

STATEMENT OF ENVIRONMENTAL EFFECTS

For

Demolition of Existing Dwelling and Proposed New Dwelling

At

1156 Barrenjoey Road, Palm Beach



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Ref: 15160LD

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1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects has been prepared in support of a Development Application for a proposed new dwelling at 1156 Barrenjoey Road, Palm Beach

In the preparation of this Statement of Environmental Effects, consideration has been given to the following documents:

- a) Plans of the proposal prepared by Benn and Penna dated December 2015.
- b) Development Consent and associated documentation for DA N0326/08/S96/1.
- c) Pittwater Local Environmental Plan 2014;
- d) Pittwater 21 Development Control Plan
- e) State Environmental Planning Policy No.71
- f) Planning Principles of the NSW Land and Environment Court.
- g) Landscape Plan LP02A prepared by Selena Hannan dated 11/12/15
- h) Geotechnical Assessment Report prepared by JK Geotechnics dated 7 December, 2015
- i) Arboricultural Assessment and Development Impact Assessment prepared by Rain Tree Consulting dated 15 December, 2015
- j) BASIX Certificate
- k) Stormwater and Erosion Control Plans, refer to Drawings 1501-P-11 and 1501-P-12 contained within the Architectural Plans prepared by Benn and Penna Architects.

Due to the high visibility of the subject site and the desire by the Applicants and the Project Architect to provide a dwelling structure on the site that gives the appearance of a residential dwelling in a landscape setting, the proposal has sought to limit the extent of excavation, minimise the height and perform the majority of building works on the existing benched platform where the existing dwelling is situated.

As can be seen from the attached architectural plans, the majority of the civil works to provide vehicular access to the subject site have been completed. A visit to the site will also confirm that the landscaping proposed under the early development consent is now firmly establishing itself and this landscaping is a precursor to the design of

landscaping that will be provided to provide a softening of the proposed dwelling when viewed from public spaces around the subject site.

During the drafting of the proposal, the project Architect sought to locate the proposed building as far away from the two street frontages as possible and to endeavour to accommodate the proposal within the Environmental Living Zone however this was not able to be practically achieved and the proposal encroaches across the Zone boundary. This is also enabled the proposal to be accommodated within the existing benching of the site which will limit the amount of excavation required and also ensure that the proposal remains below the height limit and facilitates viewing and ameliorates potential impacts upon adjacent properties.

2.0 SITE AND LOCALITY



Subject Site Highlighted

The subject site is located on the most northerly corner of Barrenjoey Road at Palm Beach and is legally described as lot 15, DP6746, No.1156 Barrenjoey Road Palm Beach.

The photograph below illustrates the current level of improvements to the subject site comprising an elevated access way, two car accommodation and the associated retaining walls and landscaping.

It should be noted that the existing elevated accessway is located on the Barrenjoey Road Reserve as the works on the existing site comprise the double garage and associated works. The subject site falls steeply from the existing benched area accommodating the current dwelling towards the Barrenjoey Road frontage and is well vegetated with a variety of trees, most of which are not significant in height primarily due to the prevailing winds in this locality.

Surrounding the subject site to the east is a 2 to 3 storey dwelling whilst to the south, a relatively recently completed house faces towards the Pittwater waterway and is accessed from a driveway on Palm Beach Road.

There are no heritage items in close proximity to the subject site however its visual prominence dictates a sensitive design approach such as the one the subject of this application.

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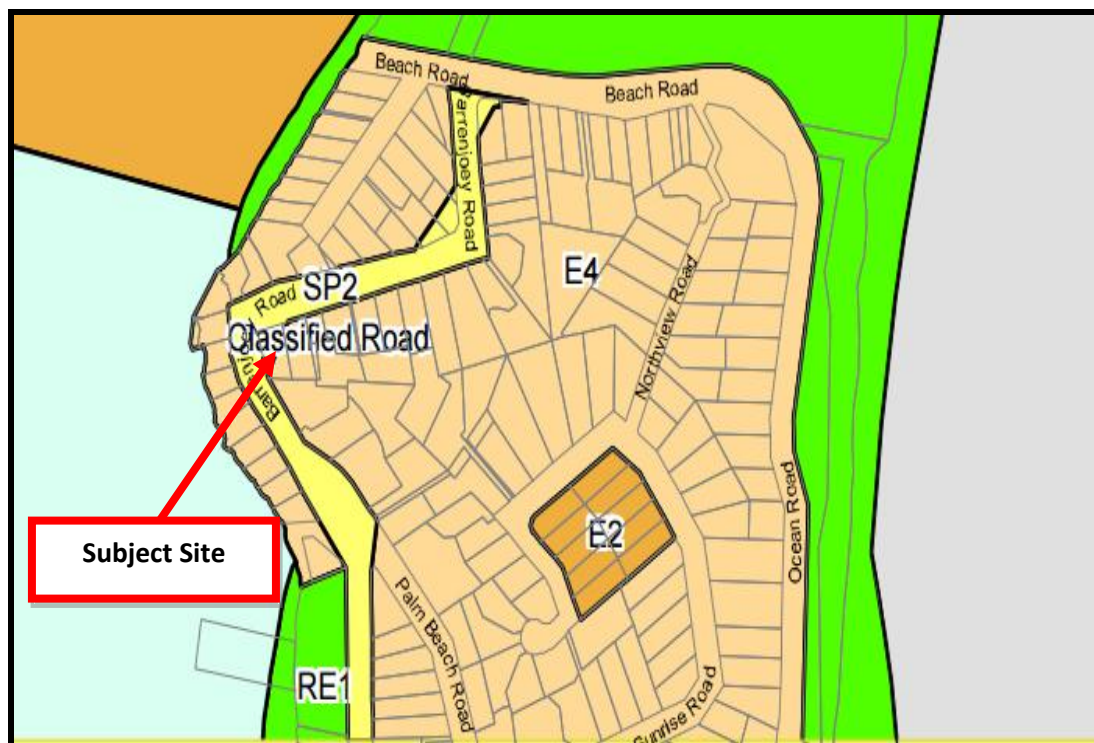
3.0 THE PROPOSAL

The proposal seeks consent for the demolition of the existing dwelling structure on the subject site and the construction of a new dwelling over the recently constructed two car garage/retaining walls and access stairs as described in the following plans by Benn & Penna Architects:

- 1501 – P – 00 – rev B – Site Plan.
- 1501 – P – 01 – rev B – New stair to rear of existing garage.
- 1501 – P – 02 – rev B – Storeroom & access stairs (RL 32-54m AHD).
- 1501 – P – 03 – rev B – Living Dining, Kitchen, Bedroom & Bathroom (RL 35.20m AHD) & Terrace to RL35.10m AHD.
- 1501 – P – 04 – rev B – 3 x Bedrooms, balconies, ensuites and bathroom (RL 38.59m AHD).
- 1501 – P – 05 – rev B – Roof Structure to RL 42.65m AHD.
- 1501 – P – 06 – rev B – Western Elevation.
- 1501 – P – 07 – rev B – Northern Elevation.
- 1501 – P – 08 – rev B – Eastern Elevation.
- 1501 – P – 09 – rev B – Southern Elevation.
- 1501 – P – 10 – rev B – Section
- 1501-E-00 rev B and 1501-P-00 rev B Site Plans
- Shadow Diagram
- Landscape Plan by Selena Hannan

4.0 PLANNING ASSESSMENT

4.1 Pittwater Local Environmental Plan 2014



Zoning

Zone E4 Environmental Living

1 Objectives of zone

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

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures

4 Prohibited

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

Zone SP2 Infrastructure

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Environmental protection works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Comment

The subject site is primarily zoned E4 Environmental Living and the proposed new dwelling is permissible within the zone and complies with the zone objectives. The remainder of the subject site is zoned SP2 Infrastructure.

The subject site is subject to the provisions of the SP2 Infrastructure Zone for a substantial portion of the site, diagonally divided with the northern portion being subject to the SP2 Zone and the remainder of the site (southern portion) being E4, Environmental Living.

The site plans (1501-E-00 rev B and 1501-P-00 rev B) provide a graphic description of the two Zones and the location of the existing and proposed dwellings on the subject site in relation to the two Zones and property boundaries.

As can be seen from the accompanying Site Plans, the existing dwelling encroaches upon the current SP2 Zone by up to 3.3 metres whilst the proposed location of the new dwelling will encroach upon the SP2 Zone by up to 4.2 metres, an increase of .9 metres at its widest point. The encroachment is a consequence of the limited area available on site to construct a dwelling due to geotechnical, visual and environmental constraints.

The subject site enjoys the benefit of Development Consent (N0326/08) which granted consent for the construction of an access driveway, turning bay and detached garage with landscaped terrace. This DA was referred to the RTA for its concurrence which was granted by letter dated 10 September 2008.

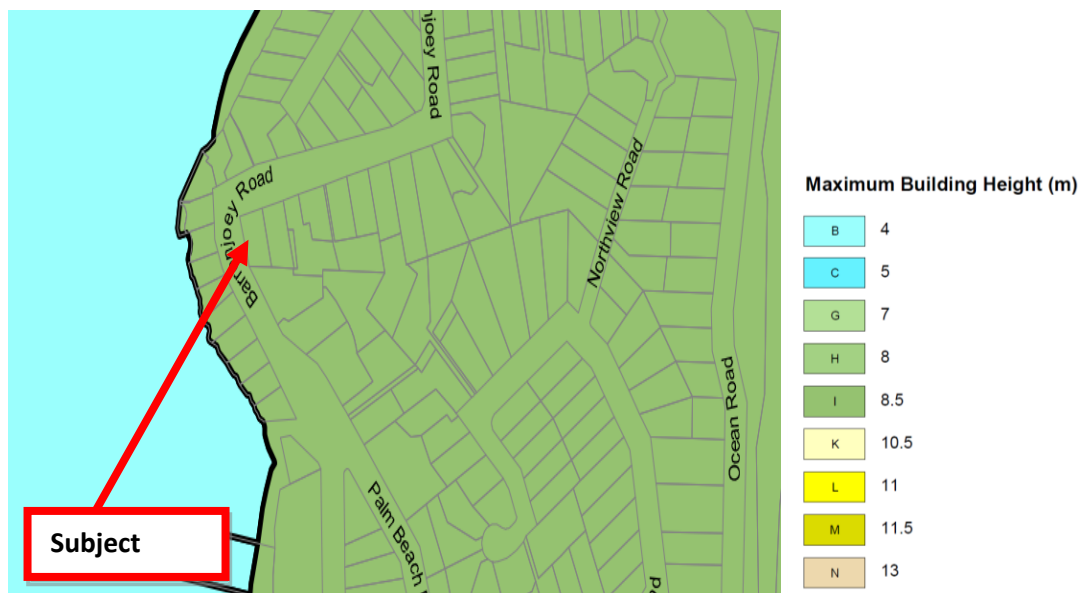
This letter advised that the RTA had no current road proposal in regard to this reservation. The letter went on to advise that the RTA would not favour the construction of any new buildings or “substantial” structures on the freehold property within this County Road Reservation.

With this in mind the Applicant has discussed the current proposal with Roads and Maritime Services (formerly the RTA) who have requested the Applicant to lodge the Development Application as proposed for its consideration as part of the procedure for securing concurrence following due consideration.

As the additional encroachment into the SP2 is minor (900mm) the proposal could be considered as endorsing the advice conveyed to Council under the above letter and could be favourably considered by RMS.

It is requested that the proposal be referred to RMS for its consideration and concurrence.

4.3 Height of buildings



(1) *The objectives of this clause are as follows:*

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

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

(c) *to minimise any overshadowing of neighbouring properties,*

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

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

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

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

(2A) *Despite subclause (2), development on land:*

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

(b) that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map,

may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.

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

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

(b) that has a maximum building height of 11 metres shown for that land on the Height of Buildings Map,

may exceed a height of 11 metres, but not be more than 10.5 metres above the flood planning level.

Comment

The proposal is generally below the 8.5 metre height limit apart from the southern end of the roof ridge which, at its highest point is 8.65 metres above existing ground, 150mm over the maximum height development standard.

The attached Clause 4.6 Request addresses the breach and seeks endorsement of the proposal as the breach is primarily due to the ground slope, not a higher ridge.

5.9 Preservation of trees or vegetation

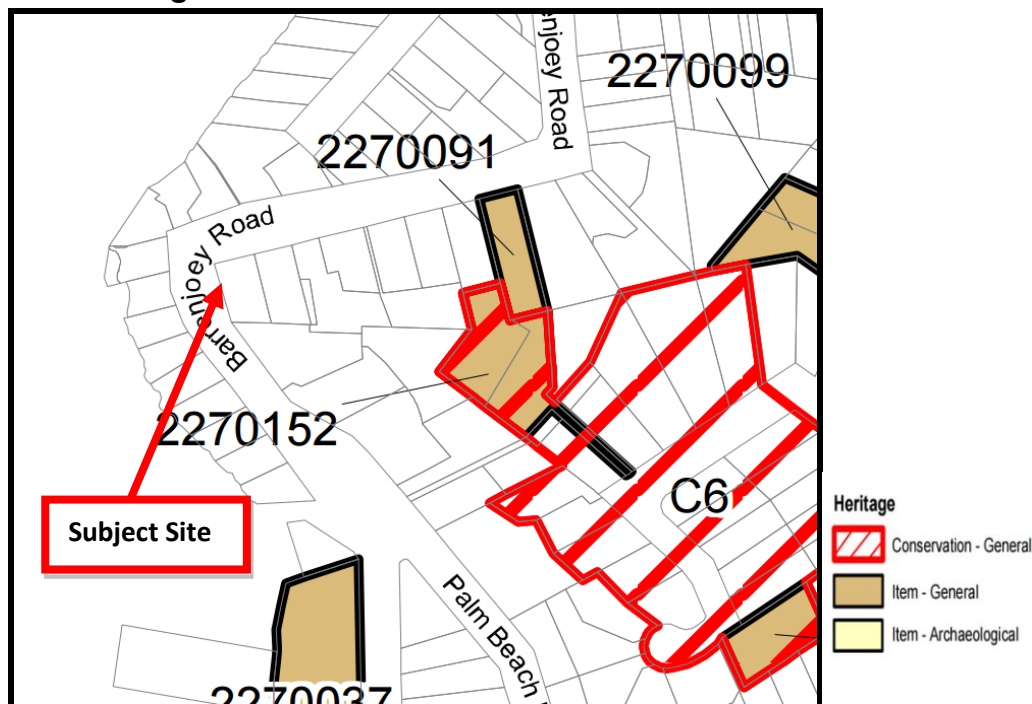
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

Comment

Impacts upon trees and existing vegetation will be minimal as the proposed works will take place within existing disturbed areas of the subject site. Advice has been sought from consulting Arborist Raintree Consulting to ensure that works proposed can be performed without unreasonably

impacting upon existing trees. A copy of this report accompanies the development application.

5.10 Heritage Conservation



(1) Objectives

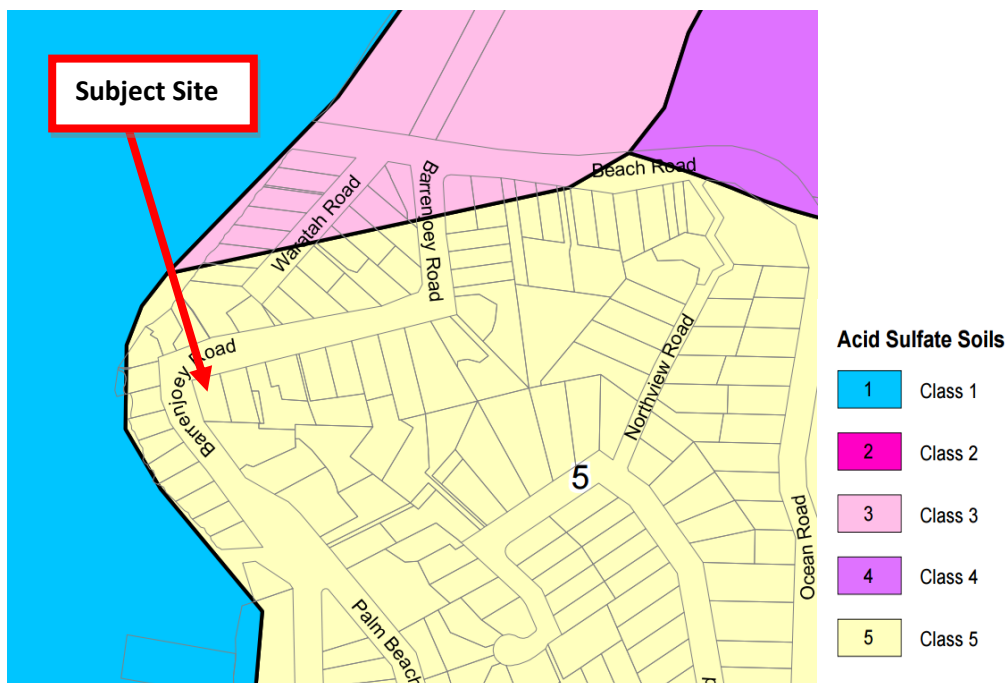
The objectives of this clause are as follows:

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

Comment

The subject site does not contain nor is it located in proximity to a Heritage Item. The subject site is not located within a Heritage Conservation area.

7.1 Acid Sulfate Soils



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

Comment

The subject site is located in Class 5 Acid Sulfate area and as such, the proposed works will not impact upon acid sulfate soils due to the minimal excavation of the subject site and unlikely impacts upon the water table.

7.2 Earthworks

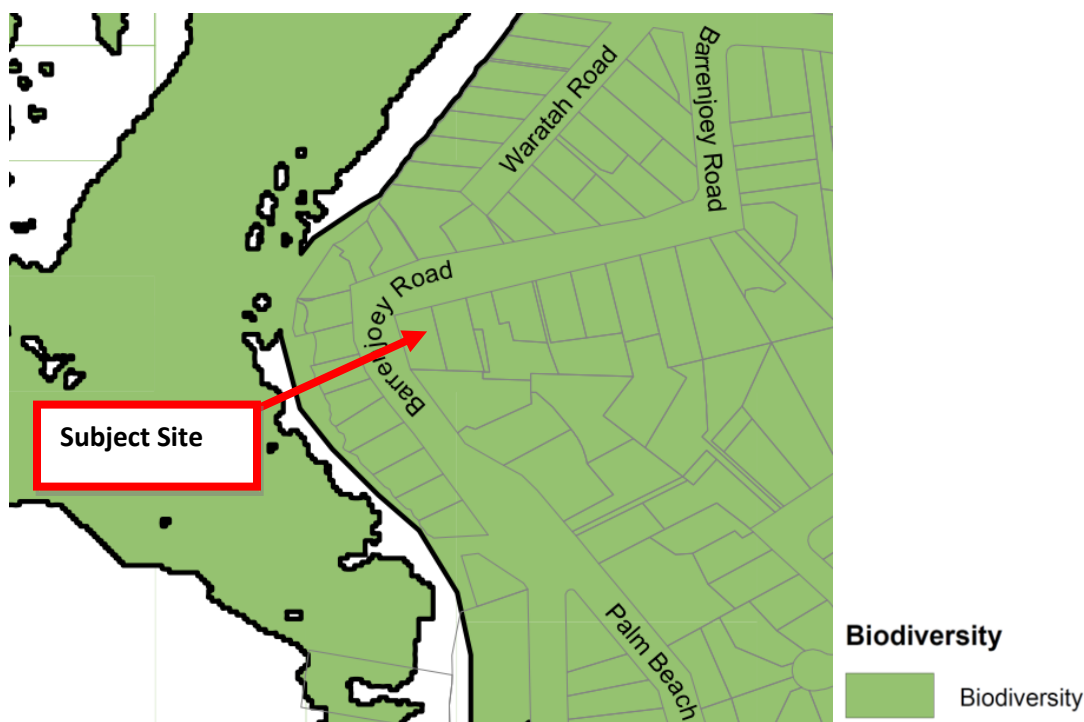
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Comment

Most of the proposed earthworks have been completed as part of an earlier development consent and any further excavation will be contained within the existing benched area of the site containing the existing dwelling.

Some additional excavation will be required but this is minimal and has been endorsed by the consultant geotechnical engineer.

7.6 Biodiversity



(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.

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

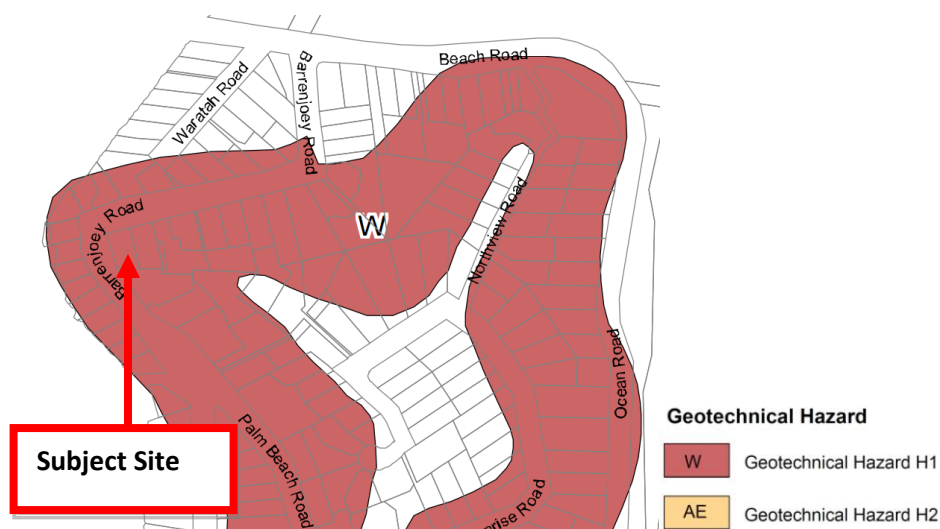
- (a) whether the development is likely to have:
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

- (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment

The proposed works on the subject site will not result in a loss of any biodiversity as the works proposed will result in a higher number of native species on the subject site as illustrated in the Landscape Plan LP02A prepared by Selena Hannan, Landscape Architect whilst no works proposed are likely to result in the loss of any significant trees on the subject site.

7.7 Geotechnical hazards



- (1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:
- (a) matches the underlying geotechnical conditions of the land, and

(b) is restricted on unsuitable land, and

(c) does not endanger life or property.

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

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

(a) site layout, including access,

(b) the development’s design and construction methods,

(c) the amount of cut and fill that will be required for the development,

(d) waste water management, stormwater and drainage across the land,

(e) the geotechnical constraints of the site,

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

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

(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

(b) the consent authority is satisfied that:

(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or

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

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

Comment

The subject proposal has been examined by the Applicants’ geotechnical engineers (JK Geotechnics) who have provided reports accompanying this application to assist Council in its assessment of the proposal and to ensure that the ongoing stability of the site is maintained.

The existing retaining works on the subject site have been assessed as structurally sound and have the capacity to withstand loads imposed by the proposed works.

4.2 Pittwater 21 Development Control Plan

B3.1 Landslip Hazard

Outcomes

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

Comment

The proposal has been examined by the applicant's geotechnical engineer who has concluded that the proposal will satisfy the above outcomes by providing recommendations in the accompanying report (JK Geotechnics) to be incorporated within any development consent for the ongoing stability of the site and its surrounds.

B3.6 Contaminated Land and Potentially Contaminated Land

Outcomes

Protection of public health.

Protection of the natural environment.

Successful remediation of contaminated land.

Comment

The subject site has been used for residential purposes and there is no evidence of the importation of any contaminated material.

B4.17 Littoral Rainforest - Endangered Ecological Community

Outcomes

The conservation of littoral rainforest vegetation in Pittwater.

The regeneration and /or restoration of littoral rainforest.

The preservation of littoral rainforest as habitat for fauna.

Comment

The subject site is already being revegetated with a variety of endemic species approved by Council under the current development consent for the driveway and garage structures. This existing planting regime is to be

augmented by the bolstering of the existing site vegetation to promote habitat by the regeneration of native species on the subject site.

B5.2 Wastewater Disposal

Outcomes

Effective management of sewage and wastewater systems and disposal to central reticulation system.

Effective management of on-site sewage and effluent systems to ensure environmental and public health protection

Comment

The subject site is currently connected to the sewerage system of Sydney Water and whilst there is unlikely to be any excessive load on the system the proposal will be forwarded to Sydney Water for their assessment.

B5.3 Greywater Reuse

Outcomes

Effective management of grey water treatment systems which maintain disposal to Sydney Water central reticulation system (for disposal in cases of emergency breakdown/malfunction).

Effective management of on-site sewage and effluent systems to ensure environmental and public health protection.

Water Conservation

Comment

There is no provision for the reuse of greywater. A wastewater is to be directed to the reticulated sewer system.

B5.4 Stormwater Harvesting

Outcomes

Minimise quantity of stormwater runoff.

Minimise surcharge from the existing drainage systems.

Reduce water consumption and waste in new development.

Implement the principles of Water Sensitive Urban Design

Comment

In order to minimise runoff to the street drainage system in Barrenjoey Road, a 15000 litre OSD tank is to be provided to the proposed stormwater system. Details are contained on Benn and Penna Plan 1501-P11-Rev B.

B5.7 Stormwater Management - On-Site Stormwater Detention

Outcomes

Rates of stormwater discharged into receiving environment maintained or reduced

Comment

See above B5.7.

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

Outcomes

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

Comment

The proposal does not propose any uses that are likely to increase the pollutants discharged from the subject site.

B5.10 Stormwater Discharge into Public Drainage System

Outcomes

All new development is to have no adverse environmental impact at the discharge location.

Comment

The stormwater generated by the proposal will discharge onto the Barrenjoey Road drainage system already installed under the earlier development consent.

B5.12 Stormwater Drainage Systems and Natural Watercourses

Outcomes

The integrity of stormwater drainage systems, easements and natural watercourses are maintained.

Stormwater flows including overland flow have continuity and are not impeded.

Comment

There is no natural watercourse present on the subject site.

B5.14 Stormwater Drainage Easements (Public Stormwater Drainage

Outcomes

The integrity of stormwater drainage systems and natural watercourses are maintained.

Stormwater flows including overland flow have continuity and are not impeded.

Comment

No easement is required as the site has access to the existing stormwater system in Barrenjoey Road.

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

Outcomes

Safe and convenient access.

Adverse visual impact of driveways is reduced.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation in the road reserve.

Comment

These works to the Barrenjoey Road Reserve have been completed in accordance with DA N0326/08/S96/1.

B6.3 Internal Driveways - Low Density Residential

Outcomes

Safe and convenient access.

Reduce visual impact of driveways.

Pedestrian safety.

An effective road drainage system.

*Maximise the retention of trees and native vegetation.
Reduce contaminate run-off from driveways.*

Comment

No internal driveway is proposed as all vehicular access works are completed in accordance with DA N0326/08/S96/1.

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

Outcomes

Safe and convenient parking.

Controls

On-Site Car Parking Requirements

The minimum number of vehicle parking spaces to be provided for off-street parking is as follows:

<i>Size of Dwelling</i>	<i>Parking Required</i>
<i>Small dwelling (1 bedroom)</i>	<i>1 space</i>
<i>Large dwelling (2 bedrooms or more)</i>	<i>2 spaces</i>

Comment

The completed works under DA N0326/08/S96/1 provide carparking for two vehicles on the subject site.

B6.7 Access Driveways and Works on Road Reserves on or Adjacent to a Main Road

Outcomes

Compliance with the requirements of the Environmental Planning and Assessment Act and the Roads Act 1993 (s 138).

Safety.

Pedestrian access and amenity

Maximise retention of native vegetation and trees.

Reduce contaminate run-off from driveways.

Comment

These works to the Barrenjoey Road Reserve have been completed in accordance with DA N0326/08/S96/1.

B8.1 Construction and Demolition - Excavation and Landfill

Outcomes

Site disturbance is minimised.

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

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

Comment

Construction and demolition works on the subject site are primarily limited to the existing building footprint without any significant excavation works being required as the basic foundation works comprising excavation and construction of the two car garage, retaining works and landscaping have been completed in accordance with DA N0326/08/S96/1.

Site stability will be safeguarded by the provision of dilapidation reports for adjacent properties being prepared prior to commencement of any works on the subject site.

B8.2 Construction and Demolition - Erosion and Sediment Management

Outcomes

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

Reduction of waste throughout all phases of development.

Public safety is ensured.

Protection of the public domain.

Comment

The sedimentation and erosion control plan P1501-p-12 rev B submitted with this development application indicates the provision of effective devices to ensure that the above outcomes are satisfied.

These devices will remain in place for the duration of works.

B8.3 Construction and Demolition - Waste Minimisation

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.

Comment

The accompanying waste management plan will guide the management of waste to satisfy the above outcomes during demolition, excavation and construction works.

B8.4 Construction and Demolition - Site Fencing and Security

Outcomes

*Ensuring public safety.
Protection of public domain.*

Comment

The subject site will be fenced to prevent the entry of unauthorised persons to ensure the maintenance of safety on and off-site site.

B8.5 Construction and Demolition - Works in the Public Domain

Outcomes

*Protection of Infrastructure.
Ensuring Public Safety.
Compliance with the Roads Act 1993.*

Comment

Works to the public domain will be minimal as the majority of works that interface with the public domain have been completed under the terms of DA N0326/08/S96/1.

B8.6 Construction and Demolition - Traffic Management Plan

Outcomes

*Minimal disturbance to the residential community.
Protection of Roads.*

Comment

The subject site is located on an area of Barrenjoey Road that as a consequence of the newly completed access ramp, provides parking for construction vehicles to be accommodated during construction works.

Notwithstanding this comment, larger vehicles requiring access to the site should be effectively controlled by providing for a staging area away from the subject site and vehicle access controlled by the project manager to avoid traffic conflict during working hours.

C1 Design Criteria for Residential Development

C1.1 Landscaping

Outcomes

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

Comment

The proposal will provide for a landscaped area which exceeds the 60% minimum required under the E4 zone.

This landscaping is to be provided in accordance with the accompanying plan (LP02A) prepared by Selena Hannan, the Landscape Architect responsible for the landscaping to the approved works under DA N0326/08/S96/1.

C1.2 Safety and Security

Outcomes

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

Comment

The proponent is mindful of the need to ensure ongoing prevention of crime and the proposed layout will facilitate observation of the majority of the subject site and most of its surroundings.

C1.3 View Sharing

Outcomes

A reasonable sharing of views amongst dwellings.

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.

Canopy trees take priority over views.

Comment

The proposed height of the ridge has been kept almost a metre below the maximum height of 8.5 metres for the bulk of its length to assist view sharing and ensure that there is no unreasonable view impact upon the surrounding dwelling to the east.

The immediately adjacent dwellings to the east and south have been considered in the design by keeping the building set back into the site to maintain transverse views across the site from the south.

C1.4 Solar Access

Outcomes

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

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

Reduce usage and/dependence for artificial lighting.

Comment

The attached shadow diagrams by Benn and Penna confirm that there will be no loss of solar access to adjacent areas of private open space or living areas.

C1.5 Visual Privacy

Outcomes

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

A sense of territory and safety is provided for residents.

Comment

Visual privacy in locations such as this is difficult to protect due to the competing desire for views and privacy however, the orientation of the proposed dwelling is away from adjacent sites and directed towards the Pittwater outlook and the northern sun.

C1.6 Acoustic Privacy

Outcomes

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

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.

Comment

There are no pieces of plant that are likely to impact upon the ambient noise levels of this locality as all equipment will be acoustically shielded.

C1.7 Private Open Space

Outcomes

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

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

Private open space receives sufficient solar access and privacy.

Comment

The existing terraced area to the north of the existing dwelling will be retained and repaired to provide an area of high amenity for occupants and visitors.

C1.12 Waste and Recycling Facilities

Outcomes

Waste and recycling facilities are accessible and convenient, and integrate with the development.

Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment.

Comment

The existing garage will provide storage for the domestic garbage and recycling bins.

C1.13 Pollution Control

Outcomes

Development that does not adversely impact on public health, the environment or other lands.

Comment

There are no proposed works or uses that will materially impact upon the environment or other lands.

C1.14 Separately Accessible Structures

Outcomes

Separately accessible structures that provide a recreational or office function for residents.

Comment

No separately accessible structure is proposed.

C1.17 Swimming Pool Safety

Outcomes

*The promotion of personal safety.
Compliance with Swimming Pools Act 1992 and Regulations*

Comment

No pool is proposed.

C1.19 Incline Passenger Lifts and Stairways

Outcomes

Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours.

Comment

No inclinor or passenger lift is proposed.

The proposed main access stairs are located on the northern side of the proposed dwelling resulting in minimal potential disturbance to the visual or acoustic environments of the surrounding locality.

C1.23 Eaves

Outcomes

*Housing that reflects the coastal heritage and character of Pittwater.
Optimise roof forms.
Appropriate solar access and shading is achieved.*

Comment

The proposal does not incorporate eaves in order to reduce the building bulk but still reflect the pitched roof character of the existing structure on site.

C1.24 Public Road Reserve - Landscaping and Infrastructure

Outcomes

Desirable character of the Pittwater streetscape.

Consistency in the design and construction of landscape works in the road reserve.

Comment

These works to the Barrenjoey Road Reserve have been completed in accordance with DA N0326/08/S96/1.

C1.25 Plant, Equipment Boxes and Lift Over-Run

Outcomes

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

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

To achieve reduction in visual clutter.

The appropriate location and design of noise generating equipment.

Comment

No visible plant, equipment boxes or lift overruns are proposed.

D12 PALM BEACH LOCALITY

D12.1 Character as viewed from a public place

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.

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.

High quality buildings designed and built for the natural context and any natural hazards.

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.

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.

Comment

The proposal seeks to endorse the outcomes sought for the desired future character by reflecting the architectural style of the existing dwelling on the site in a manner that allows for a modern interpretation of that architectural style but satisfies higher standards of internal and external amenity for the occupants but still is clearly discernible as a house.

D12.3 Building colours and materials

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.

The visual prominence of the development is minimised.

Damage to existing native vegetation and habitat is minimised.

Comment

The Schedule of Finishes accompanying this Statement sets out all the materials and colours to be incorporated into the proposal.

D12.5 Front building line

Outcomes

Achieve the desired future character of the Locality.

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

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

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

Vehicle manoeuvring in a forward direction is facilitated.

To preserve and enhance the rural and bushland character of the locality.

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.

Comment

The proposal exceeds the required setback of 10 metres to Barrenjoey Road by proposing a 15 metre setback to the north and a setback of 6.5 metres to the western frontage.

D12.6 Side and rear building line

Outcomes

To achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

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

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.

Substantial landscaping, a mature tree canopy and an attractive streetscape.

Flexibility in the siting of buildings and access.

*Vegetation is retained and enhanced to visually reduce the built form.
To ensure a landscaped buffer between commercial and residential zones
is established.*

Controls

*The minimum side and rear building line for built structures including pools
and parking structures, other than driveways, fences and retaining
walls, shall be in accordance with the following table:*

Land	Side and Rear Building Line Setback (metres)
<i>Land zoned R2 Low Density Residential or E4 Environmental Living</i>	<i>2.5 to at least one side; 1.0 for other side 6.5 (rear) unless Foreshore Building Line applies</i>

Comment

The proposal satisfies the required setbacks of 1m and 2.5 metres to the side boundaries however does not comply with the 6.5 metre setback to the rear (eastern) boundary.

The proposed setback of 1metre to the eastern boundary, although breaching the control, is nonetheless a desirable option as the minimal setback allows the building to nestle into the site and reduce any visual impact from adjacent sites, especially to the east.

D12.8 Building envelope

Outcomes

*To achieve the desired future character of the Locality.
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*

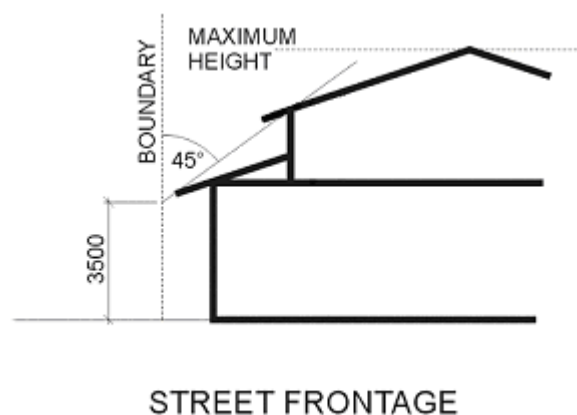
places. (S)

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)

Controls

Buildings are to be sited within the following envelope:



Comment

The proposal complies with this control.

D12.10 Landscaped Area - Environmentally Sensitive Land

Outcomes

Achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

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

Conservation of natural vegetation and biodiversity.

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

To preserve and enhance the rural and bushland character of the area.

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

Comment

The proposal exceeds the 60% landscape area control. More details are provided in the landscape plan by Selena Hannan, a respected landscape Architect.

D12.12 Fences - Flora and Fauna Conservation Areas

Outcomes

To achieve the desired future character of the Locality.

An open streetscape that allows casual surveillance of the street.

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

Safe and unhindered travel for native animals.

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.

To enhance safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians.

To ensure heritage significance is protected and enhanced.

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

To ensure native vegetation is retained

To ensure any fencing provides for the safe and unhindered travel of native animals.

An area of private open space is provided for properties that front the Pittwater Waterway

Comment

No fences are proposed.

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

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

Comment

Terracing of the site has been completed under DA N0326/08/S96/1 to accommodate the double car accommodation. Further works to provide

foundations for the proposed dwelling are proposed to provide a level building platform for the proposed dwelling.

D12.14 Scenic Protection Category One Areas

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.

Maintenance and enhancement of the tree canopy.

Colours and materials recede into a well vegetated natural environment.

To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component

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.

Comment

As the subject site is located in an area of visual prominence, visual integration into the landscape is a driving force for the design. The existing recently completed works on the road reserve and the subject site are being visually subsumed by the landscaping and will eventually be visually acceptable.

The proposed works, the subject of this Statement will also allow for the site to become “softer” by virtue of the quantum of landscaping proposed and the fact that the proposal will be carried out generally on the existing benched area and will not result in the loss of any significant vegetation and allow the existing landscaping to be augmented to achieve the above expressed outcomes.

5.0 SECTION 79C ASSESSMENT

Assessment of the Development Application requires consideration under the Provisions of Section 79C of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Broadly speaking, Section 79C considerations can be categorized as — likely impacts on the natural environment, built environment, social and economic environment, and site suitability.

Environmental Planning Instruments

The proposal is a permissible use in the E4 zone however there is a minor increase in the encroachment into the SP2 zone.

Development Control Plans

The proposal generally complies with these controls.

Impact on the Natural Environment.

The proposal is unlikely to unreasonably impact upon flora and fauna, soil or water quality, air quality or the conservation of natural resources.

Impact on the Built Environment.

- **Scenic qualities** – the proposal is consistent with the current and future character of the locality as expressed within the provisions of the Pittwater Local Environmental Plan 2014 and the Pittwater 21 Development Control Plan.
- **Compatibility with adjacent land uses** – The proposal is for a residential use, compatible with surrounding residential uses.
- **Bulk and scale** – The proposal incorporates a modest bulk and scale.
- **Overshadowing** – There will be no overshadowing of any area of private open space or living areas.

- **Views and vistas** – The design seeks to ensure that there will be no unreasonable impacts upon views or vistas by keeping the building set into the site.
- **Site design** –
- **Public domain** – The works proposed will result in a benefit to the public domain when completed by virtue of the design of the building and landscaping surrounding.

Impact on the Social and Economic Environment.

The proposal is unlikely to result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing layout, topography and locality is suitable for the proposal.

6.0 CONCLUSION

I am of the view that the proposal has been sensitively crafted by the owners and their Architect to ensure that the visual impact of the works does not erode the importance of this location in Palm Beach and that the proposal is a replacement of the existing family home that will respect its surroundings.

I believe that the proposal is worthy of conditional consent for the reasons set out in this Statement.

LANCE DOYLE

Consultant Town Planner

January 2016

7.0 COMPLIANCE TABLE

CONTROL	STANDARD	PROPOSAL	COMPLIANCE
PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
Zoning	E4 Environmental Living SP2 Classified Road	Permissible	Yes
4.3 Height of Buildings	8.5m	Partly 8.65m	No, see Clause 4.6 Request
7.1 Acid Sulfate Soils	Class 5		Yes
7.2 Earthworks			Yes
7.6 Biodiversity Protection		See landscape plan	Yes
7.7 Geotechnical Hazards		See geotechnical report	Yes
PITTWATER 21 DEVELOPMENT CONTROL PLAN			
C1.3 View Sharing		No unreasonable impacts	Yes
C1.4 Solar Access			Yes
C1.5 Visual privacy			Yes
C1.7 Private Open Space			Yes
D12.1 Character as Viewed from a Public Place			Yes
D12.3 Building Colours and materials		See Schedule of Finishes	Yes
D12.4 Height	Maximum Height of		No, see Clause 4.6

	8.5m		Request
D12.5 Front Building Line	10m or established building line, whichever is the greater		Yes
D12.6 Side and Rear Building Line	Side setbacks of 1.0m and 2.5m Rear setback of 6.5m		Yes No
D12.8 Building Envelope	Building situated within the building envelope of the site measured at a height of 3.5 metres above existing ground level at the boundary and projected inwards at 45 degrees to the maximum height.		Yes
D12.10 Site Coverage – Environmentally Sensitive Land	Maximum site coverage of 40% and minimum landscaped area of 60%		Yes
D12.11 Fences - General			N/A
D12.14 Scenic protection Category One Areas			Yes