



Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Two Storey Dwelling and the
Removal of Two Trees**

At

No 4 Bellara Avenue North Narrabeen

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1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council. Sydney Water owns the subject site, which is effectively surplus to their needs.

The applicant seeks development consent to undertake the following development on land known as No 4 Bellara Avenue North Narrabeen:

- Remove two trees; and
- Erect a two storey dwelling containing 4 bedrooms above an excavated double garage.

The proposal has been prepared in accordance with the provisions of Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

- A description of the site and the locality and a description of the proposed development; A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and
- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *RJK Architects*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site is situated on the northern side of Bellara Avenue and is known as No 4 Bellara Avenue North Narrabeen.

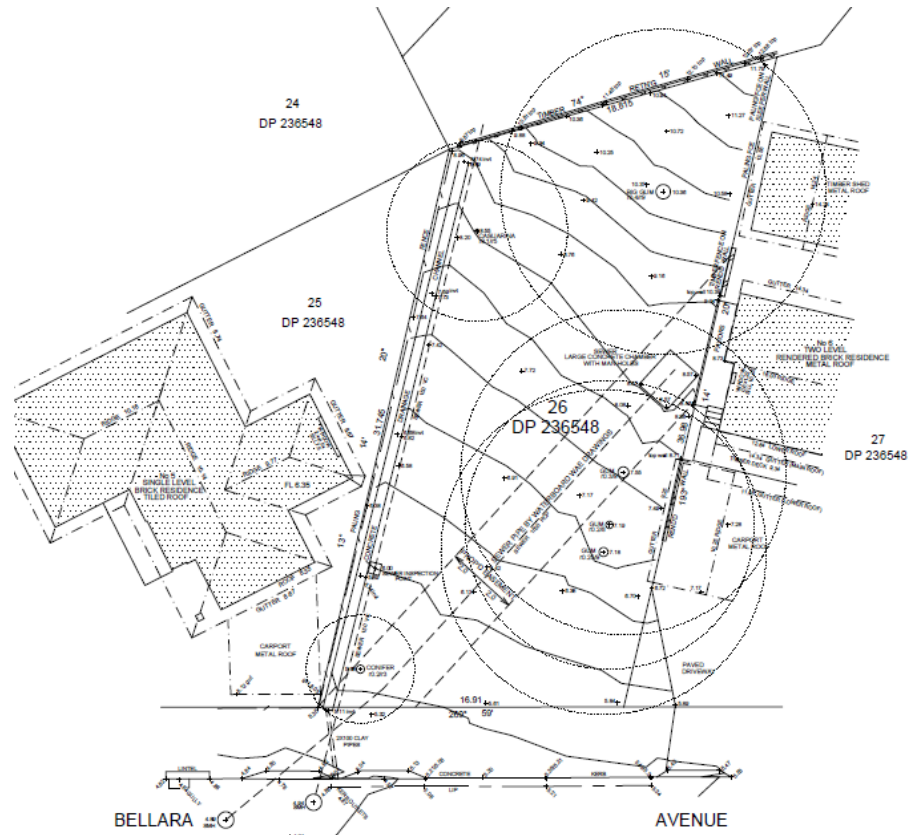


Subject Site

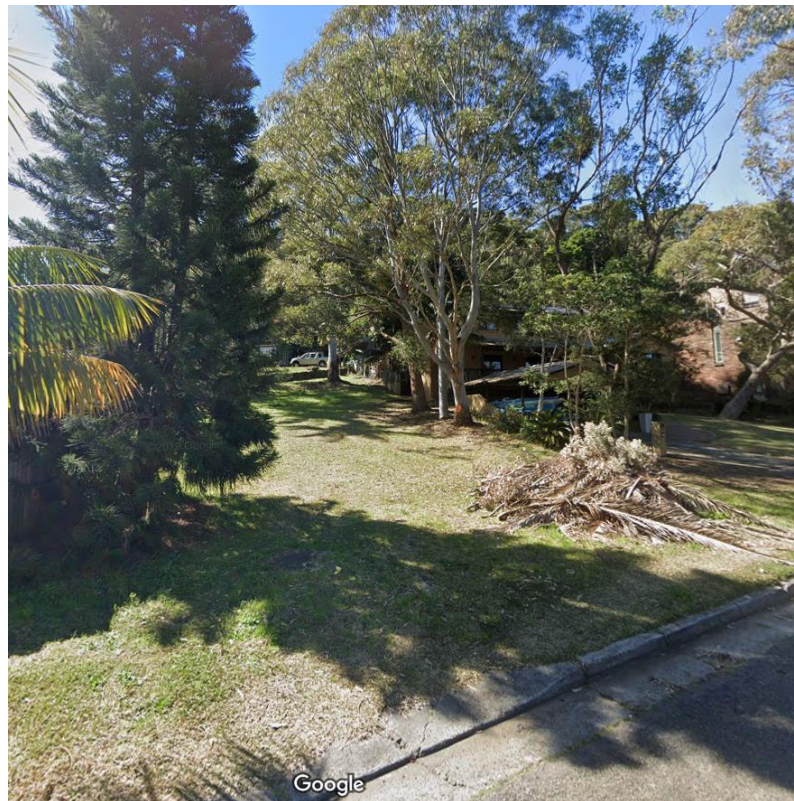
The subject site is legally identified as Lot 26 in Deposited Plan 236548.

The subject site is irregular in configuration having a splayed front and rear boundary and has a total area of approximately **565.6m²**.

The subject site is presently vacant and is burdened by an easement supporting a Sydney Water sewerage pipe 1500mm in diameter. The easement runs diagonally across the site.



Survey Plan of the Subject Site above and photo below



Also situated on the site are 4 established gum trees, a pine tree at the frontage and a Casuarina tree towards the rear boundary. It will be necessary to remove a gum tree and the Casuarina tree, which are sited within the footprint of the proposed dwelling. An Arborist report accompanies the application.

A notable fall in land from the rear boundary to the street is evident enabling stormwater drainage to be directed to Council infrastructure in Bellara Avenue. Ample green space will be retained with the proposal including 3 gum trees within the front portion of the site.

The subject site is not heritage listed or within a conservation zone, is not prone to flooding, is distant from bushland, coastline hazards and estuarine hazards.

2.2 Site Context

The subject site is situated within an established low density residential precinct characterised by a mix of single storey and two storey dwellings. The dwellings in the precinct are generally well presented.

The subject site is well-serviced by public transport, being within close proximity to bus services travelling to and from Narrabeen, North Narrabeen and Mona Vale.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the west is a single storey dwelling, known as No 5 Tatiara Crescent. The adjoining western property has its dwelling sited on a lower ground level with a frontage Tatiara Crescent. The proposed dwelling will be sited at the rear of the subject site and will be reasonably distant from the adjoining western dwelling. Privacy is well resolved through design as the proposed western upper level elevation is effectively devoid of primary windows.

In relation to overshadowing, the orientation of the land ensures that shadows will only be partially cast across the frontage of this

adjoining property. In the main shadows cast by the proposed dwelling will be projected towards the street.



Adjoining western dwelling

- Adjoining the subject site to the east is a two storey dwelling, known as No 6 Bellara Avenue. This adjoining property has a higher ground level than that of the subject dwelling. The proposed dwelling on the subject site has minimal windows in its western elevation ensuring that reasonable levels of privacy will be maintained between dwellings.

Shadows cast the proposed development will be projected towards the western adjoining property of an afternoon period during the winter solstice. The extent of affectation is minimal given that existing trees on the subject site already cast shadows towards this adjoining property.



Adjoining eastern property

The adjoining rear property suitably contains a dwelling well distant from the common rear boundary.

To assist with minimising privacy loss, the proposed upper level is indented away from the rear boundary and contains only highlight type windows in its rear upper elevation.

There will be no overshadowing of the northern adjoining property.

3.0 PROPOSED DEVELOPMENT

The applicant seeks development consent to undertake the following at No 4 Bellara Avenue North Narrabeen:

- Remove two trees; and
- Erect a two storey dwelling containing 4 bedrooms above an excavated double garage.



Proposed street elevation

3.1 Design Approach

Sydney Water in its review of assets have deemed the subject site to be surplus to its needs. In reviewing the development potential of the site, it became evident that any development proposal would need to give due consideration to the sewerage easement and existing trees on-site.

A review of site conditions identified that opportunity to site the dwelling existed to the north of the easement. Only two trees require removal and ample space exists to provide a high amenity dwelling.

Sydney Water has examined the design and is satisfied with the proposed location of the dwelling relative to the function of the easement and sewerage pipe.



The proposed dwelling is suitably stepped to follow the contours of the land and includes a semi excavated double garage which assists in reducing the dwelling footprint and driveway gradient.

Compliance is achieved with building height and the proposed upper level has a reduced and recessed floor plate to ensure a proportionate well scaled dwelling is generated.

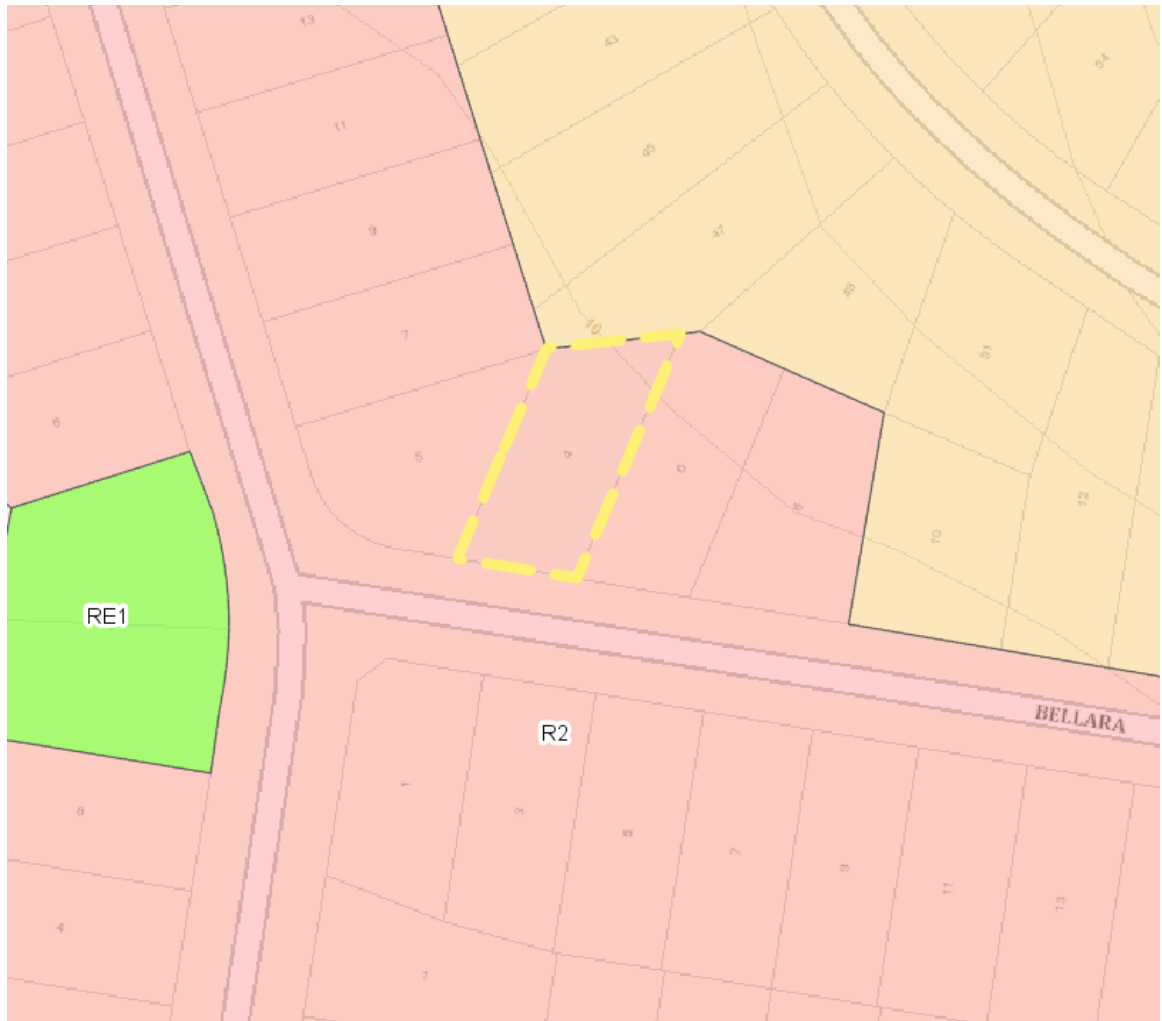
The design solution ensures that privacy issues are appropriately resolved between the subject site and adjoining dwellings.

Overshadowing is reasonable given that trees on the subject site already cast shadows and there is no concentration of shadows given the north-south axis of the site.

4.0 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

4.1 Zoning and Zone Objectives

The subject land is zoned R2 Low Density Residential pursuant to Pittwater LEP 2014.



Extract from the zoning map

A dwelling is defined to mean *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

The proposed dwelling complies with the above definition. The proposal is permissible in the zone with development consent.

The specified zone objectives for the R2 zone are as follows:

Objectives of zone

- *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 dwelling is consistent with the R2 zone objectives as follows:

- The proposed development appropriately utilises a vacant parcel of land in a well serviced neighbourhood. A high level of amenity is proposed on site to the benefit of future residents. A low impact residential development is proposed on-site compatible with surrounding development. Ample green space will be retained on-site, particularly in the front setback.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this statement of environmental effects. The proposal is appropriate in this regard.
- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the precinct. The proposal will therefore be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

4.3 Relevant Clauses of the LEP

Clause 4.3 of the LEP sets a maximum height for development in accordance with the building height map.

The building height map specifies a maximum permissible height limit within the zone of 8.5m.

The proposed dwelling has been designed to comply with the building height plane.

Clause 4.4 of the LEP relates to **FSR**:

There is no floor space ratio control applicable to the site.

Clause 4.6 relates to Exceptions to development standards.

1. *The objectives of this clause are as follows:*
 - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The proposed development is compliant with the maximum building height development standard. A variation from a development standard is not sought in this instance.

Clause 7.1 of the LEP relates to Acid Sulfate Soils:

The subject site is identified as being subject to Class 5 classification. Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

Clause 7.2 of the LEP relates to 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.*
- (2) *Development consent is required for earthworks unless—*
 - (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) *In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) *the effect of the development on the likely future use or redevelopment of the land,*
 - (c) *the quality of the fill or the soil to be excavated, or both,*
 - (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) *the source of any fill material and the destination of any excavated material,*
 - (f) *the likelihood of disturbing relics,*
 - (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
 - (i) *the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

(4) *In this clause—*

environmentally sensitive area has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

Comment:

Excavation of the subject site is required in association with the proposed dwelling and garage.

The applicant has obtained a geotechnical report which has identified that the dwelling can be accommodated on the site and suitably engineered.

There will be no fill brought to the site.

A stormwater concept design has been prepared detailing the means in which stormwater can be collected and directed to Council's drainage infrastructure in Bellara Avenue.

Excavation has been contained centrally on-site and away from side boundaries. No issues arise in terms of impacts to neighbouring properties. The shallow depth of excavation will not *adversely impact on, any waterway, drinking water catchment or environmentally sensitive area.*

Overall, the proposed excavation is needed to assist with the stepping of the dwelling to follow the contours of the land and reduces the gradient of the driveway/walkway from the street.

Clause 7.6 of the LEP relates to **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 subject site is not identified as being subject to biodiversity considerations.

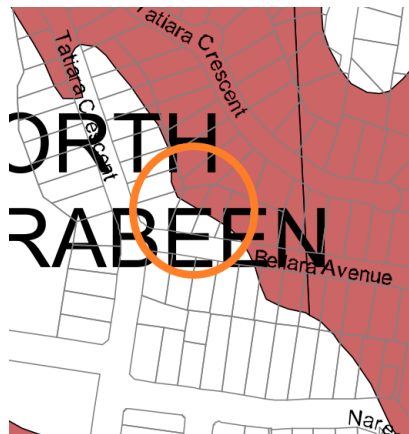
Clause 7.7 of the LEP relates to Geotechnical hazards:

- (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.*

Comment:

The subject site is partially affected by Geotechnical Hazard H1 considerations. The applicant has obtained a geotechnical report which has identified that the dwelling can be accommodated on the site and suitably engineered.



Extract from the geotechnical map

4.4 LEP Summary

Map	Control
Additional Permitted Uses	N/A
Acid Sulfate Soils	Class 5
Biodiversity	N/A
Coastal Risk Planning	N/A
Foreshore Building Line	N/A
Floor Space Ratio	N/A
Geotechnical Hazard	Geotechnical Hazard H1
Heritage	N/A
Height	8.5m
Land Application	N/A
Land Reservation Acquisition	N/A
Lot Size	550m
Land Zoning	R2 Low Density Residential
Urban Release Area	N/A

5.0 PITTWATER 21 DEVELOPMENT CONTROL PLAN

Pittwater 21 DCP was first adopted by Council on the 8th December 2003 and came into force on the 1st February 2004.

The DCP provides complimentary controls and considerations to the Pittwater Local Environmental Plan (LEP) 2014.

The DCP is to be read in conjunction with Pittwater LEP 2014.

5.1 Context and Site Analysis

A site analysis plan accompanies the architectural plans. A written analysis of the site and context supplements the site analysis plan under section 2 of this statement of environmental effects.

5.2 Part A- Introduction

Land within the North Narrabeen Locality.

Desired Character

The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the North Narrabeen commercial centre on Pittwater Road will reflect the status of the centre as the 'gateway' to Pittwater through building design, signage and landscaping, and will reflect principles of good urban design.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Hazards, Natural Environment and Heritage

Hazards

The North Narrabeen Locality is affected by various hazards. Land affected in the North Narrabeen Locality is shown on the hazard maps held in the offices of Council.

Natural Environment

The North Narrabeen Locality includes vegetation areas, threatened species, or areas of natural environmental significance. Land affected in the North Narrabeen Locality is shown on the natural environment maps held in the offices of Council.

Heritage

The North Narrabeen Locality may include Heritage items and/or conservation areas. Land affected in the North Narrabeen Locality is shown on the Heritage Map held in the offices of Council.

Comment:

The proposed development is consistent with the desired character of the Warriewood locality by providing a proportionate site specifically designed dwelling. A geotechnical report has been obtained supporting the proposal, which has been designed to step down the site.

The proposed development is supported by adequate infrastructure, especially its close proximity to bus services and public recreation.

The applicant does propose to remove 2 trees to facilitate the proposal. An Arborist report is provided justifying the removal of the 2 trees. It should be noted that 3 other established gum trees and a pine tree will be retained on the site. The subject site will continue to maintain a reasonable coverage of tree canopy. *A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land.*

The site does not have heritage significance.

The proposed development is compliant with the development controls established for the locality by providing a site specific design.

5.3 Part B – General Controls

B1 Heritage Controls

B1.1 – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014.

Outcomes

- *Conservation of items and areas of local heritage significance*

B1.2 – Development in the vicinity of a heritage item, heritage conservation areas, archaeological sites listed in Pittwater Local Environmental Plan 2014.

Outcomes

- *Conservation of heritage items, heritage conservation areas, archaeological sites and areas of heritage significance.*

B1.3 – General

Outcomes

- *Conservation of items and areas of heritage significance.*

B1.4 – Aboriginal heritage significance

Outcomes

- *Provide protection for Aboriginal place of heritage significance or Aboriginal object.*
- *Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected.*

Comment:

The site does not have heritage value.

B2 Density Controls

B2.2 – Subdivision: Low density residential areas

- Land to which this control applies: Land zoned **R2 Low Density Residential**, E3 Environmental Management or E4 Environmental Living

Outcomes

- *Achieve the desired future character of the locality.*

- *Maintenance of the existing environment.*
- *Equitable preservation of views and vistas to and/or form public/private places.*
- *The built form does not dominate the natural setting.*
- *Population density does not exceed the capacity of local and regional infrastructure and community services.*
- *Population density does not exceed the capacity of local and regional transport facilities.*

Comment:

Subdivision is not sought as part of this application.

B4 Controls Relating to the Natural Environment

B4.22 Preservation of trees or bushland vegetation

Outcomes

- *To protect and enhance the amenity that trees and/or bushland vegetation provide*
- *To protect and enhance the scenic value and character that trees and/or bushland vegetation provide*
- *To protect, enhance and account for the contribution trees and/or bushland vegetation provide to the ecological value and biodiversity of Pittwater, including habitat for locally native plant and animal species, threatened species populations and endangered ecological community.*
- *To promote the benefits that corridors of trees and/or bushland vegetation provide for the movement of flora and fauna.*

Comment:

Two trees require removal to facilitate the proposal. An Arborist report has been obtained justifying tree removal in this instance. Four other established trees will be retained on-site.

B5 Water Management

B5.1 – Water management plan

Outcomes

- *Effective management of all water and wastewater resources*

- *Protection of receiving environments downstream of all water management systems.*

Comment:

A storm water design has been prepared for the proposed development to ensure a formal drainage system is established as per Council requirements.

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:

Noted.

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:

Noted.

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*

B5.7 - Stormwater management – On-site stormwater detention

Outcomes

- *Rates of stormwater discharge into receiving environment will be maintained or reduced.*

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.*

B5.10 - Stormwater discharge into public drainage system

Outcomes

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

B5.11 - Stormwater discharge into waterways and coastal areas

Outcomes

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

B5.12 – Stormwater drainage systems and natural watercourses

Outcomes

- *The integrity of stormwater drainage systems, easements and natural watercourse are maintained.*
- *Stormwater flows including overland flow have continuity and are not impeded.*

B5.13 – Development on waterfront land

Outcomes

- *Protection of waterways and improve riparian health.*
- *Stormwater and creek flows are safely management*
- *Appropriate setback between waterways and development*

Comment:

A storm water design has been prepared for the proposed development to ensure a formal drainage system is established on-site as per Council requirements.

B6 Access and Parking

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.*

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 runoff from driveways.*

Comment:

A double garage is proposed in a semi basement manner to assist with reducing the foot print of the dwelling, reducing the gradient of the driveway and ensuring 4 established trees on-site can be retained.

Drainage will be incorporated as part of the driveway design.

B6.5 - Off-street vehicle parking requirements – Low density residential

Outcomes

- *Safe and convenient parking.*

Comment:

The car parking arrangements provide safe and convenient parking on-site.

B8 Site Works Management

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 operates not to cause damage on the development or adjoining property*

Comment:

Excavation of the subject site is required in association with the proposed dwelling and garage.

The applicant has obtained a geotechnical report which has identified that the dwelling can be accommodated on the site and suitably engineered.

There will be no fill brought to the site.

A stormwater concept design has been prepared detailing the means in which stormwater can be collected and directed to Council's drainage infrastructure in Bellara Avenue.

Excavation has been contained centrally on-site and away from side boundaries. No issues arise in terms of impacts to neighbouring properties. The shallow depth of excavation will not *adversely impact on, any waterway, drinking water catchment or environmentally sensitive area.*

B8.2 Construction and demolition – erosion and sediment control

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:

Appropriate measures will be undertaken during construction so as to minimise disruption to surrounding residents and the natural environment. The applicant will abide by appropriate conditions of consent in this regard.

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:

Appropriate waste management procedures will be implemented during the construction phase.

B8.4 – Construction and demolition – Site fencing and security

Outcomes

- *Ensuring public safety*
- *Protection of public domain*

Comment:

Noted.

B8.5 – Construction and demolition – Works in the public domain

Outcomes

- *Protection of Infrastructure.*

- *Ensuring Public Safety.*
- *Compliance with the Roads Act 1993.*

B8.6 – Construction and demolition – Traffic management plan

Outcomes

- *Minimal disturbance to the residential community*
- *Protection of roads*

Comment:

Not applicable.

5.4 Part C – Development Type Controls

C1 Design Criteria of 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 enhance 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 proposed development is accompanied by a landscape plan.

Two trees are proposed to be removed as part of the application. The extent of green space on-site will remain substantial. Appropriate landscape treatment of the site is proposed.

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 proposed development is recessed into the site and will have an illuminated security lighting along the driveway upon approach, security cameras and an alarm system will be installed in the dwelling.

The proposed terrace over the garaging will also provide surveillance opportunities of the street.

The entrance to the building is easily identified and will be well lit.

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 subject site is substantially distant from the ocean.

There are no significant views to be gained from neighbouring properties or obstructed by the proposed development.

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:

Shadow diagrams are provided.

The adjoining western property will continue to benefit from reasonable sunlight access to its rear yard and living space. The adjoining dwelling is reasonably well distant from the subject dwelling.

Similarly, the adjoining eastern property will only be marginally impacted by shadows of an afternoon during the winter solstice given the extent of existing overshadowing by established trees on the site.

More than 50% of the subject site's private open space and adjoining dwellings private open spaces will benefit from more than 3 hours of sunlight between 9am and 3pm during the winter solstice.

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:

The proposed development does not result in any significant loss of privacy to adjoining dwellings. The subject dwelling is well distant from adjoining dwellings.

The proposed dwelling is suitably designed to increase surveillance and direct outlook towards the street and rear yard. Privacy is reasonably maintained between sites given the circumstances of adjoining dwellings also as described in section 2 of the SEE.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

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:

The proposed dwelling is reasonably distant from adjoining dwellings. No adverse noise is anticipated from a typically domestic use.

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:

Private open space will be provided in the rear yard and on the terrace above the garaging. The private open space will be accessible directly from living areas.

A reasonable extent of private open space is achieved on-site.

C1.10 - Building facades

Outcomes

- *Improved visual aesthetics for building facades.*

Comment:

The proposed facade of the dwelling is well articulated and tiered. The dwelling will be a feature of the streetscape. An appropriate blend of materials and finishes is proposed.

C1.15 – Storage facilities

Outcomes

- *Provision of convenient storage with the development.*

Comment:

Storage opportunities are also available in the garage and within the dwelling.

5.5 11.6 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 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.

Controls

The minimum front building line shall be in accordance with the following table.

Land zoned R2 Low Density Residential or E4 Environmental Living adjoining Pittwater Road or the Wakehurst Parkway - 10m or established building line, whichever is the greater

Comment:

The proposed dwelling has been strategically recessed on-site greater than 10m from the street to avoid the sewerage easement and minimise tree removal. An attractive dwelling has been generated specifically addressing site conditions.

There will be no issues relating to view loss and an appropriate scale of development is achieved.

D11.7 – 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:

2.5 to at least one side; 1.0 for other side

6.5 rear (other than where the foreshore building line applies)

Comment:

The proposed dwelling includes complying side setbacks.

A variation is sought and justified from the rear boundary as follows:

- The rear upper level has been designed to comply on average given the splayed rear boundary.
- There are no overlooking issues arising given the use of highlight type windows in the rear upper level elevation.
- Landscape opportunities are abundant across the frontage of the site.
- A usable terraced courtyard is created in the rear setback and supplemented by the terrace above the garaging.
- The rear adjoining dwelling is well setback from the common rear boundary.

D 11.9 – 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.
Equitable preservation of views and vistas to and/or from public/private places.*

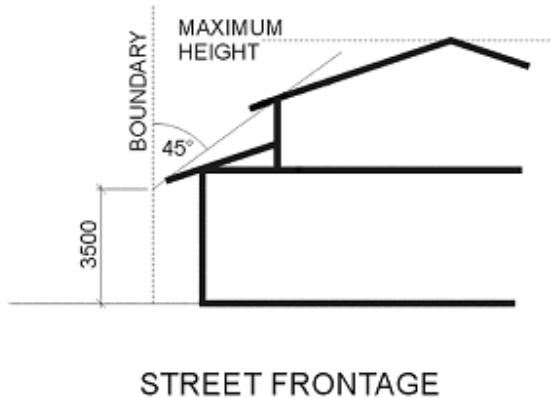
To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential

properties.

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

Controls

Buildings are to be sited within the following envelope:



Comment:

The proposed dwelling is well setback from the street and complies with the building envelope generated by the site, particularly the height control.

Landscaping

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

Controls

The total landscaped area on land zoned R2 Low Density Residential shall be 50% of the site area.

The use of porous materials and finishes is encouraged where appropriate.

Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.

Comment:

A landscaped area of greater than 50% is achieved on-site including the retention of 4 existing trees.

5.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

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

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

The proposal is permissible pursuant to the Pittwater LEP 2014.

The proposed development will significantly improve the visual presentation of the site by providing a site-specific, high quality dwelling design.

The proposal is consistent with the aims and objectives of the accompanying DCP.

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

Comment:

No significant adverse visual or acoustic privacy issues arise as no intensity in the number of occupants is proposed. Outlook from the dwelling is directed towards the street and rear yard.

The proposed dwelling does not give rise to any significant overshadowing impacts or privacy loss.

The proposal has favourable social and economic implications by minimising impacts and provides a quality dwelling on a vacant parcel of land to the benefit of the streetscape.

(c) The suitability of the site for the development.

Comment:

The subject site is suitably large and capable of accommodating the proposed development. The proposed dwelling will retain privacy levels between properties by effectively reducing the footprint of the dwelling, indenting the proposed upper level and stepping the dwelling to follow the natural contours of the site.

The easement and established trees are not an impediment to the development.

(d) Any submissions made in accordance with the Act or the regulations.

Comment: Nil.

(e) The public interest

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

No adverse matters relating to the public interest are expected to arise.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and

(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Comment: Not applicable.

6.0 CONCLUSION

The proposed dwelling is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to utilising an underutilised parcel of land.

The applicant has specifically sought to provide a development with a high quality design, which reflects contemporary planning and design initiatives.

The proposed development provides for a high amenity environment for future residents. The proposal has been designed so as to not compromise the amenity enjoyed by adjoining residents and the protect established trees on-site where possible.

The proposed development does not give rise to adverse overshadowing or loss of privacy in the context of site circumstances. The proposal is reasonable pursuant to the provisions of the LEP/DCP.

In view of the above, the proposed development is appropriate and Council approval is recommended.