

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A NEW
DWELLING AND SWIMMING POOL**

LOCATED AT

103 BYNYA ROAD, PALM BEACH

FOR

MR MARK EGGERS & MS LEANNE PETERSON



**Prepared
December 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Rachel Hudson on behalf of Mr Mark Eggers & Ms Leanne Peterson, Project No. 165, Sheets No. EH-01 DA – EH-20-DA, dated July 2022 to detail the proposed demolition of the existing dwelling and construction of a new dwelling and swimming pool at **103 Bynya 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 (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (P21 DCP)*

2.0 Property Description

The subject allotment is described as 103 Bynya Road, Palm Beach, being Lot 8 within Deposited Plan 14630 and is zoned C4 Environmental Living under the provisions of PLEP 2014.

The site falls within Class 5 of the Acid Sulfate Soils Map of PLEP 2014. This issue will be discussed further within the statement.

The site is not identified as being affected by any other hazards.

3.0 Site Description

The property is located on the north-eastern side of Bynya Road. The site is irregular in shape, with an arc shaped frontage of approximately 12.9m to Bynya Road. The north-western and south-eastern side boundaries measure 42m and 43.585m respectively. The rear boundary measures 22.67m and the total site area is 749.6m².

The site slopes towards the rear, north-eastern boundary, with a total fall of approximately 9m over its length.

Currently the site is developed with a one and two storey fibro and block dwelling with a metal roof. A single carport is located adjacent to the front boundary at street level.

The land enjoys a north-easterly aspect, with views towards the ocean.

The details of the site are identified in the accompanying survey report prepared by C.M.S Surveyors, Reference No. 20673, dated 22 September 2021, which accompanies the DA submission.

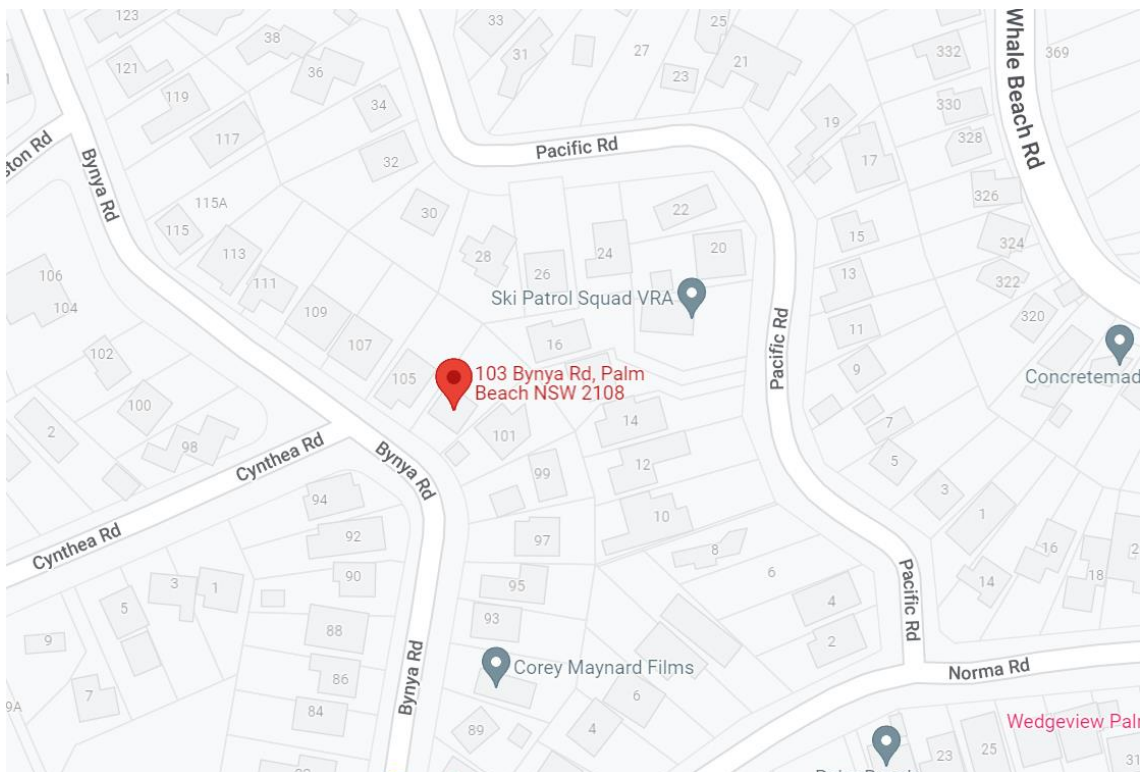


Fig 1: Location of the subject site
(Source: Google Maps)



Fig 2: View of the subject site and existing detached carport, looking north-east from Bynya Road



Fig 3: View of the subject site from the rear of the property, looking south-west



Fig 4: View of the neighbouring property at 105 Bynya Road to the north-west, looking north-west from the existing rear balcony



Fig 5: View of the neighbouring property at 105 Bynya Road to the north-west, looking north from the existing rear balcony



Fig 6: View of the rear yard of the subject property and the downslope dwelling at 16 Pacific Road, looking north-east from the existing rear balcony



Fig 7: View towards the neighbouring property at 101 Bynya Road, looking east from the existing rear balcony

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a bushland setting, with a mix of low-density residential developments within landscaped settings. The design of development in this locality reflects the sloping terrain and views towards the ocean to the north-east and retains a dominance of natural features and vegetation.

The adjoining properties to the south-east and north-west are developed with one and two storey dwellings respectively, not dissimilar in scale to the proposed dwelling.



Fig 8: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of the existing dwelling and construction of a new dwelling and swimming pool.

The proposed development comprises:

Lower Ground Floor Level

- Living room
- Covered terrace
- Bedroom 2 / study
- Bedroom 3
- Bathroom
- Cellar
- Laundry
- Subfloor storage

Ground Floor Level

- Open plan kitchen/living/dining area
- Pantry
- Formal entrance
- WC
- Covered terrace
- Double garage

First Floor Level

- Master suite with WIR and ensuite
- Deck

External Works

- Swimming pool
- Landscaping works
- Green roof
- New concrete driveway

The external form of the new works has been stepped to follow the sloping topography of the site. The proposal presents a modest two storey scale to the Bynya Road streetscape, which is in keeping with the bulk and scale of existing surrounding development.

The proposal will see the removal of two trees as a result of the work, one of which is an exempt species (Tree #2) and the other (Tree #3) cannot be viably retained and the site carparking improved through the provision of the access to the proposed double garage.

The impact of the proposed works on the existing trees as discussed in the Arboricultural Construction

Impact and Management Statement prepared by “Growing My Way” Tree Consultancy dated August 2022.

The Assessment also confirms that the more significant tree (Tree #1) can be viably retained and protection measures are recommended to ensure the tree remains viable.

Whilst not located on land that is identified as being prone to landslip, the application is supported by a Geotechnical Risk Management Report by Mark Eggers to confirm that the proposed excavation can be undertaken safely on the site.

The application is also accompanied by Stormwater Management Plans by NB Consulting Engineers, demonstrating a suitable stormwater solution for the site.

The development indices for the development are summarised as:

Site Area	749.6m ²
Required Landscape Area	60% or 449.76m ²
Proposed Soft Landscaped Area	61.7% or 463m ² (Incl. 6% variation for functional landscaped area)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Clause 4.6(1)(a) of SEPP (Resilience and Hazards) prescribes that the consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

The proposal is consistent with the provisions of Chapter 4 of this policy.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014 and the proposed new dwelling house is permissible with consent.

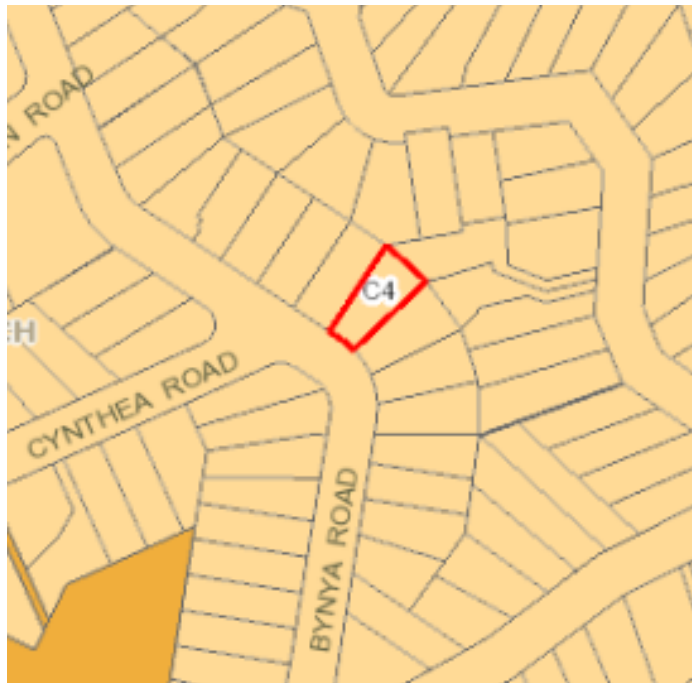


Fig 8: Extract of Zoning Map of PLEP 2014

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

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

It is considered that the proposed new works 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 impacts upon vegetation.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of buildings

PLEP 2014 prescribes a maximum building height for the subject site of 8.5m. The proposed new dwelling reaches a maximum height of 8.5m, and therefore complies with this control.

Clause 7.1 – Acid sulfate soils

The site falls within Class 5 of the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve the works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Clause 7.2 – Earthworks

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and will therefore satisfy the provisions of this clause.

Clause 7.10 – Essential services

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

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

6.4 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.

6.4.1 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.

The proposed new dwelling has been designed to follow the slope of the land, and is generally limited to a maximum of 2 storeys at any one point. Whilst the north-eastern most point of the upper floor roof reaches a maximum height of 8.5m, the majority of the proposed dwelling is maintained well below the maximum height limit. This ensures that any impacts to view corridors over the top of the dwelling are appropriately minimised.

The development will be compatible with the low-density scale of the area, and will be screened and softened by landscaping to ensure that the visual prominence of the development is minimised and in keeping with the character of the locality.

The proposal will not require the removal of any significant native vegetation to accommodate the new works. Rather, the proposal will result in the enhancement of landscaping across the site.

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.

6.4.2 Section B General Controls

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

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

- Protection of public health. (S)*
- Protection of the natural environment. (En)*
- Successful remediation of contaminated land. (En, S)*

Given the residential history of the site, it is not expected that any contamination is present within the site.

B4.5 Flora and Fauna Habitat Enhancement Category 3 Land

The controls seek to achieve the outcomes:

- The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

The proposal will not require the removal of any significant protected vegetation to accommodate the new works, as confirmed in the Arboricultural Impact Assessment Report by Growing My Way Tree Services. The proposed development will result in the enhancement of vegetation at the site, as demonstrated in the Landscape Plan.

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 proposed new driveway crossing has been designed in accordance with Council's Driveway Profiles, consistent with the provisions of this clause.

B6.2 Internal Driveways – Low Density Residential

This control seeks to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*

An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.

The proposal seeks consent for the construction of a new concrete driveway which provides access to the proposed new double garage. The proposed driveway design and gradient is consistent with the relevant provisions of AS2890.1 and the requirements of this clause, as shown on the Driveway Section prepared by Rachel Hudson.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The proposed new garage provides two off-street parking spaces and meets Council's off-street parking requirements for large dwellings.

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 proposed development is stepped to follow the fall of the land, with minor areas of excavation to facilitate internal access between the three levels proposed. Whilst not located on land that is identified as being prone to landslip, the application is supported by a Geotechnical Risk Management Report by Mark Eggers to confirm that the proposed excavation can be undertaken safely on the site.

The proposal will also be designed and supervised by an appropriately qualified Structural Engineer, with 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 demonstrated in the Sediment Control Plan prepared by Rachel Hudson.

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, as outlined in the accompanying Waste Management Plan.

6.4.3 Section C Development Type Controls for Residential Development

The Development Controls for the proposed new dwelling and associated structures 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.

As previously discussed, the proposal will not require the removal of any significant native vegetation. New landscaping is provided across the site to complement existing landscaping on site, to assist with softening and screening the built form of the development.

The development has been provided with generous boundary setbacks to ensure that the yard areas of the site are capable of accommodating future plantings.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

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

The dwelling's entry will allow for casual surveillance of persons entering the site from Bynya Road.

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)

Clause C1.3 of P21 DCP aims to ensure that view sharing between properties is achieved.

In respect of the subject site, it is apparent that properties upslope on the opposite side of Bynya Road enjoy ocean views in a easterly direction over the roof of the existing dwelling. The proposed upper level sits a maximum RL of 119.25m AHD, being 2.1m above the ridgeline of the existing dwelling. The proposed height of the upper level roof is similar to the addition recently approved at 101 Bynya Road (DA2022/0160) and the height of the adjoining dwelling at 105 Bynya Road (119.48m AHD).

Consistent with Council's finding in relation to the approved development at 103 Bynya Road, the proposed development is considered to achieve view sharing, in so far as the horizon view available over the top of the dwelling with further views retained down the sides of the dwelling, between the houses on the low side of the street.

The width of the proposed upper floor has been reasonably minimised, and the overall height of the development is consistent with other properties on the low side of Bynya Road. Accordingly, equitable access to the available views and outlook for the neighbouring dwellings and from public areas is largely 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 and windows to living rooms of the subject dwelling and adjoining dwellings maintain a minimum of 3 hours of solar access between 9am and 3pm in mid-winter.

The shadow diagrams prepared to support the development (Drawing EH-15-DA – EH-17-DA) confirm that the subject and neighbouring dwellings will continue to enjoy excellent solar access to their north-facing living areas and private open space areas during the day.

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 considered location of window openings to side elevations assists with minimising overlooking to neighbouring properties. The proposed development achieves an appropriate balance between the privacy between properties and the obtainment of views.

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 significant change to the existing site conditions. No objection is raised in relation to the imposition of a condition limiting noise levels associated with the swimming pool pump.

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.

The proposed development provides ample areas of private open space, both immediately adjacent to the primary living spaces and within the rear yard.

C1.12 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.

Adequate area will be provided 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 required controls to achieve the outcomes are to ensure that 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.

Council can be satisfied that the swimming pool fencing has been design and will be maintained in accordance with the Swimming Pools Act 1992 and regulations.

6.4.4 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 stormwater 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 dwelling that has been skilfully designed to ensure that the visual impact of the development is appropriately minimised. The bulk and

scale of the proposed development, which has a two storey presentation to Bynya Road, is entirely commensurate with that on surrounding properties.

The proposed front elevation is well articulated to provide visual interest and reduce bulk when viewed from Bynya Road. In addition, the existing and 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 of the proposed dwelling shall be dark and earthy.

The proposed colours and finishes are consistent with that of the existing dwelling and other built form within the visual catchment of the site. The proposed external finishes are detailed within the submitted plans prepared by Rachel Hudson Architect.

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 6.5m setback for land zoned C4 Environmental Living, or the established building line to the street frontage, whichever is the

greater. Noting the reduced setbacks of adjoining dwellings, the 6.5m setback is applicable in this instance.

The proposed new dwelling is sited with a minimum setback of 6.5m from the front boundary and therefore complies with this control.

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, a minimum 1.0m setback for the other side and a 6.5m setback at the rear.

The proposed development is consistent with these controls, with a 2.5m minimum setback to the north-western side boundary, a 1m minimum setback to the south-eastern side boundary and a 9.6m minimum setback at the rear.

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°.

Due to the sloping topography of the site and the constraints presented by the angled boundaries of the land, the proposed new works will present a minor variation to the building envelope control along both side elevations.

The bulk and scale of the proposed development is entirely commensurate with that of adjoining properties and other dwellings on sloping sites throughout the locality. Further, the minor protrusions beyond the prescribed envelope do not result in any unreasonable impacts to the amenity of adjoining properties, noting that impacts to views are generally associated with the overall compliant height of the development and that additional overshadowing of the adjoining properties is minimised.

The visual impact of the proposed development is appropriately minimised, with landscaping to be enhanced on the site to ensure that the built form is secondary to landscaping.

Overall, the proposed scale of the dwelling is not unreasonable and will remain consistent with similar structures in the area. The proposal is seen to satisfy the objectives of the control, and therefore, the building envelope non-compliance should be supported on merit.

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 control to achieve these outcomes is to ensure that residential development maintains a minimum of 60% of the site as landscaped area. In this instance, the site area is 749.6m² and the required minimum landscaped area for the site is 449.76m². The site will provide a landscaped area of 463m² or 61.7%, including the 6% allowance for functional open space.

The proposal achieves Council's minimum landscaped area requirements and the proposed development is consistent with the outcomes of the landscaped areas control, as follows:

- The landscaped area results in inconsistency with the desired character of the locality.
- The bulk and scale of the development is reasonably minimised, and the development will appear secondary to landscaping.
- Vegetation will be maintained and enhanced across the site. The proposal does not result in the removal of existing significant vegetation, as confirmed in the accompanying

Arborist Report, with the enhancement of landscaping demonstrated on the accompanying Landscape Plan.

- The proposal will maintain suitable views, solar access and privacy for neighbouring properties.
- The proposed stormwater design will minimise the impact of runoff within the locality.

In circumstances where the proposed development is consistent with the outcomes of the landscaped area control, the proposal is considered to be supportable.

D12.13 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

The proposal satisfactorily responds to the topography of the site, with the degree of fill and excavation consistent with that anticipated on a sloping site. The proposed works will be carried out in accordance with the directions of the Structural and Geotechnical Engineers.

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 proposal will provide for the construction of a new dwelling that has been skilfully designed to ensure that the visual impact of the development is appropriately minimised. The bulk and scale of the proposed development, which has a two storey presentation to Bynya Road, is entirely commensurate with that on surrounding properties.

The proposed front elevation is well articulated to provide visual interest and reduce bulk when viewed from Bynya Road. In addition, the existing and proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

7.0 Matters for Consideration under Section 4.15 of the EP&A Act

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the PLEP 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.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to appropriately respond to the requirements and outcomes of the P21 Development Control Plan. The application has been prepared having regard to the requirements of Section B, Section C and Section D of the P21 DCP.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, 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 and landscaped area controls to be reasonable alternative solutions, noting that the proposal is otherwise consistent with the outcomes of these clauses.

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the construction of a new dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the

surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the P21 DCP and the Palm Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

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

7.9 The public interest

The proposal will not 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 construction of a new dwelling, which respects and complements the site's location and context.

It is considered that the proposed works satisfy the stated objectives of objectives of PLEP 2014, P21 DCP and other relevant plans and policies. By maintaining the amenity of neighbouring properties and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant adverse impacts on the environment, scenic quality of the area or the amenity of the adjoining allotments, there is not statutory impediment or meritorious reason as to why Council should not grant consent to the proposed development.

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