

untapped **PLANNING**

Statement of Environmental Effects

“Alterations and Additions to existing Dwelling and new
Secondary Dwelling”

1 Ross Street, Newport

Lot A DP 348894

Prepared for: Stewart Design

Ref: 121903

Date: December 2019

Table of Contents

1.	Executive Summary	3
1.1	Introduction	3
1.2	Site Details	3
1.3	Purpose of the Report	4
2.	Proposed Development	5
2.1	Proposal Objectives	5
2.2	Summary of Development	5
3.	Characteristics of the Site and Locality	6
3.1	The Site	6
3.2	The Locality	7
3.3	Land Uses	8
3.4	Topography	8
3.5	Contamination and Geotechnical Considerations	8
3.5.1	Contamination	8
3.5.2	Acid Sulfate Soils	8
3.5.3	Land Slip	8
3.6	Vegetation	8
3.7	Bushfire	8
3.8	European and Aboriginal Archaeological Heritage	9
3.9	Traffic, Access and Road Network	9
3.10	Coastal Zone	9
3.11	Services and Utilities	9
4.	Planning Controls	10
4.1	State Planning Controls	10
4.2	Local Planning Controls	27
5.	Conclusion	49

1. Executive Summary

1.1 Introduction

Untapped Planning has been commissioned by Stewart Design to prepare a Development Application (DA) and accompanying Statement of Environmental Effects for proposed alterations and additions to an existing dwelling and new secondary dwelling on Lot A DP 348894 at 1 Ross Street, Newport.

1.2 Site Details

The subject site comprises Lot A DP 348894 with a street address 1 Ross Street Newport.

The site has a total combined area of approximately 483.7m², with a street frontage of 15.24m to Ross Street. Access to the site is via an existing driveway directly addressing Ross Street.

The site is zoned R2 – Low Density Residential under the Pittwater Local Environmental Plan (LEP) 2014.

Development for the purposes of a Dwelling and ancillary structures are permissible within the zone, with the consent of Council.

The following plan shows the site location in the context of the local area.

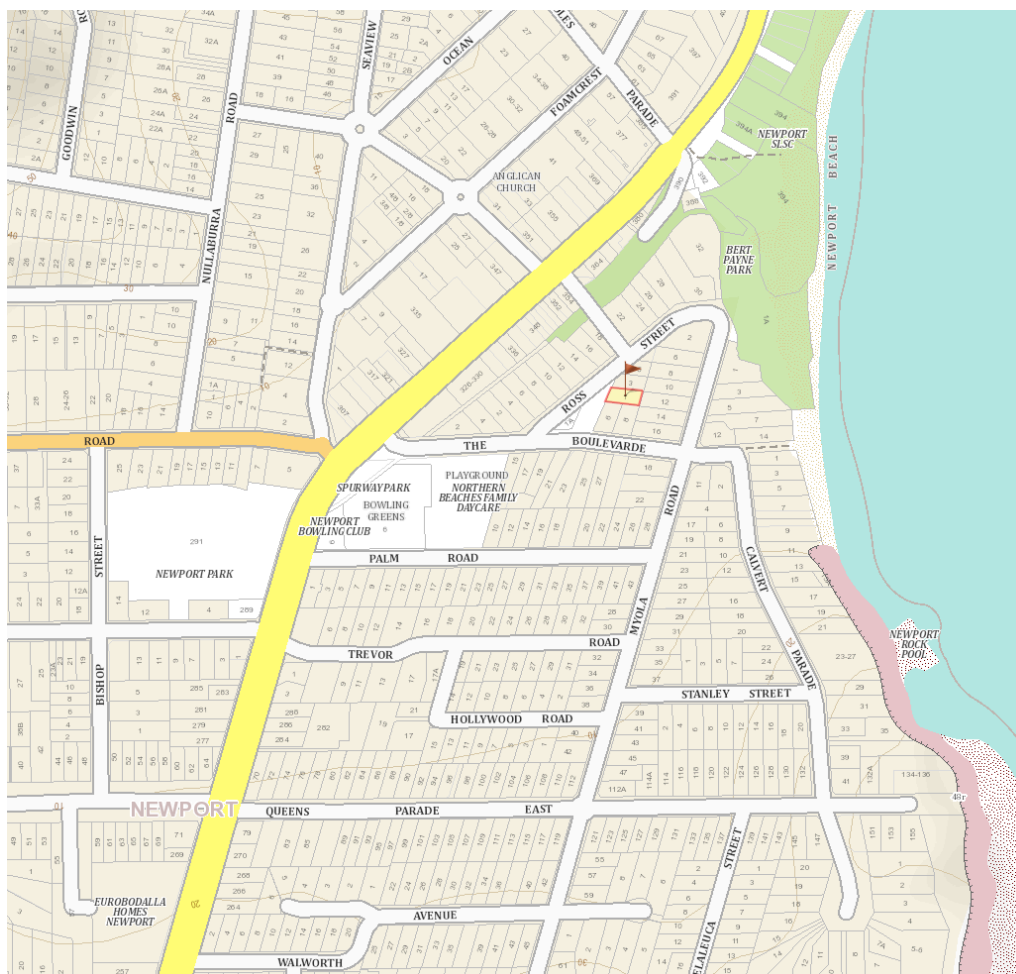


Figure 1: Locality of the subject site.

1.3 Purpose of the Report

This Statement of Environmental Effects (SoEE) has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act and accompanying Regulation.

Its purpose is to:

- describe the proposed development;
- identify and summarise the relevant controls which guide assessment of the proposal;
- provide information on the site and its context; and
- review the key issues associated with the proposal to aid in assessment by the Consent Authority and other relevant authorities.

Consideration has been given to the Council's guidelines in preparing this Statement of Environmental Effects as well as the full range of other relevant legislation and development guidelines.

2. Proposed Development

2.1 Proposal Objectives

The objective of the proposed development is to seek approval for the construction a new dwelling on the subject allotment.

2.2 Summary of Development

The proposed development involves;

The proposed alterations and additions contain;

- Upper Floor Addition
 - Master Bedroom with Ensuite and walk in robe
 - Two bedrooms
 - Bathroom
- Dwelling renovations and alterations
- Carport

The proposed secondary dwelling will be the conversion of the front section of the existing building, no new structures are proposed.

3. Characteristics of the Site and Locality

3.1 The Site

The subject site comprises Lot A DP 348894, and is known as 1 Ross Street, Newport.

The site has a combined total area of approximately 483.7m², with a frontage of 15.24m to Ross Street.

Existing on the site is a single storey dwelling house. Vehicle parking is within an existing attached garage.

The site is generally level with vegetation restricted to maintained garden spaces in the sites front and rear setbacks.

Given the nature of the development, minimal site modification will be required to facilitate the alterations and additions. It is considered that the development will not impact on the existing streetscape or area character.



Figure 2: Subject Site

3.2 The Locality

The subject site is located on the eastern side end of Ross Street. The property is a short walk to the Newport Commercial center via either Bramley Avenue or The Boulevard.

The general area is moderately vegetated.

The immediate locality is characterised by a mix of new and older single dwellings in lightly vegetated surrounds. The proposed alterations are minor in nature and will match the existing building to ensure that the proposal is unlikely to present any detrimental visual impact when viewed from the Ross Street or surrounding allotments.

Further, as the development is modifications to existing structure, no large vegetation will be required to be removed and the vegetated character of the area can be maintained.

The following figure shows the location of the subject site within its immediate local context.



Figure 3: Aerial Photo.

3.3 Land Uses

The subject site currently contains a two storey brick and timber dwelling. The upper level of the dwelling is in the form of a roof attic.

The site is lightly vegetated within the front setback area and this vegetation is proposed to be retained.

3.4 Topography

The site is considered to be generally level.

3.5 Contamination and Geotechnical Considerations

3.5.1 Contamination

The site is not known to have any past contaminating uses.

3.5.2 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 3.

The development represents an alteration and addition to the existing dwelling. The earth surrounding the dwelling will be undisturbed as the development represents changes to the existing structure.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

3.5.3 Land Slip

The development site is not identified on the Geotechnical Hazard Map – Sheet GTH_017 as being within either the H1 or H2 Geotechnical Hazard Zones.

No further assessment of geotechnical hazard is required.

3.6 Vegetation

Vegetation on the subject is restricted to maintained gardens confined to the sites front and rear setbacks.

The general siting of the additions and alterations will not require that any substantial vegetation be removed.

3.7 Bushfire

The development site is not noted as being bushfire prone.

3.8 European and Aboriginal Archaeological Heritage

The site is not known to contain any items of European heritage significance, nor is it located within a heritage conservation area.

The site is not known to contain any items of Aboriginal archaeological significance.

3.9 Traffic, Access and Road Network

The site is located on Ross Street, Newport. Access off Ross Street is via an existing concrete drive carport on the eastern side of the dwelling.

Given the minor scale of the development and the fact that no amplification of the site's use is proposed, it is not anticipated that there will be any adverse impacts to traffic levels in the locality as a result of the proposal.

3.10 Coastal Zone

The development site is not subject to the provisions of the NSW Coastal Policy.

3.11 Services and Utilities

The site is currently serviced with both reticulated water and sewer.

4. Planning Controls

4.1 State Planning Controls

Environmental Planning and Assessment Act 1979

Section 91

The development is not considered to constitute integrated development under the provisions of Section 91 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

State Environmental Planning Policy (Affordable Rental Housing) 2009

The development has been applied for utilising the development controls and standards contained within SEPP (Affordable Rental Housing) 2009.

The following table outlines how the development proposal is consistent with the requirements of SEPP (Affordable Rental Housing) 2009.

The development is considered to be consistent with the controls contained within the SEPP.

Control	Response
Division 2 – Secondary Dwellings	
19 Definition In this Division: development for the purposes of a secondary dwelling includes the following: (a) the erection of, or alterations or additions to, a secondary dwelling, (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling. Note. The standard instrument defines secondary dwelling as follows: secondary dwelling means a self-contained dwelling that: (a) is established in conjunction with another dwelling (the principal dwelling), and (b) is on the same lot of land (not being an individual lot in a strata plan or	 The proposed development is consistent with the definition of secondary dwelling and as such State Environmental Planning Policy (Affordable Rental housing) 2009 is considered to apply top the proposal.

<p>community title scheme) as the principal dwelling, and</p> <p>(c) is located within, or is attached to, or is separate from, the principal dwelling.</p>	
<p>20 Land to which Division applies</p> <p>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:</p> <p>(a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone R5 Large Lot Residential.</p>	<p>The subject site is zoned R2 – Low Density Residential under the provisions of the Pittwater Local Environmental Plan 2014.</p> <p>This R2 land zoning applies to SEPP (Affordable Rental Housing) 2009.</p>
<p>21 Development to which Division applies</p> <p>This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.</p>	<p>The proposal seeks consent for a secondary dwelling on an existing residential allotment containing a residential dwelling.</p> <p>As such, this division applies to the subject development.</p>
<p>22 Development may be carried out with consent</p> <p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.</p> <p>(3) A consent authority must not consent to development to which this Division applies unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</p>	<p>(1) This division applies to the proposed Development.</p> <p>(2) The proposal will not result in the subject land containing more than the principle and secondary dwellings and as such consent may be granted.</p> <p>(3) (a) The Pittwater LEP contains no specific map for Floor Space Ratio for this particular site.</p> <p>The combined floor area of approximately 272m² which represents a floor space ratio of 0.56:1.</p>

<p>(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p> <p>(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a) site area</p> <p>if:</p> <p>(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or</p> <p>(ii) the site area is at least 450 square metres,</p> <p>(b) parking</p> <p>if no additional parking is to be provided on the site.</p> <p>(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).</p>	<p>(b) The total floor space of the secondary dwelling is 56m², which is also under the maximum floor space permissible of 60m².</p> <p>(4) This clause sets out grounds that can not be used for the refusal of consent.</p> <p>(a) The development site exceeds 450m² and as such land size can not be used to refuse the granting of consent.</p> <p>(b) Under subclause (4)(b) no additional parking is required for the secondary dwelling with the new carport proposed to be utilised by the existing dwelling.</p> <p>(5) The development is consistent with the standards set out in subclause (4).</p>
<p>24 No subdivision</p> <p>A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.</p>	<p>No subdivision is proposed by way of this development application.</p>
<p>Development Standards</p>	
<p>2 Lot requirements</p> <p>(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:</p> <p>(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and</p> <p>(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:</p>	<p>The development is consistent with the requirements of this clause in that;</p> <ul style="list-style-type: none"> At the conclusion of the development, the site will contain only one principle dwelling and one secondary dwelling, The allotment has an area of 483.7m² and has a frontage in excess of 12m Ross Street.

<p>(i) 12 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(ii) 15 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(iii) 18 metres, if the lot has an area of more than 1500 square metres, and</p> <p>(c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway.</p> <p>(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.</p>	<ul style="list-style-type: none"> The allotment has lawful access to a public road.
<p>3 Maximum site coverage of all development</p> <p>(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:</p> <p>(a) 50 per cent of the area of the lot, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 40 per cent of the area of the lot, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 30 per cent of the area of the lot, if the lot has an area of more than 1500 square metres.</p> <p>(2) For the purpose of calculating the site coverage in subclause (1), the area of any of the following is not included:</p> <p>(a) an access ramp,</p> <p>(b) that part of an awning, blind or canopy that is outside the outer wall of a building,</p>	<p>The development is consistent with this clause in that the development;</p> <ul style="list-style-type: none"> Has a site coverage of less than 50 per cent of the allotment. The total developed site area post development is approximately 176m² which is less than the maximum 50% permissible on this site.

<ul style="list-style-type: none"> (c) a balcony, deck, patio, pergola, terrace or verandah attached to the principal or secondary dwelling that is not enclosed by a wall higher than 1.4 metres above the floor level, (d) an eave, (e) a driveway, (f) a farm building, (g) a fence or screen, (h) a pathway or paving, (i) a rainwater tank that is attached to the principal or secondary dwelling, (j) a swimming pool or spa pool. 	
<p>4 Maximum floor area for principal and secondary dwelling</p> <p>(1) The floor area of a secondary dwelling must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p> <p>(2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following:</p> <ul style="list-style-type: none"> (a) 330 square metres, if the lot has an area of at least 450 square metres but not more than 600 square metres, (b) 380 square metres, if the lot has an area of more than 600 square metres but not more than 900 square metres, (c) 430 square metres, if the lot has an area of more than 900 square metres. 	<p>(1) The proposed secondary dwelling has a total floor area of 56m². This is well inside the maximum allowable area of 60m².</p> <p>(2) With respect to the floor area of the principle dwelling, secondary dwelling including any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and enclosed by a wall, the proposal is compliant having a total floor area of approximately 272m².</p> <p>The SEPP provisions would allow for a maximum floor area of 330m².</p>

<p>5 Setbacks and maximum floor area for balconies, decks, patios, terraces and verandahs</p> <p>(1) The total floor area of all balconies, decks, patios, terraces and verandahs on a lot must not be more than 12 square metres if:</p> <ul style="list-style-type: none"> (a) any part of the structure is within 6 metres from a side, or the rear, boundary, and (b) the structure has any point of its finished floor level more than 2 metres above ground level (existing). <p>(2) The balcony, deck, patio, terrace or verandah must not have any point of its finished floor level:</p> <ul style="list-style-type: none"> (a) if it is located within 3 metres of a side, or the rear, boundary—more than 2 metres above ground level (existing), or (b) if it is located more than 3 metres but not more than 6 metres from a side, or the rear, boundary—more than 3 metres above ground level (existing), or (c) if it is located more than 6 metres from a side, or the rear, boundary—more than 4 metres above ground level (existing). <p>(3) A detached deck, patio or terrace (including any alterations or additions to the deck, patio or terrace) must not have a floor level that is more than 600 millimetres above ground level (existing).</p>	<p>The development does not have any balconies, decks, patios, terraces or verandahs subject to this clause.</p>
<p>6 Building height</p> <p>Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5 metres.</p>	<p>The development has a maximum height of 8.5m which complies with this requirement.</p> <p>This maximum height component is at the single point where the development changes levels. At other points of the building cross-section the development is generally a maximum of 3.2m in height.</p>

<p>7 Setbacks from roads, other than classified roads</p> <p>(1) Development for the purpose of a secondary dwelling on a lot must result in a new building or a new part of an existing building having a setback from a primary road that is not a classified road of at least:</p> <p>(a) the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40 metres of the lot on which the principal dwelling is erected, or</p> <p>(2) Development for the purpose of a secondary dwelling on a lot must result in a new building or a new part of an existing building having a setback from a boundary of the lot with a parallel road that is not a classified road of at least 3 metres.</p> <p>(3) Development for the purpose of a secondary dwelling on a corner lot must result in a new building or a new part of an existing building on the lot having a setback from the boundary with a secondary road that is not a classified road of at least:</p> <p>(a) if the lot has an area of at least 450 square metres but not more than 600 square metres—2 metres, or</p> <p>(b) if the lot has an area of more than 600 square metres but not more than 1,500 square metres 3 metres, or</p> <p>(c) if the lot has an area of more than 1500 square metres—5 metres.</p> <p>(4) For the purposes of this clause, if a lot is a corner lot:</p> <p>(a) one of the boundaries that is 6m or more in length is taken to be a boundary with a primary road, and</p> <p>(b) the other boundaries are taken to be boundaries with a secondary road.</p> <p>(5) For the purposes of this clause, if a lot has contiguous boundaries with a road or roads but</p>	<p>No change is proposed to the dwelling setback to Ross Street.</p> <p>This currently is 5.770m This is consistent with the surrounding street setback.</p> <p>It is also noted that due to the angle of the street frontage, the dwelling setback rapidly increases.</p> <p>(2) N/A</p> <p>(3) N/A</p> <p>(4) N/A</p>
---	---

<p>is not a corner lot, the lot is taken to have a boundary only with a primary road.</p>	
<p>8 Setbacks from classified roads</p> <p>Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a classified road of less than:</p> <ul style="list-style-type: none"> (a) if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, that distance, or (b) 9 metres in any other case. 	<p>The development does not have a frontage to a classified road, as such this clause does not apply.</p>
<p>9 Setbacks from side boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:</p> <ul style="list-style-type: none"> (a) 0.9 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres, (b) 1.5 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres, (c) 2.5 metres, if the lot has an area of more than 1500 square metres. <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:</p>	<p>The development proposes to utilise the existing side setback of 1300mm. This is consistent with the requirements of sub-clause (1)(a).</p> <p>The façade on the side boundary has a maximum height of 3.8m, at the point of the building step, and under subclause 2, no additional side setback to the proposed 900mm is required.</p> <p>The development is consistent with the side setback requirements.</p>

<p>(a) the amount of the setback specified for the relevant sized lot in subclause (1), and</p> <p>(b) an amount that is equal to one-quarter of the additional building height above 3.8 metres.</p>	
<p>10 Setbacks from rear boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:</p> <p>(a) 3 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,</p> <p>(b) 5 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(c) 10 metres, if the lot has an area of more than 1500 square metres.</p> <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <p>(a) 3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or</p> <p>(b) 5 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a</p>	<p>(1) The development exceeds the required 3m rear setback.</p> <p>(2) N/A as the existing structure will be utilised.</p>

<p>maximum setback of 12 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or</p> <p>(c) 10 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum of 15 metres, if the lot has an area of at least 1500 square metres.</p> <p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.</p>	
<p>11 Exceptions to setbacks</p> <p>Despite any other clause in this Part:</p> <p>(a) development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3 metres from a boundary with a public reserve, and</p> <p>(b) side and rear setbacks do not apply to:</p> <p>(i) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank greater than 1.8 metres in height or any other structure associated with the provision of a utility service if it is located at least 450 millimetres from the relevant boundary, and</p> <p>(ii) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, pathway or paving if it is located within any required setback area to the relevant boundary, and</p> <p>(c) the setback from a road does not apply to:</p> <p>(i) a driveway, fence, pathway, paving or retaining wall, or</p> <p>(ii) the articulation zone and any building element that is permitted within that zone, and</p> <p>(d) the setback from a rear boundary required by clause 10 of this Schedule does not apply to</p>	<p>No exceptions to setbacks are being sought by this development.</p>

<p>a lot that has only 3 boundaries, disregarding any boundary of an access lane if the lot is a battle-axe lot.</p>	
<p>13 Building articulation</p> <p>(1) Development for the purpose of a secondary dwelling (other than development on a battle-axe lot) must result in either the principal dwelling or the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.</p> <p>(2) Development for the purpose of a secondary dwelling (other than development on a battle-axe lot) must result in either the principal dwelling or the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.</p> <p>(3) A secondary dwelling, other than a secondary dwelling that has a setback from a primary road of less than 3 metres, may incorporate an articulation zone that extends from the building line to a distance of 1.5 metres into the required setback from the primary road.</p> <p>(4) Development for the purpose of a secondary dwelling on a corner lot must result in either the principal dwelling or the secondary dwelling having a window in a habitable room that is at least 1m² in area and that faces and is visible from a secondary road.</p>	<p>(1) The existing dwelling on site has an existing front door and window that faces the primary street frontage. This will remain unchanged by the proposal.</p> <p>(2) As per subclause (1), the primary residence on the site has a windows facing the street frontages. This will remain unchanged by the proposal.</p> <p>(3) No articulation zone is required by this proposal.</p> <p>(4) N/A</p>
<p>14 Building elements within the articulation zone to a primary road</p> <p>(1) The following building elements are permitted in an articulation zone in the setback from a primary road:</p> <ul style="list-style-type: none"> (a) an entry feature or portico, (b) a balcony, deck, patio, pergola, terrace or verandah, (c) a window box treatment, (d) a bay window or similar feature, 	<p>(1) No articulation zone has been proposed by this development.</p>

<p>(e) an awning or other feature over a window,</p> <p>(f) a sun shading feature.</p> <p>(2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.</p> <p>(3) The maximum total area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25% of the area of the articulation zone.</p>	<p>(2) No building elements of the proposed secondary dwelling extend beyond the eave gutter line.</p> <p>(3) As no development is proposed within the articulation zone, the development does not exceed the maximum area of elements within the articulation zone.</p>
<p>15 Privacy</p> <p>(1) A window in a new secondary dwelling, or a new window in any alteration or addition to an existing principal dwelling for the purpose of a new secondary dwelling, must have a privacy screen for any part of the window that is less than 1.5 metres above the finished floor level if:</p> <p>(a) the window:</p> <p>(i) is in a habitable room that has a finished floor level that is more than 1 metre above ground level (existing), and</p> <p>(ii) has a sill height that is less than 1.5 metres above that floor level, and</p> <p>(iii) faces a side or rear boundary and is less than 3 metres from that boundary, or</p> <p>(b) the window:</p> <p>(i) is in a habitable room that has a finished floor level that is more than 3 metres above ground level (existing), and</p> <p>(ii) has a sill height that is less than 1.5 metres above that floor level, and</p> <p>(iii) faces a side or rear boundary and is at least 3 metres, but no more than 6 metres, from that boundary.</p>	<p>(1) The proposed secondary dwelling does not contain any windows that will present a privacy issue.</p> <p>Due to the orientation of the adjoining building at this point, there is adequate separation and vegetated screening between the dwellings to mitigate any potential issues.</p>

<p>(2) Subclause (1) does not apply to a window located in a bedroom where the window has an area of not more than 2 square metres.</p> <p>(3) A new balcony, deck, patio, terrace or verandah for the purpose of a new secondary dwelling and any alteration to an existing balcony, deck, patio, terrace or verandah of a secondary dwelling that has a floor area of more than 3 square metres must have a privacy screen if the balcony, deck, patio, terrace or verandah is:</p> <ul style="list-style-type: none"> (a) within 3 metres of a side or rear boundary and has a floor level that is more than 1 metre above ground level (existing), or (b) between 3 metres and 6 metres of a side or rear boundary and has a floor level that is more than 2 metres above ground level (existing). <p>(4) Any privacy screen required under subclause (3) must be installed:</p> <ul style="list-style-type: none"> (a) to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah, and (b) at the edge of that part of the development that is within the areas specified in subclause (3) (a) or (b) and is parallel to or faces towards the relevant side or rear boundary. 	<p>(2) N/A</p> <p>(3) No balcony, deck, patio, terrace or verandah is proposed by the development.</p> <p>As such the area of Private Open space will not require any privacy screens to be constructed.</p> <p>(4) No privacy screening is required.</p>
<p>16 Landscaped area</p> <p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have a landscaped area of at least the following:</p> <ul style="list-style-type: none"> (a) 20 per cent, if the lot has an area of at least 450 square metres but not more than 600 square metres, (b) 25 per cent, if the lot has an area of more than 600 square metres but not more than 900 square metres, 	<p>(1) As the subject allotment has an overall area of 483.7m² the development requires a total of 20% of the site to be landscaped area.</p> <p>The development is compliant with this clause.</p>

<p>(c) 35 per cent, if the lot has an area of more than 900 square metres but not more than 1500 square metres,</p> <p>(d) 45 per cent, if the lot has an area of more than 1500 square metres.</p> <p>(2) At least 50 per cent of the landscaped area must be located behind the building line to the primary road boundary.</p> <p>(3) The landscaped area must be at least 2.5 metres wide.</p>	<p>(2) The proposal contains in excess of 20% landscaping, the bulk of which being existing landscaped and vegetated areas on the site.</p> <p>(3) This existing landscaped area is spread along both the street frontage and at the rear of the allotment. The required landscaped area is present behind both the primary and secondary dwelling and complies with the landscape area requirements.</p>
<p>17 Principal private open space</p> <p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have more than 24 square metres of principal private open space.</p> <p>(2) In this clause, principal private open space means an area that:</p> <ul style="list-style-type: none"> (a) is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and (b) is more than 4 metres wide, and (c) is not steeper than 1:50 gradient. <p>Note. There is no requirement that additional parking spaces be provided in respect of development for the purposes of a secondary dwelling.</p>	<p>The proposed secondary dwelling contains an area of 4m x 9m as principle private open space at the rear of the dwelling that opens out directly from the secondary dwellings Living/Dining/Kitchen area.</p> <p>This open space will serve as an extension of the internal space and is considered adequate for the proposal.</p> <p>As required by the SEPP, this area is directly accessible from a habitable room being the Living and Dinning Room areas.</p> <p>The development does not provide for any additional parking spaces for the development.</p> <p>It is noted however that this lack of parking, despite being required by Council's DCP, can not be used as a reason for refusal.</p>
<p>18 Earthworks, retaining walls and structural support</p> <p>(1) Excavation</p> <p>Excavation carried out as development for the purpose of a secondary dwelling under this Policy must be structurally supported in accordance with the requirements specified in subclauses (5) and (6) and must not exceed a maximum depth measured from ground level (existing) of:</p>	<p>No excavation is proposed</p>

<p>(a) if located within 1 metre from a boundary—1 metre, or</p> <p>(b) if located more than 1 metre but not more than 1.5 metres from a boundary—2 metres, or</p> <p>(c) if located more than 1.5 metres from a boundary—3 metres.</p> <p>(2) Despite subclause (1), the excavation must not be more than 1 metre below ground level (existing) if the land is identified as Class 3 or 4 on an Acid Sulfate Soils Map or is within 40 metres of a waterbody (natural).</p> <p>(3) Fill Fill carried out as development for the purpose of a secondary dwelling under this Policy:</p> <p>(a) must not exceed 1 metre above ground level (existing), and</p> <p>(b) must be contained in accordance with subclauses (5) and (6) by either:</p> <p>(i) a retaining wall or other form of structural support that does not extend more than 1.5 metres from any external wall of the dwelling, or</p> <p>(ii) an unprotected sloping embankment or batter, that does not extend from the dwelling house by more than 3 metres, in which case the toe of the embankment or batter must be more than 1 metre away from a side or rear boundary.</p> <p>(4) The final ground level (finished) of fill placed on a site under this clause must not be used for the purpose of measuring the height of any development erected under this Policy.</p> <p>(5) Retaining walls and structural support Support for earthworks that are more than 600mm above or below ground level (existing) and within 1m of any boundary, or more than 1m above or below ground level (existing) in any other location, must take the form of a retaining wall or other form of structural support that:</p>	<p>No Fill is proposed</p>
---	----------------------------

<ul style="list-style-type: none"> (a) has been certified by a professional engineer, and (b) has adequate drainage lines connected to the existing stormwater drainage system for the site, and (c) does not result in any retaining wall or structural support with a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is: <ul style="list-style-type: none"> (i) more than 1m in height and within 1m from a side or rear boundary, or (ii) more than 3m in height in any other location. <p>(6) Any excavation or fill that exceeds 600mm above or below ground level (existing) requires a retaining wall or structural support that must be:</p> <ul style="list-style-type: none"> (a) constructed in accordance with subclause (5), and (b) designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and (c) separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and (d) installed in accordance with any manufacturer's specification. 	
<p>21 Drainage</p> <p>(1) All stormwater collecting as a result of development for the purposes of a secondary dwelling must be conveyed by a gravity fed or charged system to:</p> <ul style="list-style-type: none"> (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system. 	<p>Stormwater from the development will utilise the existing onsite drainage connecting to the council stormwater system.</p> <p>No inter-allotment drainage is required as a result of the proposal.</p>

<p>(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:</p> <ul style="list-style-type: none"> (a) if an approval is required under section 68 of the <u>Local Government Act 1993</u>, be approved under that Act, or (b) if an approval is not required under section 68 of the <u>Local Government Act 1993</u>, comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land. 	
<p>22 Setbacks of secondary dwellings and ancillary development from a protected tree</p> <p>(1) Development for the purpose of a secondary dwelling, all ancillary development and any associated excavation on a lot, must have a setback from any protected tree on the lot of at least 3 metres.</p> <p>(2) Despite subclause (1), the following ancillary development is permitted within that setback if the development does not require a cut or fill of more than 0.15 metres below or above ground level (existing):</p> <ul style="list-style-type: none"> (a) an access ramp, (b) a driveway, pathway or paving, (c) an awning, blind or canopy, (d) a fence, screen or child-resistant barrier associated with a swimming pool or spa pool. <p>(3) In this clause:</p> <p>protected tree means a tree that requires a separate permit or development consent for pruning or removal, but does not include a tree that may be removed without development consent under this Policy.</p> <p>Note. A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on adjoining land are required to be pruned or removed.</p>	<p>The development is not in the vicinity of any protected tree.</p> <p>This clause is not considered to apply to the development.</p>

4.2 Local Planning Controls

The development site is currently controlled by the provisions of the Pittwater Local Environmental Plan 2014.

Pittwater Local Environmental Plan 2014

Under the Pittwater Local Environmental Plan 2014, the site is zoned R2 – Low Density Residential. An excerpt of the Pittwater Local Environmental Plan 2014 zoning map is shown in Figure 5.

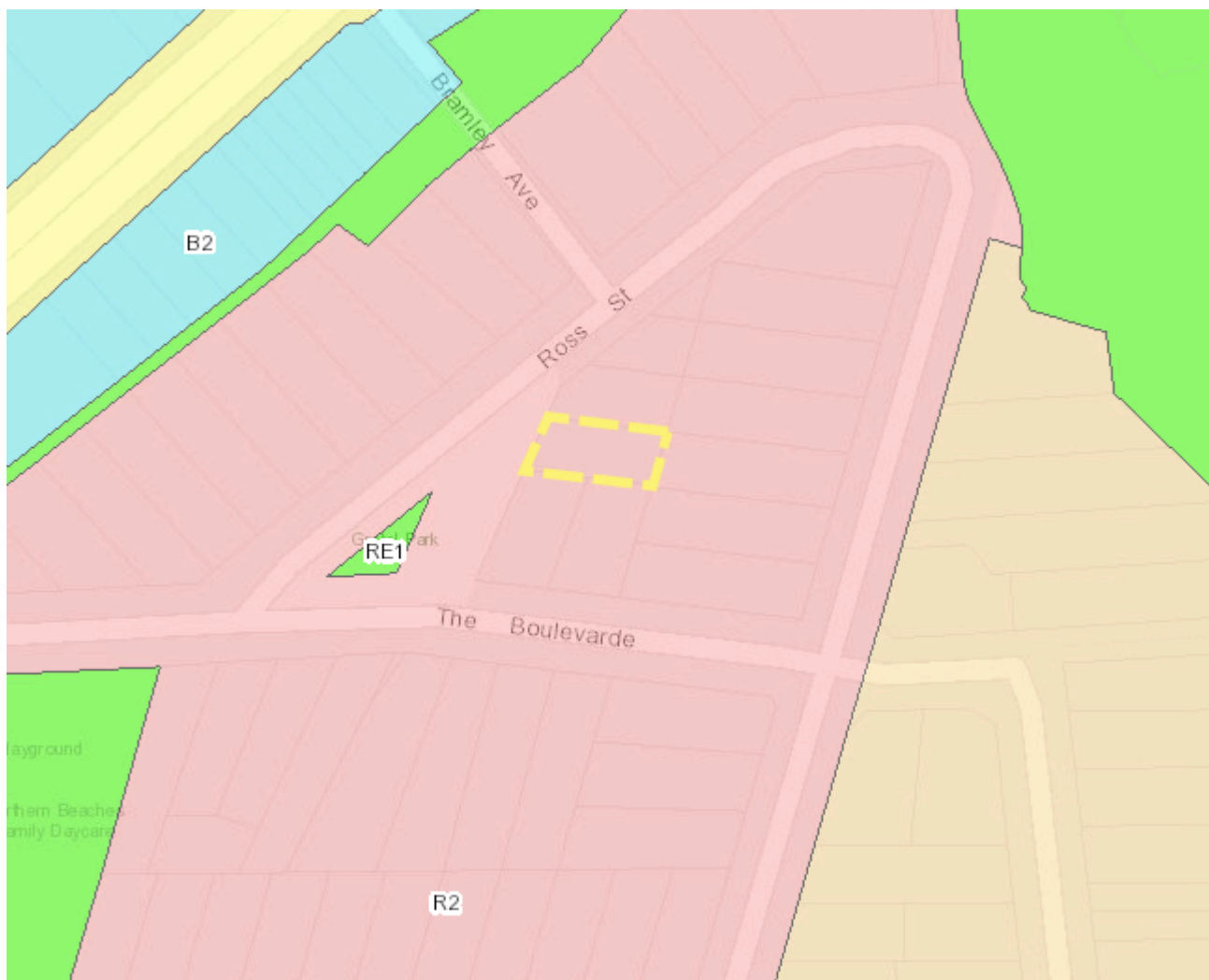


Figure 5: Site Zoning under Pittwater Local Environmental Plan 2014

The provisions for the R2 Low Density Residential zone state;

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

Comment: The proposed Alterations and Additions to the existing Single Dwelling are considered to be consistent with the objectives of the R2 – Low Density Residential Zone.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Comment: Under subclause 3, Dwelling Houses and Secondary Dwellings are permissible with Consent.

Part 4 - Principal Development Standards

Clause 4.3 Height of Buildings.

The subject site is mapped as having a maximum building height of 8.5m.

The dwelling as proposed has a maximum height of 8.5m and is compliant with the maximum prescribed building height.

Clause 4.4 Floor Space Ratio

While the Floor Space Ratio Maps do not identify a Floor Space Ratio for the subject site, the development is consistent with the objectives of this clause. The objectives of clause 4.4 state;

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
 - (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
 - (c) *to minimise any overshadowing and loss of privacy to neighboring properties and to reduce the visual impact of any development,*
 - (d) *to maximise solar access and amenity for public places,*
 - (e) *to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
 - (f) *to manage the visual impact of development when viewed from public places, including waterways,*
 - (g) *to allow for the reasonable sharing of views.*

The minor scale of the development and use of existing structures and build footprint will ensure that the character of the locality is not compromised. The siting of the proposal also ensures that no significant vegetation will be removed.

Part 7 - Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The subject site is identified as containing potential Acid Sulfate Soils, class 3.

The development represents an alteration and addition to the existing dwelling. The earth surrounding the dwelling will be undisturbed as the development represents changes to the existing structure.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

Clause 7.7 Geotechnical Hazards

The development site is not identified on identified in the Geotechnical Hazard Map – Sheet GTH_017 as being within the H1 or H2 Geotechnical Hazard Zones.

Clause 7.10 Essential Services

The subject site is serviced by reticulated water and sewer.

Pittwater Development Control Plan 21

The following relevant controls have been considered in the preparation of the subject application.

The development is considered to be compliant with the DCP controls for single dwellings.

B3 - Hazard Controls

Controls	Response
<p>B3.1 Landslip Hazard</p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The development site is not identified on identified in the Geotechnical Hazard Map as being within the H1 or H2 Geotechnical Hazard Zone.</p> <p>No further assessment of geotechnical hazard is required.</p>
<p>B3.2 Bushfire Hazard</p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none">- Planning for Bushfire Protection (2006)- AS 3959 - Construction of a Building in a Bushfire Prone Area	<p>The development site is not noted as being bushfire prone.</p>

B3.5 Acid Sulfate Soils

Works involving the disturbance of soil or the change of groundwater levels, as described in the following table, shall not be carried out on land of the class specified for those works, unless it has been determined whether acid sulphate soils are present and whether the proposed works are likely to disturb these soils.

If it is determined that acid sulphate soils are present or are likely to be present on the land, consideration must be given to:

- the likelihood of the proposed development resulting in the discharge of acid water; and
- any comments from the Department of Planning.

Consent for development to be carried out by Councils or drainage utilities is required despite:

- clause 35, and items 2 and 11 of Schedule 1, to the Environmental Planning and Assessment Model Provisions 1980, as adopted by Pittwater LEP 1993; and
- clause 10 of SEPP No 4 Development Without Consent and Miscellaneous Complying Development.

The subject site is identified as containing potential Acid Sulfate Soils, class 3.

The development represents an alteration and addition to the existing dwelling. The earth surrounding the dwelling will be undisturbed as the development represents changes to the existing structure.

The development will not lower the water table, nor will it result in the disturbance of Acid Sulfate Soils and as such no further assessment of Acid Sulfate Soils is considered necessary.

B5 Water Management

Controls	Response
<p>B5.3 Greywater Reuse</p> <p>Blackwater reuse and on-site disposal is not permitted on sewerred lands.</p> <p>Council will only consider approval of on-site treatment, disposal and/or reuse of greywater subject to demonstration of scheme feasibility and compliance with all relevant State and Federal regulatory requirements and the referenced guidelines.</p> <p>The greywater treatment and reuse system shall have a current NSW Health Accreditation (where accreditation is necessary).</p> <p>All premises must maintain a connection to the Sydney Water centralised sewerage waste disposal system.</p>	<p>As the site is fully serviced there will be no requirement to dispose of grey water.</p>

B5.7 Stormwater Management - On-Site Stormwater Detention

An On-Site Detention (OSD) facility is to be installed where the development results in additional hard (impervious) surface area of greater than 50m² (on a cumulative basis since February 1996) and on land designated through mapping as requiring OSD facility.

OSD facilities are to be designed and installed to temporarily detain stormwater on a site to limit the discharge leaving the property to ensure that the development does not increase stormwater discharge downstream of the land over and above that of the existing stormwater discharge conditions up to the 1% AEP storm event.

All additional roof surface area of the development is to be drained initially to the rainwater tank which is to be fitted with an overflow pipework system connected to the OSD facility.

All additional ground surface hard stand (impervious) areas are to be drained via a stormwater tank/pit to the OSD facility.

Surface stormwater runoff from properties upstream of the land is to be independently managed to that of the additional ground surface stormwater collection and OSD system and is required to bypass the OSD system.

Rainwater tanks and OSD facilities may also be combined in an integrated system and may be either above or below ground. Should an oversized rainwater tank be used, then 25% of the excess storage volume can be credited towards the OSD tank capacity.

The development will not result in an additional impervious area greater than 50m² being created. It is proposed that 8m² of impervious area will be created by the development. The total hard surface area on the site will be increased from 400m² to 408m².

No change to the existing stormwater system is proposed by this addition of decks to the dwelling.

B5.8 Stormwater Management - Water Quality - Dwelling House, Dual Occupancy and Secondary Dwellings

The control is applicable when the development results in an additional hard (impervious) area of more than 50 square metres.

Development shall incorporate the installation of the following stormwater quality improvement measures:

- Pre-screening of organic matter (eg leaf litter) prior to the collection of rainwater in the rainwater tank
- A water quality filtration basket or equivalent primary treatment Stormwater Quality Improvement Device (SQID) to collect leaf litter and coarse sediments is to be installed prior to the discharge of stormwater from the land.

All Stormwater Quality Improvement Devices (SQIDs) must make provision for convenient and safe regular inspection, periodic cleaning, and maintenance.

Applicants are also encouraged to apply advanced water quality techniques through primary and secondary treatment techniques to reach and/or exceed the following objectives:

- Primary treatment (eg. physical screening, rapid sedimentation techniques) of stormwater to collect and retain gross pollutants (i.e. litter and organic matter) and coarse sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.
- Secondary treatment (eg. fine particle sedimentation and filtration techniques) of stormwater to collect and retain medium to fine sediments (with associated entrained pollutants) prior to the discharge of stormwater from the land.

The proposal does not result in a 50 square meter increase in impervious area and as such no augmentation of the existing stormwater system is required.

B6 Access and Parking

Controls	Response
B6.1 Access Driveways and Works on the Public Road Reserve - Dwelling House and Dual Occupancy	No modification to the existing site driveway access is proposed.
B6.3 Off-Street Vehicle Parking Requirements - Dwelling Houses, Secondary Dwellings and Dual Occupancy On-Site Car Parking Requirements The minimum number of vehicle parking spaces to be provided for off-street parking is as follows: Small dwelling (1 bedroom) - 1 space Large dwelling (2 bedrooms or more) 2 spaces For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling.	The existing carparking space required for the dwelling is proposed to be in the form of a carport. No change in the existing parking spaces is proposed by the additions. As per SEPP (Affordable Rental Housing) 2009 , no parking is required for the secondary dwelling.

B8 Site Works Management

Control	Response
<p>B8.1 Construction and Demolition - Excavation and Landfill</p> <p>Excavation and landfill on any site that includes the following:</p> <ul style="list-style-type: none">- Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation, and/or;- Any excavation greater than 1.5 metres deep below the existing surface, and/or;- Any excavation that has the potential to destabilise a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property, and/or;- Any landfill greater than 1.0 metres in height, and/or;- Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils, <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council.</p>	<p>No excavation is proposed with the development</p>

<p>B8.2 Construction and Demolition - Erosion and Sediment Management</p> <p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p> <p>Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.</p>	<p>Erosion and Sedimentation controls will be in place where required during the construction process in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004), particularly during the excavation period and while exposed earth is being stabilised.</p>
<p>B8.3 Construction and Demolition - Waste Minimisation</p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	<p>Waste will be managed through the construction process.</p>
<p>B8.4 Construction and Demolition - Site Fencing and Security</p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the Roads Act.</p>	<p>Appropriate site fencing will be implemented during construction.</p>

B8.6 Construction and Demolition - Traffic Management Plan

For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.

All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.

No works are proposed to be undertaken within the public road reserve.

Sufficient off street manoeuvring space exists to ensure that no public nuisance is caused during the construction period.

It is noted that at times during construction cranes, material deliveries and concrete agitators will require site access. Traffic management will ensure that this does not cause a prolonged nuisance to neighbours.

It is envisaged that site contractors will also utilise on-street parking.

C1 Design Criteria for Residential Development

Control	Response
Section C1.1 – Landscaping	
<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p>	<p>The majority of trees on site, including canopy trees, are proposed for retention.</p>
<p>In all development a range of low lying shrubs, medium high shrubs and canopy trees shall be retained or provided to soften the built form.</p>	<p>No significant vegetation removal is required by this proposal.</p>
<p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the longterm.</p> <p>Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p>	<p>The required canopy trees currently exist on site and will be retained.</p> <p>It is not considered that any supplemental plantings will be required by the development due to its minimal impact on the existing vegetated state and appearance.</p>
<p>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</p>	<p>N/A</p>
<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees 	<p>The site provides for the required soil depths.</p>
<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> • A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, • 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and • 50% for all other forms of residential development. 	<p>Existing vegetation in the front building setback is proposed for retention.</p> <p>Given the development is for modifications to an existing dwelling, it is not considered that any supplemental plantings are required.</p>

Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.	No vegetating screening is proposed or required by the development.
In bushfire prone areas, species shall be appropriate to the bushfire hazard.	The site is not bushfire prone.
Landscaping shall not unreasonably obstruct driver and pedestrian visibility.	No landscaping will obstruct driver or pedestrian visibility.
Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.	The development utilises the existing built footprint and does not propose the removal of any significant trees or vegetation on site.
Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.	No new canopy trees are proposed to be introduced to supplement the existing vegetation and canopy trees.
Noxious and undesirable plants must be removed from the site	No noxious plants have been identified on site.
Section C1.2 – Safety and Security	
<p>1. Surveillance</p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimize opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 42821997: Control of the obtrusive effects of outdoor lighting.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbors.</p> <p>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p>	<p>No change to the existing surveillance arrangements are proposed through this development application</p> <p>No landscaping is being introduced that will limit or hinder the current levels of street surveillance, nor is it seen that the development will provide any new opportunities for vandalism or anti-social behaviour.</p>

<p>2. Access Control</p> <p>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p>	<p>The primary entrance to the front of the dwelling is to remain functionally unmodified by this proposal.</p>
<p>3. Territorial reinforcement</p> <p>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p>	<p>The dominant walkway into the site will remain unchanged by this addition to the dwelling.</p> <p>No blank walls facing public places are proposed.</p>
C1.3 – View Sharing	
<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The development will only have minor changes to the roof structure and the height will remain compliant with the LEP.</p> <p>It is not considered that any view corridors will be adversely impacted upon.</p>
<p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p>	<p>As no obstruction of views is envisaged, and assessment against the Land and Environment Courts planning principles for view sharing is not required.</p>
<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	<p>N/A</p>

Views are not to be obtained at the expense of native vegetation.	N/A
C1.4 Solar Access	
The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	The orientation of the allotment will ensure that the proposal has no adverse impacts on solar access to both the subject allotment and surrounding properties.
Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	No changes to the solar access of existing living areas has been proposed.
Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.	Complies
Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.	Complies
The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.	The planning principles resulting from <i>Parsonage v Ku-ring-gai Council</i> [2004] NSWLEC 347 have been taken into account and it is considered that the development is not contrary to any of these planning principles.
C1.5 – Visual Privacy	
Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).	Open space and terrace areas do not present any overlooking potential. The existing fence is considered to constitute adequate screening.
Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	The development does not result in any elevated decks or verandahs overlooking adjacent private open space,
Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50%	

of the private open space of a lower level dwelling directly below.	It is considered that the development is consistent with this section of the DCP through the use of screening and design.
C1.6 – Acoustic Privacy	
Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The development is compliant with this control.
Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).	The development will be compliant with the Building Code of Australia.
Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	N/A
Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	The development does not proposed any elements that would breach the Protection of the Environment Operations Act 1997
C1.7 – Private Open Space	
<p><u>a) Dwelling houses, attached dwellings, semidetached dwellings, and dual occupancies:</u></p> <p>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the northeast</p>	<p>The development will not modify the existing open space provision on the site.</p> <p>Open space is in the form of the existing swimming pool area and surrounding yard and a first floor covered verandah.</p>

<p>or northwest where possible).</p> <p>Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</p> <p>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</p> <p>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</p> <p>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</p> <p>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</p> <p>An accessible and usable area for composting facilities within the ground level private open space is required.</p>	
<p>For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.</p>	<p>Open space to the rear of the building is a large area shared by both the dwelling and secondary dwelling.</p>

Section D10 – Newport Locality

Control	Comment
D3.1 – Character as viewed from a public place	
Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The development will appear unchanged from the street and will have no impact on the existing character of the immediate locality.
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No wall of length of greater than 8m without articulation are proposed to be created.
Any building facade to a public place must incorporate at least two of the following design features: <ul style="list-style-type: none"> • entry feature or portico; • awnings or other features over windows; • verandahs, balconies or window box treatment to any first floor element; • recessing or projecting architectural elements; • open, deep verandahs; or • verandahs, pergolas or similar features above garage doors. 	No modification is proposed to the public façade of the dwelling.
The bulk and scale of buildings must be minimised.	No change to the existing bulk, scale and appearance of the dwelling will be visible from the street.
Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	<p>A carport is proposed in the front building line. While it is noted that this is not compliant with the street setbacks, the large street verge and angle of the street to the dwelling means that this will have minimal impact on the streetscape.</p> <p>It is noted a similar parking arrangement is present on the adjacent property. The proposed carport will be consistent with the existing streetscape.</p>
Except in the Newport Commercial centre, parking structures must be located behind the front <u>building</u> line, preferably set back further than the primary <u>building</u> , and be no greater in width than 50% of the lot <u>frontage</u> , or 7.5 metres, whichever is the lesser.	<p>As noted above, the parking structure while located in front of the dwelling is consistent with the existing build form in the street.</p> <p>The combination of the large street verge and orientation of the dwellings to the street results in the proposed carport having minimal impact on the streetscape.</p> <p>The carport will be sited adjacent to an existing parking structure on the adjoining allotment.</p>

	Given the existing examples of parking structures in the front setback and the street orientation it is considered a variation can be granted in this instance.
Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	Existing site landscaping and vegetation is proposed to be retained.
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.	No alteration is proposed to the existing television antennas.
General service facilities must be located underground.	General Service facilities will be in accordance with existing service provisions.
Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.	No modification to existing visual elements of plumbing or electrical cabling is proposed by the development.
D10.3 –Scenic Protection	
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	It is not considered that when viewed from any waterway, road or public reserve that the development will have any adverse visual impacts.
D10.4 – Building Colours and materials	
External colours and materials shall be dark and earthy tones as shown below Finishes are to be of a low reflectivity.	The development is compliant with this requirement. Roof: Colorbond Shale Grey or Darker Walls: Pebble Grey Windowd, doors, balustrades: Vivid White.
D10.7 – Front Building Line (excluding Newport Commercial Centre)	
The minimum front building line for R2 zoned land shall be in 6.5m or established lines, whichever is the greater.	<p>No change is proposed to the front of the existing dwelling. The existing front building line will be retained.</p> <p>The carport is sited in front of the dwelling. It is considered in this instance to be acceptable to site the carport in this location due to;</p> <ul style="list-style-type: none"> The presence of a similarly sited carport on the adjacent property.

	<ul style="list-style-type: none"> • The orientation of the allotment relative to the street reducing the view lines to the carport location. • The large distance from the property boundary to the constructed road.
D10.8 – Side and Rear Building Line	
<p>Controls 2.5 at least to one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies)</p> <p><u>Secondary Dwelling</u> 2.5 to at least one side; 1.0 for other side 6.5 rear (other than where the foreshore <u>building</u> line applies)</p>	<p>The existing side and rear setbacks will remain unchanged by the proposal as the modifications are internal or second storey additions.</p> <p>The secondary dwelling is consistent with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>
D10.11 – Building Envelope	
<p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</p>	<p>The dwelling is non-compliant with the building envelope, it is noted however that only the eaves encroach within the envelope.</p> <p>As the changes are internal, the existing footprint and ground floor wall structures will be retained with only modifications to the window openings and a stepped in second storey addition.</p> <p>It is considered that a variation to this clause is justified.</p>
D10.12 – Landscaped Area General	
<p>The total landscape area on land zoned R2 Low Density Residential shall be 50% of the site area.</p>	<p>The DCP requires on this site that a total of 240m² of landscaped area be provided.</p> <p>The development in its current for provides for 140m². Given the retention of existing structures on the site, it is not possible to comply with this clause and a variation is considered appropriate as only internal modifications are proposed.</p>
<p>The use of porous materials and finishes is encouraged where appropriate.</p>	<p>No new hardstand areas are proposed.</p>
<p>Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped Area.</p>	<p>In its current state the site falls short of the 50% landscaped area. It is considered that as the modifications are internal that in this instance the existing landscaped area is appropriate.</p>
D10.14 – Fences	
	<p>No change is proposes to the existing fencing on site so the provisions of this section do not apply.</p>

D10.16 – Construction, Retaining Walls, Terracing and Undercroft Areas.	
Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.	No new footings will be required due to the retention of the existing structure.
Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	The development does not propose new retaining walls or terracing.
In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	No cut or fill is proposed.
Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	No undercroft area is proposed.

5. Conclusion

This proposal is for Alterations and Additions to an existing Dwelling on an R2 – Low Density Residential zoned parcel of land.

The proposal is considered to be consistent with the provisions of the Pittwater Local Environmental Plan 2014 and the provisions of Pittwater DCP 21.

Furthermore, the proposal is considered to have no adverse impacts upon the environment or the general locality or surrounding properties.

Councils support to the proposal is therefore requested.