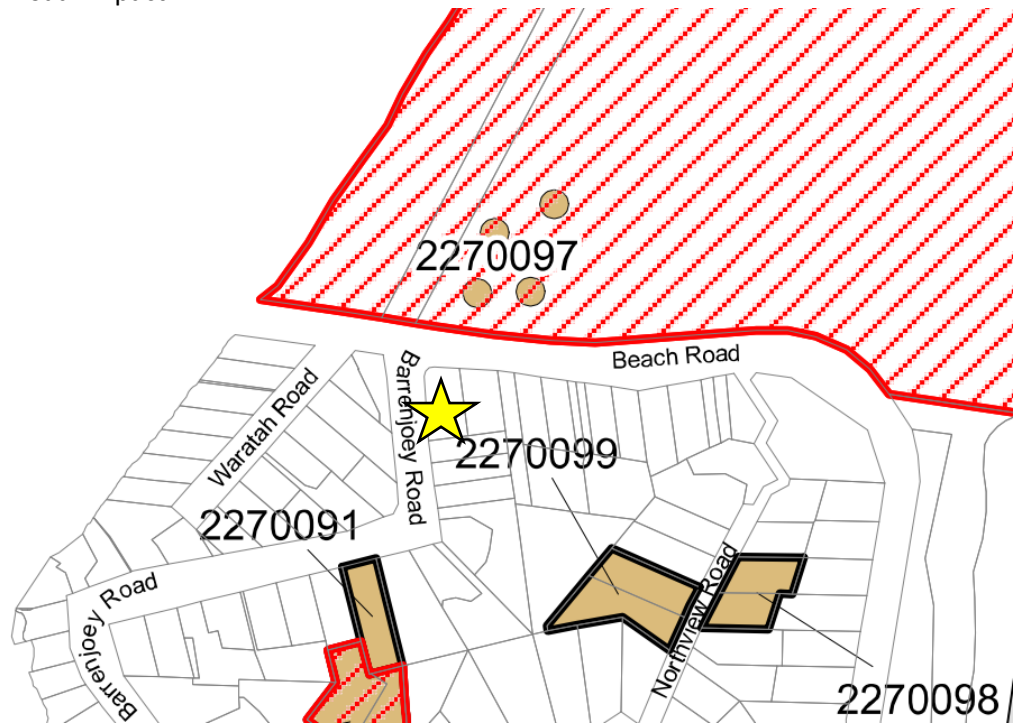


Fig 8: Extract of Pittwater Local Environmental Plan 2014 heritage map

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 3 & 5). The proposal is accompanied by a Preliminary Acid Sulfate Soils Assessment prepared by White Geotechnical Group, Reference No. J0952, and dated 25 August 2016, which concludes that an Acid Sulfate Management Plan is not required in this instance.

Clause 7.2 – Earthworks

The proposal will not require any significant excavation to accommodate the new development. The works will be carried out in accordance with the recommendations of a qualified Structural Engineer, and will therefore satisfactorily address the provisions of this clause.

Clause 7.6 – Biodiversity protection

The land is noted within Council’s Biodiversity mapped area.

- (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 conservation and recovery of native fauna and flora and their habitats.*

The proposal will not see the removal of any significant vegetation. The proposal is accompanied by a Landscaping Plan prepared by Becraft which details the proposed plantings.

Clause 7.10 – Essential Services

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

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.3 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.3.1 Section A Introduction

A4.12 Palm Beach Locality

Desired Character

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a 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 lowlands 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 whilst ensuring that future development respects the horizontal massing of the existing built form. 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.

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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.

Palm Beach will remain an important link to the offshore communities.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new dwelling, attached secondary dwelling and pool.

The new development is of a modest height and scale, with a mixed flat and pitched roof form in keeping with the contemporary style of the proposal, which will maintain view opportunities over the dwelling for uphill properties.

The development will continue to be compatible with the low density scale of the area and with the proposed low level roof forms and recessive colours and finishes will not be visually prominent within the Palm Beach locality.

The proposal will not see the removal of any significant vegetation.

The works will be finished in a range of textures and finishes which will complement the existing surrounding development and the use of earthy tones will harmonise with the landscaped setting of the locality.

6.3.2 Section B General Controls

The General Controls applicable to the proposed new dwelling and associated structures are summarised as:

B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

The controls seek to achieve the outcomes:

Conservation of the environmental heritage of Pittwater LGA in accordance with the principles contained in the Burra Charter.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage contemporary design that responds appropriately to their character.

Development respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

The proposed development is modest in height and scale. With the introduction of new landscape plantings, the building will not be prominently visible from Beach Road, and is therefore considered to be sensitive to the adjoining heritage item and conservation area.

B3.22 Flood Hazard – Flood Category 3 – Overland Flow Path - Major

The controls seek to achieve the outcomes:

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

The proposal is accompanied by a Flood Risk Management Report, prepared by Northern Beaches Consulting Engineers Pty Ltd, Reference No. 151148, dated 9 September 2016. The report concludes the following:

The proposed development is not envisaged to have an adverse effect on surrounding properties. The flood levels provided from council flood information request have been adopted for this assessment. The proposed development generally meets the requirements of Northern Beaches (Pittwater) Council 21 DCP. A development application is recommended.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

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

The proposal will not see the removal of any significant vegetation.

The proposal will maintain generous areas of soft landscaping, with managed re-planting of the site as detailed in the submitted Landscaping Plan.

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

The controls seek to achieve the outcomes:

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

Roofwater from the new roof areas will be directed to the street gutter in Beach Road. The proposal is accompanied by a Stormwater Plan which details the proposed stormwater arrangements.

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

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

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The proposal will provide a new driveway and layback with access from Barrenjoey Road, which will comply with Council's access requirements.

B6.5 Off-Street Vehicle Parking Requirements – Low Density Residential

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The proposal provides a new double garage and additional grasscrete space, which meets Council's requirement for large dwellings of 2 spaces, along with an additional space for the secondary dwelling.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposal will not require any substantial excavation to accommodate the proposed works.

The proposal will be designed and supervised by an appropriately qualified Structural Engineer and the Consulting Geotechnical Engineer.

A Sediment Control Plan accompanied this application. Appropriate soil and sedimentation measures will be implemented during the construction phase.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways.

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site, as detailed on the Sediment Control Plan accompanying the application.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

Any demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.3.3 Section C Design Criteria for Residential Development

The Design Criteria applicable to the proposed new dwelling are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal will not see the removal of any significant vegetation. The site will maintain generous areas of soft landscaping, with perimeter plantings to be provided as detailed in the submitted Landscaping Plan.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicant's of Council's requirements for crime and safety management for new development.(S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The dwelling's entry will allow for casual surveillance of persons entering the site and the street area.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (S)

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)

Canopy trees take priority over views (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties.

The site and the adjacent dwellings receive minimal views, with uphill properties enjoying substantial views towards Pittwater.

The proposed dwelling is modest in height and scale, and the view of the dwelling from Barrenjoey Road is modest.

Given the modest height and scale presented to Barrenjoey Road, equitable access to the available views and outlook for the neighbouring dwellings and from the public areas is suitably maintained.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)

A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)

Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The subject site does not directly adjoin any residential properties. Accordingly, the proposal will not see the loss of any solar access to adjoining properties. The subject site will receive good access to the northern sun to its private open space and internal living areas.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The subject site does not directly adjoin any residential properties, with the Palm Beach Golf Club to the sites east and the Club's car park area immediately to the south. The nearby residential properties to the south are in excess of 9m from the proposed dwelling. The southern elevation of the new dwelling does not have windows which are unreasonably sized and the proposed landscape screening to the southern boundary will further enhance privacy between the properties.

The proposed privacy screen to the rooftop terrace will provide privacy for the occupants of the subject site.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

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

Given the residential nature of the works, it is suggested that there will not be any acoustic privacy impacts. The proposed pool equipment will be suitably sited and attenuated to minimise the noise impacts.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

As a result of the site's dual frontage and northern aspect, the private open space has been provided within the secondary frontage. The private open space is relatively flat, and accessible from the dwelling's internal living areas.

Perimeter planting is provided for privacy, as detailed in the submitted Landscaping Plan.

C 1.11 Secondary Dwellings and Rural Worker's Dwellings

The controls seek to achieve the outcomes:

Limitation of the visual bulk and scale of development. (En, S)
Provision of design flexibility for second storey development.
Restriction of the footprint of development site. (En)
Retention of natural vegetation and facilitation planting of additional landscaping. (En)
Provision of rental accommodation. (S)

The proposal complies with the provisions of this clause in the following manner:

- The development will result in two dwellings on the lot, comprising a primary and a secondary dwelling.
- The secondary dwelling comprises two bedrooms and one bathroom.
- The development complies with the statutory height limit for the site specified within the LEP.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)
Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The curtilage to the garage will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)
Compliance with Swimming Pools Act 1992 and Regulations (En, S)

The proposal seeks to provide for the construction of a new swimming pool. Suitable fencing and warning notices will be provided to meet the requirements of the *Swimming Pools Act 1992* and the relevant regulations.

C1.23 Eaves

The controls seek to achieve the outcomes:

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

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The proposal provides eaves for sun shading.

The design of the proposal complements other newer development in the immediate area.

6.3.4 Section D Locality Specific Development Controls

The **D12 Palm Beach Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The stormwater runoff from the development will be directed to the existing system. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

D12.1 Character As Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'.

To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The proposal will provide for the construction of a new single residential dwelling and attached secondary dwelling. The proposal presents a contemporary form, which complements the style and scale of other new development in the area.

Views over and to the side of the dwelling will be retained for the neighbouring dwellings which are located uphill of the proposal.

The proposed new dwelling is considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises one and two storey dwellings. The setbacks provided reflect the setbacks of the adjoining properties.

The proposed form and modulation of the dwelling is well articulated to provide visual interest and reduce bulk when viewed from Beach and Barrenjoey Road. In addition, the proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

D12.3 Building colours and materials

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the existing dwelling and the surrounding development.

D12.5 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

Equitable preservation of views and vistas to and/or from public/private places. (S)

The amenity of residential development adjoining a main road is maintained. (S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Vehicle manoeuvring in a forward direction is facilitated. (S)

To preserve and enhance the rural and bushland character of the locality. (En, S)

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The control to achieve this outcome is to provide a setback of 10m, or the established building line to the street frontage. The secondary frontage is subject to a 5m setback.

The proposal provides a minimum setback of 9.5m to Beach Road, and a minimum of 5m to the secondary frontage Barrenjoey Road.

Whilst the primary frontage presents a minor variation to the control, this occurs as a result of the angled front boundary and the split zone, with the majority of the building providing a compliant front setback.

The proposed development presents an articulated and modulated form to Beach and Barrenjoey Roads, with the proposed setbacks being compatible with the setbacks of surrounding properties.

D12.6 Side and rear building line

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

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

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

To ensure a landscaped buffer between commercial and residential zones is achieved.

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side. A rear setback of 6.5m applies.

The proposed development will stand from 1.1m to the eastern side boundary and 3.9m from the southern side boundary, which complies with the control.

Given the site is a corner allotment, no rear setback applies.

D12.8 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposal will present a minor variation to the building envelope control at the uppermost portion of the eastern façade of the building, in the vicinity of the roof balcony, accompanying privacy screen and stairs.

The proposed development is modest in height and scale, with a design which is consistent with newer development in the locality. The variation is minor, and the proposal is therefore considered worthy of support.

D12.10 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

To preserve and enhance the rural and bushland character of the area. (En, S)

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area.

The site will retain up to 545.5m² or 59.3% of the site as landscaped and therefore presents a minor variation to this provision.

The proposal is considered to address the objectives of this control, in that it presents a contemporary design, which is modest in bulk and scale, which will enhance the streetscape appearance of the site.

Landscape plantings are to be provided to soften the built form of the development and provide privacy and amenity for occupants of the site.

Suitable sediment and stormwater control measures will be put in place to minimise the impact on the locality.

Accordingly, the proposal is considered to address the objectives of this control and is therefore worthy of support on merit.

D12.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En,S).*
- Maintenance and enhancement of the tree canopy. (En,S)*
- Colours and materials recede into a well vegetated natural environment. (En,S)*
- To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)*
- To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*
- Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

The required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

As discussed, the proposed works are not considered to be bulky or overbearing when viewed from the adjoining public areas. The built form is not prominently visible from the public domain and the degree of modulation provided by the varying setbacks and low pitch roof form distributes the sense of bulk.

The recessive tones and external finishes that have been selected for their natural weathering will further minimise the visual bulk of the building.

The proposed landscaping on the site will appropriately screen the new works.

7.0 Matters for Consideration under Section 79c of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

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

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

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

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

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

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

The new section 74BA provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

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

The key amendment is the insertion of section 79C(3A) which:

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

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the building envelope control is a reasonable alternative solution to compliance where the restriction imposed by the split zoning applying to the site and the corner site configuration presents a local constraint to a fully compliant development.

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

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

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

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

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

7.6 Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979).

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

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

It is considered that the proposal, which seeks consent for the demolition of the existing structures and construction of a new dwelling, secondary dwelling and swimming pool, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Palm Beach Locality Statement.

7.8 The suitability of the site for the development

The subject land is currently E4 Environmental Living and SP2 Infrastructure under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the split zoning of the site and otherwise there is no significant constraint to the construction of the proposed development.

7.9 Submissions made in accordance with this Act or the regulations

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

7.10 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for the demolition of existing structures and construction of a new dwelling, attached secondary dwelling and swimming pool.

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

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

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