

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ADDITIONS & ALTERATIONS
TO AN EXISTING DWELLING**

LOCATED AT

**97 FLORIDA ROAD, PALM BEACH,
OTHERWISE KNOWN AS 5 LIVISTONA LANE, PALM BEACH**

FOR

MR & MRS RICH



**Prepared
October 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Mr & Mrs Rich by Annabelle Chapman Architect Pty Ltd, Project No. 2105, Sheets No. DA 001 – DA 009, DA 101 – DA 104, DA 110, DA 201 – DA 205, DA 301 - DA 302, DA 400, DA 903, dated 14 October 2021, to detail the construction of additions and alterations to the existing dwelling at **97 Florida 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 (Coastal Management) 2018*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *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 97 Florida Road, Palm Beach, being Lot 2 within Deposited Plan 521720 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site falls within the Class 5 Acid Sulfate Soils area in this issue will be discussed further within the statement.

A minor portion of the site is identified as being within the Coastal Use Area under the provisions of the SEPP (Coastal Management) 2018. This will be discussed further within this submission.

The site is identified as being affected by Council's Biodiversity Mapping and this issue as discussed further within this statement.

The land is noted as being Landslip Area H1 on Council's Landslip Risk Map. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Report Reference J3669 dated 26 October 2021. This matter will be discussed further within this statement.

The subject dwelling is listed as item of local heritage significance - "Back O' Moon" - (Item No. 2270119) and is within the Florida Road Heritage Conservation Area (Item No. C3). The application is supported by a Heritage Impact Statement, prepared by Weir Philips Heritage & Planning, Reference No J5177 dated September 2020. This will be discussed in detail further within this submission.

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

3.0 Site Description

The battle-axe property is located on the western, higher side of Florida Road, with the access handle facing Florida Road presenting a width of 0.935m. The site gains its primary vehicular access from the western boundary facing Livistona Lane. The south-eastern and north-western side boundaries measure 69.735m and 69.665m respectively. The rear secondary frontage boundary to Livistona Lane measures 19m and the total site area is 699.2m².

The site slopes towards the street, with a total fall of approximately 19.2m over its length.

Currently the site is developed with a two and three storey clad and stone dwelling with a metal roof. Driveway access is available to the site via an existing concrete driveway from Livistona Lane with parking available in a detached double carport with metal roof.

The site enjoys filtered water views to the east over Palm Beach and the ocean.

The details of the site are identified in the accompanying survey report prepared by Bee & Lethbridge, Reference No 22054, dated 23 April 2021, which accompanies the DA submission.

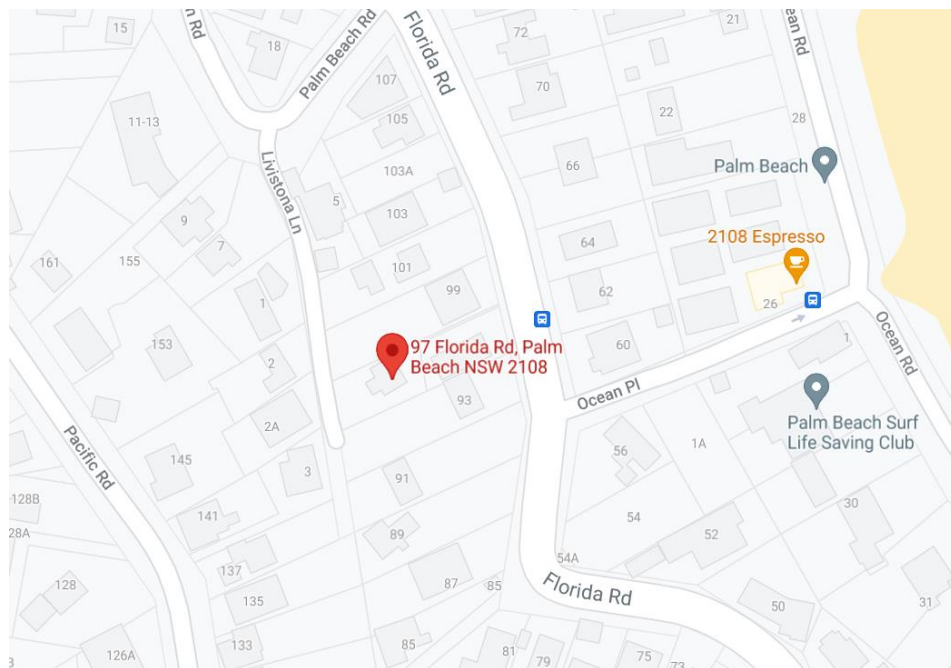


Fig 1: Location of the subject site
(Source: Google Maps)



Fig 2: View of the driveway entry to the subject site (LHS of view), looking south from Livistona Lane



Fig 3: View of existing carport on the subject site, accessed via Livistona Lane



Fig 4: View of the existing dwelling, looking east from Livistona Lane



Fig 5: View looking south-east towards the subject dwelling from Livistona Lane



Fig 6: View of the rear yard of the adjoining dwelling to the north at 99 Florida Road, looking east from Livistona Lane



Fig 7: View of No. 95 Florida Road (located to the rear of No. 97), looking west from Florida Road

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments characterised by the foreshore locality, with a mix of low-density residential developments within landscaped settings along Florida Road and Livistona Lane. While Palm Beach neighbourhood centre is located to the north-east.

The design of development in this locality reflects the sloping terrain and views over Palm Beach to the east and retains a dominance of natural features and vegetation.

The adjoining properties to the west are developed with predominately two and three storey detached dwellings, not dissimilar in scale to the subject dwelling. The land immediately to the east is zoned low density residential (R2) with the commercial centre further east (B1), as noted above). Dwellings along Florida Road and Livistona Lane are presented with a generally varying setback to the street.

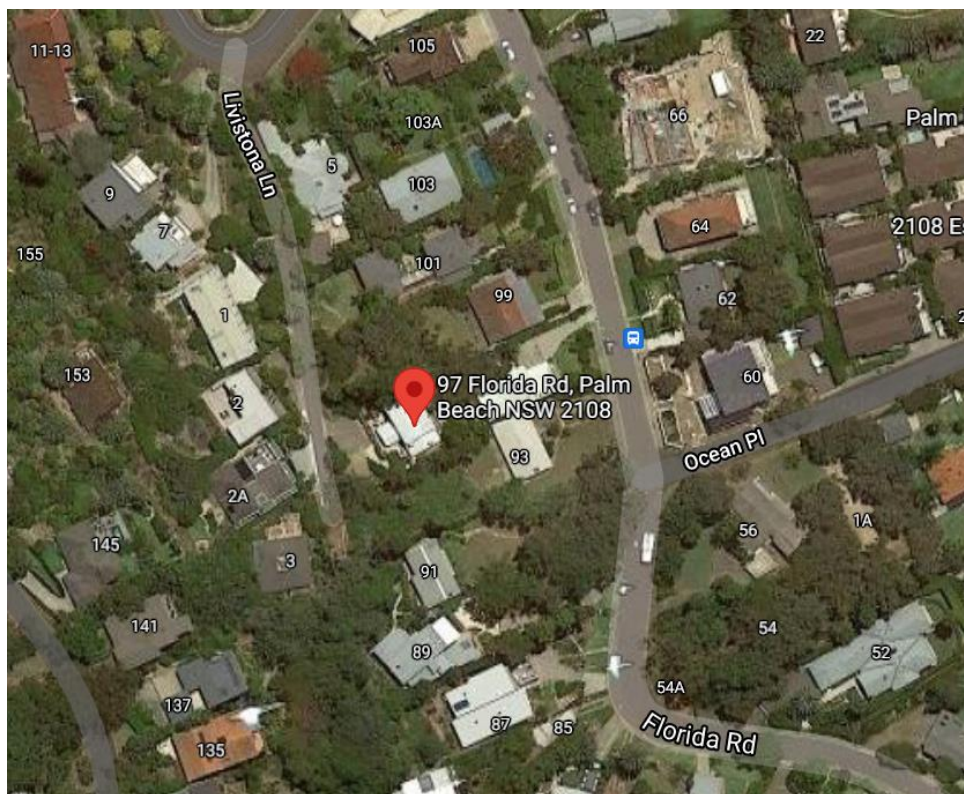


Fig 8: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of additions and alterations to the existing dwelling. The existing dwelling currently contains its two and three levels.

A detached carport is located to the Livistona Lane frontage to the south-western boundary.

The new works include:

Ground Floor

- Demolition works to provide for a new laundry and internal door to existing undercroft area.

First Floor

- Alterations and additions to existing first floor level to provide for a reconfiguration of the internal layout, including a new kitchen, relocated internal stairs, internal lift, and new internal stairs.

Second Floor

- Alterations and additions to existing second floor level to provide for reconfiguration of the internal layout, including an extension of the floor plan to the east to provide for two (2) bedrooms, balcony, en-suite, walk-in-robe, bathroom, w/c, entry foyer, bunk room, and internal lift.

External Works

- Minor works to provide for new Colourbond roofing to second floor extension, external stair case to second floor extension, new external vertical cladding.

The proposed additions and alterations to the dwelling maintain a modest bulk and scale, with the external form of the new works to retain the existing footprint and follow the sloping topography of the site.

The proposed external finishes comprise weatherboard cladding and metal roofing, with the proposed external finishes detailed within Drawing No 400.

The existing pitched roof form of the current dwelling will be retained with new Colourbond sheeting provided to the roof of the new second floor extension. Proposed sheeting is to maintain the existing colour.

The proposal will not require the removal of any significant planting or a loss of the existing landscaped areas.

The development indices for the development are summarised as:

Site Area	699.2m ²
Required Landscape Area	60% or 419.52m ²
Existing Landscaped Area	53.4% or 373.7m ²
Proposed Landscape Area	53.4% or 373.7m ² (unchanged)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a 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.

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 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*

- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under SEPP (Coastal Management) 2018 are addressed as follows:

Division 4 Coastal Use Area

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

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
- (b) is satisfied that—*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

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

Comment:

The proposal provides for alterations and additions to the existing dwelling . The modest extent of the new works which are contained largely within the confines of the existing dwelling footprint ensures that the proposal will not result in any unreasonable adverse impacts within the foreshore area. Importantly, the coastal use area is located to the eastern edge of the site with the proposed works located substantially away from the coastal use area.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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

Comment

The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land. As noted above, the works are located wholly within the existing footprint, therefore unlikely to pose any increased risk of coastal hazards.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are

inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment: Noted

6.4 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

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

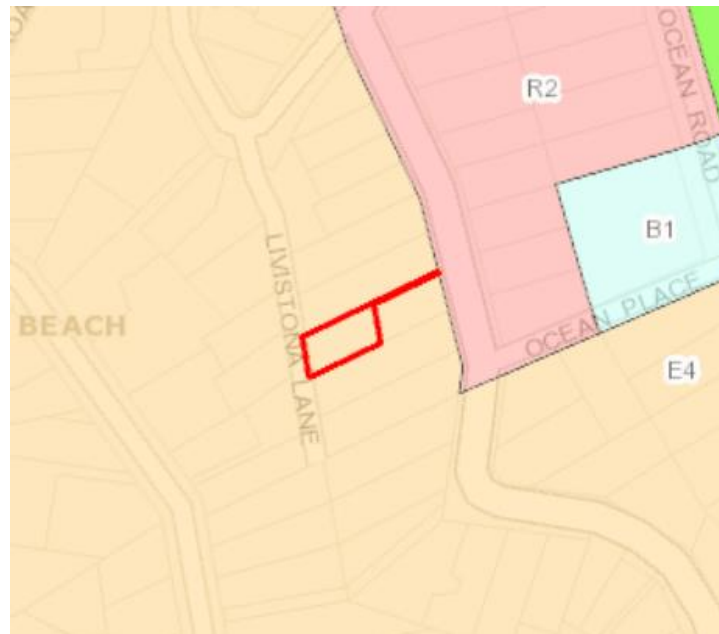


Fig 9: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposed construction of residential additions and alterations to the existing dwelling at No. 97 Florida Road are considered to be permissible 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:

- *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 additions and alterations to the existing dwelling to be retained on the site 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 works to add to and alter the existing dwelling 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 unreasonable 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 second floor extension and roof form to the south-west has a height of which does not exceed 8.5m above the land when measured in its natural undisturbed state and therefore complies with this control.

The proposal addresses the objectives of this clause in the following manner:

- The proposed alterations and additions are consistent with the bulk and scale of existing surrounding development, together with the desired future character of the locality.
- The proposal will not result in any additional overshadowing to the neighbouring property.
- The new works will not result in any adverse impacts on the views enjoyed by neighbouring properties.
- The proposed development will suitably respond to the site's sloping topography.

Clause 5.10 – Heritage conservation

The objectives of this clause are as follows—

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

The subject site is identified as a heritage item of local significance, being "Back O'Moon" (Item No. 2270119). The site is also located within a heritage conservation area, known as "Florida Road Heritage Conservation Area (Item No. C3).

The application is supported by a Heritage Impact Statement, prepared by Weir Philips Heritage & Planning, Reference No J5177 dated September 2020

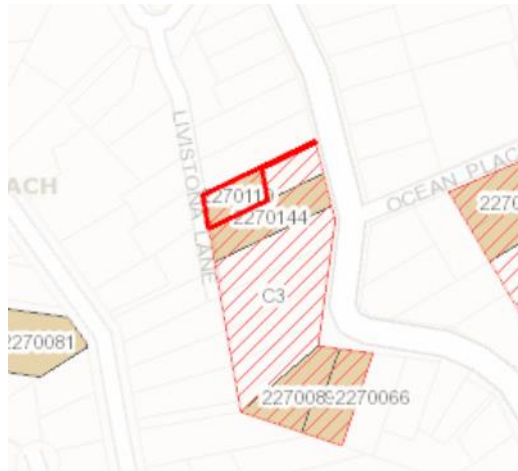


Fig 10: Extract of Pittwater Local Environmental Plan 2014 Heritage Item and Conservation Map

The Heritage Impact Statement concludes:

“The proposed works will have no impact on the Florida Road HCA. The proposal designed to fit seamlessly within the existing site constraints. Works will improve the exterior appearance of the building and will increase the internal functionality of the dwelling without compromising the remaining significant fabric.

The proposed works are in accordance with the prescribed conditions of the Pittwater LEP 2014 and the Pittwater 21 Development Control Plan”.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). The new works will not involve any substantial site disturbance and it is not anticipated that acid sulfate soils will be encountered.

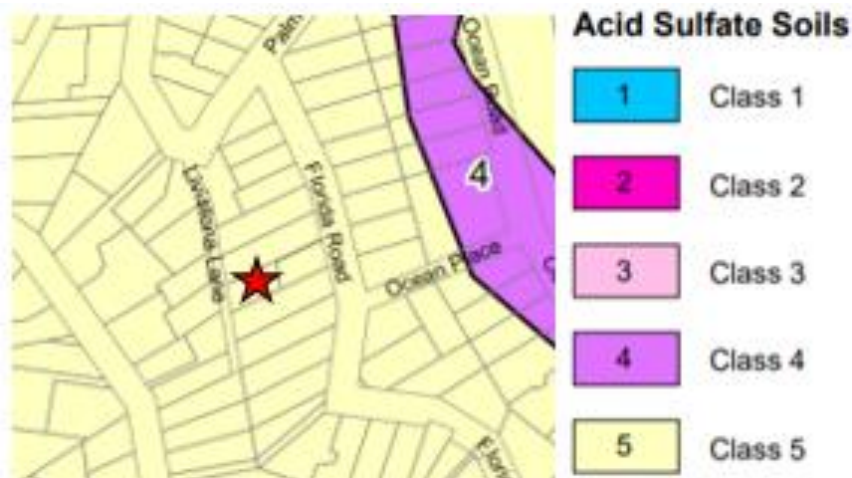


Fig 11: Extract of Pittwater Local Environmental Plan 2014 Acid Sulfate Soils Map

Clause 7.2 – Earthworks

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

Clause 7.6 – Biodiversity

The objective of Clause 7.6 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.*

Before determining development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether the development is likely to have—*
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development has duly considered the biodiversity sensitivities on the site by limiting the extent of disturbance to the site. In doing so, the proposed works are restricted to within the existing footprint. As such, the works do not necessitate the removal of any protected or significant vegetation, while not impacting on the habitat of any protected fauna on the site or adjoining sites. In considering this, it is determined that any impact on the biodiversity values of the site is imperceptible and minor.

In regard to the above, Council can be confident that the development will satisfy the objectives of the clause with respect to native flora and fauna on site, protecting any ecological processes, while also facilitating the conservation and recovery of any flora and fauna and their habitats. The proposal has been appropriately design, sited and will be managed in consideration of the environment and

biodiversity values of the site. The development will not have an adverse impact on the condition, ecological value and significance of the fauna and flora on the land.

The proposal is considered worthy of Council's support on biodiversity grounds.

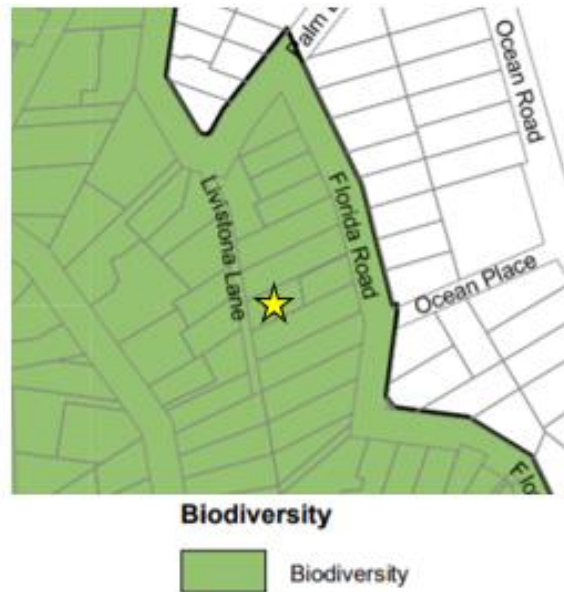


Fig 12: Extract of Pittwater Local Environmental Plan 2014 Biodiversity Map

Clause 7.7 – Geotechnical

The site is noted as being subject to Council's landslip risk mapping.

A Geotechnical Investigation has been prepared by White Geotechnical Group under Report Reference J3669 dated 26 October 2021.

The report assesses the stability of this site as it exists, together with the potential impacts resulting from new works. The conclusion of the report notes:

"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the clients of this report and good engineering and building practice."

The proposed works will be carried out in accordance with the recommendations of the geotechnical risk assessment in order to ensure the site stability is maintained.



Fig 13: Extract of Pittwater Local Environmental Plan 2014 Geotechnical Hazard Map

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.

6.5 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.

6.5.1 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 additions and alterations to an existing dwelling, which present an appropriate bulk and scale to Florida Road and Livistona Lane

The proposed works will not introduce any significant visual impact from the public areas in the vicinity.

The development will ensure a compatible dwelling with the low-density scale of the area and with the low-profile roof form and recessive colours and finishes will not be visually prominent within the Palm Beach locality.

The proposal does not require the removal of any significant or protected plantings, with the existing trees and natural plantings to be retained.

6.5.2 Section B General Controls

The General Controls applicable to the proposed demolition work and the construction of additions and alterations to the existing dwelling and associated structures are summarised as:

B3.1 Landslip Hazard

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 site is noted as being subject to Council's landslip risk mapping.

A Geotechnical Investigation has been prepared by White Geotechnical Group under Report Reference J3669 dated 26 October 2021.

The report assesses the stability of this site as it exists, together with the potential impacts resulting from new works. The conclusion of the report notes:

"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the clients of this report and good engineering and building practice."

The proposed works will be carried out in accordance with the recommendations of the geotechnical risk assessment in order to ensure the site stability is maintained.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The proposal will not require the removal of any significant or protected plantings with the existing trees and screening planting to be retained.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

Roofwater from the new roof areas will be directed to the street gutter dispersed in accordance with the Concept Stormwater Management Plan and Details prepared by Peninsula Consulting should Engineers, Reference 21-0802 dated 24 September 2021.

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

B6.1 Access Driveways and Works on the Public Road Reserve

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 retains the existing driveway and car parking arrangements.

B6.2 Internal Driveways

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 will not see any change to the existing driveway accessed via Livistona Lane.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

- Safe and convenient parking. (S)*

The proposal maintains the existing double carport. The site will retain parking for two cars which meets Council's requirement 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 proposal will not see any substantial excavation, with the majority of works located within the existing building footprint.

Notwithstanding, the proposal will be designed and supervised by an appropriately qualified Structural Engineer.

Appropriate soil and sedimentation measures will be implemented during the construction phase.

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.

6.5.3 Section C Development Type Controls for Residential Development

The Development Controls for the proposed additions and alterations to the existing 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 landscaping, with the current plantings within the site to be retained.

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 continue to allow for casual surveillance of persons entering the site from Livistona Lane.

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 enjoy views to the east towards Palm Beach.

The new works do not seek to introduce additional bulk and scale with the existing envelope, including building height being retained. The subject site is situated substantially below those dwellings to the west along Pacific Road with these dwellings continuing to enjoy uninterrupted views. Those adjoining dwellings to the north and south will retain their primary views to the east towards Palm Beach.

Accordingly, equitable access to the available views and outlook for the neighbouring dwellings and from public areas is 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 shadow diagrams (Drawings 500-502) prepared to support the development indicate that the proposal will not see any substantial change to the existing solar access arrangements to the neighbouring properties.

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 new window openings to side elevations assists with minimising overlooking to neighbouring properties. In particular, the south-east and north-west elevations of the proposed second floor level offer new windows. Notwithstanding, these windows service bedrooms and not principal living areas, which would otherwise offer frequent opportunity for overlooking. Further, the dwelling maintains existing, compliant setbacks to the north-west and south-east, offering substantial separation, reducing opportunity for overlooking. Overall, the proposal does not contribute to an unreasonable level of overlooking and impact on privacy to adjoining properties.

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.

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 works will maintain the existing expansive timber balcony on the first floor which is appropriately located adjacent to existing principal living areas, including the lounge room, dining room and kitchen. The functionality of this private open space area continues with a high-degree of amenity provided through sufficient solar access and privacy for residents.

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.

C1.23 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 dwelling will provide eave overhangs which provide for weather protection and add visual interest to the dwelling.

6.5.4 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 street gutter in Whale Beach Road. 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 additions and alterations to the existing dwelling which will complement the existing dwelling and provide for improved residential amenity for the property owners.

Views will be retained for the surrounding properties due to the considered siting of the new works at the second floor.

The proposed works are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises two and three storey dwellings. The setbacks provided reflect the setbacks of the adjoining properties and maintain a consistency with the existing setbacks on the site.

The proposed elevations are well articulated to provide visual interest and maintain a modest bulk and scale when viewed from Livistona Lane. In addition, the existing landscaping will remain unaffected and continue to 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 and detailed in Drawing No 400.

The proposal will provide for a consistent colour and material schedule with the existing dwelling and comply with these controls, while ensuring that the built form is not dominant and complements the streetscape.

It is considered that the development is appropriate as it is intended to utilise appropriate tones and finishes to match the existing dwelling and the surrounding development. The proposed external finishes and materials are detailed within the submitted elevations and the external finishes schedule prepared by Annabelle Chapman Architect Pty Ltd, including photographic imagery of the proposed materials and product information.

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 E4 Environmental Living, or the established building line to the street frontage, whichever is the greater.

As detailed in the architectural plans, the proposed works are located wholly within the existing building footprint. Therefore, the proposal does not include any further encroachments into the front setback to the Livistona Lane frontage with the existing double carport remaining unchanged.

The proposed works, including the second-floor extension to the west will be located 12.9m from the front boundary, providing sufficient separation to the street frontage and a consistent setback with the existing dwelling and nearby development.

Having regard to the above, it is considered that the dwelling and proposed works will continue to provide a development consistent with the desired future character of the Palm Beach locality. The front setback area will continue to be suitably landscaped with existing landscaping offering opportunity to visually reduce the built form. The Livistona Lane streetscape and pedestrian amenity will remain unaffected with a suitable scale and density that is in keeping with the height of the natural environment. The proposal is found to satisfy the outcomes of the control above.

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.

As noted previously, all new works are located wholly within the existing building footprint and satisfy the minimum setback requirements with 2.5m to the north-west and in excess of 1m to the south-east.

As above, the existing rear setback to the east is maintained, with the new works of the dwelling within the building footprint and in excess of the 6.5m setback control.

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°.

As previously noted, the proposed works are located within the existing building footprint with the second-floor extension to the west being comfortably located within the prescribed building envelope.

The proposed alterations and additions will not result in any unreasonable adverse impacts for neighbouring properties in terms of solar access, privacy, views or general amenity.

The proposal is in keeping with the desired outcomes of this clause and is 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. In this instance, the site area is 699.2m² and the required minimum landscaped area for the site is 419.52m².

The site currently has a total landscaped area of 373.7m² or 53.4%. The proposal will involve additions and alterations to an existing dwelling which are over the existing built footprint or disturbed areas and therefore there will be no loss of landscaped area.

The existing trees and screening landscaping within the site will be retained with no further impacts presented to the neighbouring properties or to the adjacent public reserve to the west.

The proposal addresses the objectives of this clause in the following manner:

- The bulk and scale of the proposed dwelling is compatible with the scale of the extent of the existing surrounding development. This is further demonstrated through compliance with the relevant built form controls, including building envelope and setback controls.
- 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.

Notwithstanding the minor variation to the landscaped area control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D12.11 Fences

The controls seek to achieve the outcomes:

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

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

*An area of private open space is provided for properties that front the Pittwater Waterway.
(S)*

The proposal does not involve any change to the existing boundary fencing.

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 minimal site disturbance required to accommodate the new works. The proposed works will be carried out in accordance with the directions of the Structural Engineer.

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 proposal will see all works located within the existing building footprint. As such, the new works are not considered to contribute to additional bulk and scale, or result in an overbearing development when viewed from the adjoining public areas or neighbouring properties.

The proposed modifications to the dwelling will largely retain the existing views available for the surrounding properties and from the public areas.

The compatible bulk and scale of the dwelling will ensure that it is not a dominant feature within the locality and will not adversely affect the natural environment.

The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form. The proposed external finishes have been detailed in the external finishes schedule prepared by Annabelle Chapman Architect Pty Ltd and which accompanies the DA submission.

7.0 Matters for Consideration under Section 4.15 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 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 comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section 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 3.42 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 4.15(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 variations to the landscaped area control and building envelope control are reasonable alternative solutions to compliance where the site conditions results in a challenge to designing for additions and alterations to an existing development which fully respects these controls.

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.

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 additions and alterations to the existing dwelling, 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.

7.7 The suitability of the site for the development

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

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of 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 additions and alterations to the existing dwelling.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area. The retention of the significant tree canopy within the site has been a priority in the resolution of the design for the new works.

The new works will not adversely impact on the public domain maintaining a sense of openness to Florida Road and Livistona Lane, in turn retaining existing views from the public domain.

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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