



LogicPlan Services

# Development Application Statement of Environmental Effects

**Submitted to:** Northern Beaches Council  
**On Behalf of:** High Design

Date 16 October 2018

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## DOCUMENT CONTROL SHEET

<b>Title</b>	Statement of Environmental Effects
<b>Project</b>	Alterations and additions to the existing dwelling and the land subdivision of one (1) lot into two (2) new lots at 102 Wakehurst Parkway, Elanora Heights

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### Revision History

<b>Issued to</b>	<b>Revision and Date</b>						
High Design	REV	A					
	DATE	August 2018					

## SECTION 1 - INTRODUCTION

This Statement of Environmental Effects has been prepared for the applicant of the proposed development. This report is to accompany a development application to Northern Beaches Council seeking consent for the alterations and additions to the existing dwelling and the land subdivision of one (1) lot into two (2) new lots at 102 Wakehurst Parkway, Elanora Heights.

This statement has been prepared having regard to the following documentation:

Document	Prepared by	Date
Architectural Plans	High Design	August 2018
Bushfire Planning and Design	Bushfire Planning Services	2 October 2018
Geotechnical Assessment	White Geotechnical Group	13 September 2018
Certificate of Hydraulic Adequacy	Civil & Structural Engineering Design Services Pty Ltd	13 September 2018

The purpose of this statement is to address the planning issues associated with this development proposal and specifically to address the likely impact of the development may have on the environment in accordance with the requirements of S.415 of the Environmental Planning & Assessment (EP&A) Act, 1979.

## SECTION 2- SITE ANALYSIS AND CONTEXT

### Part 2.1 THE SITE

The site is a single lot located on the northern side of Wakehurst Parkway. The site presents a frontage width of 15.94m, site lengths of 146.91m (eastern) and 140.55m (western) and yields and overall area of 2191m<sup>2</sup>. A notable rock outcrop is identified along the rear of the site. The sites location within the locality is identified in Figure 1 below.



Figure 1-Site Aerial  
Source: [www.sixmaps.nsw.gov](http://www.sixmaps.nsw.gov).

The site presents a slope from the rear of the site in a southerly direction towards the road edge along Wakehurst Parkway and is vegetated throughout. Figures 2 and 3 below give a clear appreciation of the sites characteristics.





*Figure 2-Viewed across the site towards the north-eastern corner*



*Figure 3-Viewed from the rear of the site towards the existing dwelling*

## Part 2.2 SURROUNDING ENVIRONMENT

The immediate area predominately comprises of a mixture of single detached dwellings of varying scales, forms and architectural themes. The siting of dwellings within the sites immediate context is such that a number of primary and ancillary building structures are noted. This is most evident adjoining the eastern side of the subject where a battle-axe allotment subdivision layout is identified. Figures 4 through to 7 below detail the nature of the subdivision layout and the existing structures on the site.





Figure 4-Existing dwelling located at 100 Wakehurst Parkway



Figure 5-View towards 100A Wakehurst Parkway from along the neighbouring driveway



Figure 6- Rear parking facilities for both 100 and 100A Wakehurst Parkway



Figure 7- Western façade of 100A Wakehurst Parkway as viewed from the rear of the subject site

### SECTION 3- PROPOSAL

The proposal involves the alterations and additions to the existing dwelling and the subdivision of one (1) lot into (2) independent lots. In summary, the works involve:

- The demolition of the western wing of the existing dwelling, additions to the rear of the existing dwelling and the provision of a new two (2) car detached garage.
- The removal of three (3) insignificant trees from along the western side boundary.
- The provision of a new right of carriage way extending from the existing driveway to the rear proposed lot.
- The subdivision of the existing lot into two individual lots as identified in Figure 8 below.

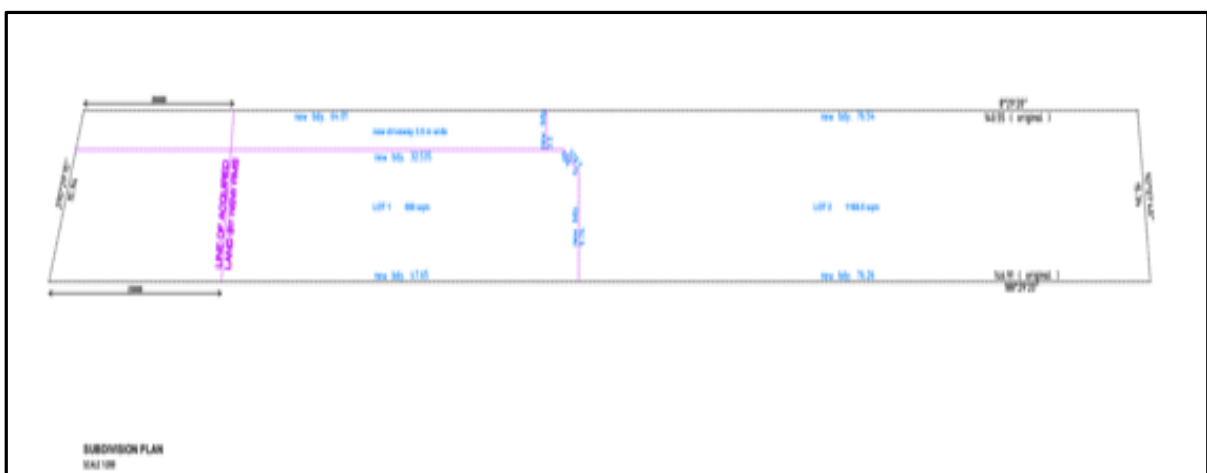


Figure 8- Subdivision layout plan  
Source: High Design



## SECTION 4- STATUTORY ASSESSMENT

### Part 4.1 PREAMBLE

This section of the Statement of Environmental Effects provides a planning assessment of the proposed development under Section 4.15 of the EP&A Act, 1979.

### Part 4.2 SEPP No 55-REMEDIATION OF LAND

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination of the site. A review of the 1943 aerial imagery covering the site has revealed that the site was of a rural nature. Therefore, there is no reason to suspect that the site may be contaminated and accordingly, further investigation of the site's potential contamination is not required and the application can be processed in the usual manner.

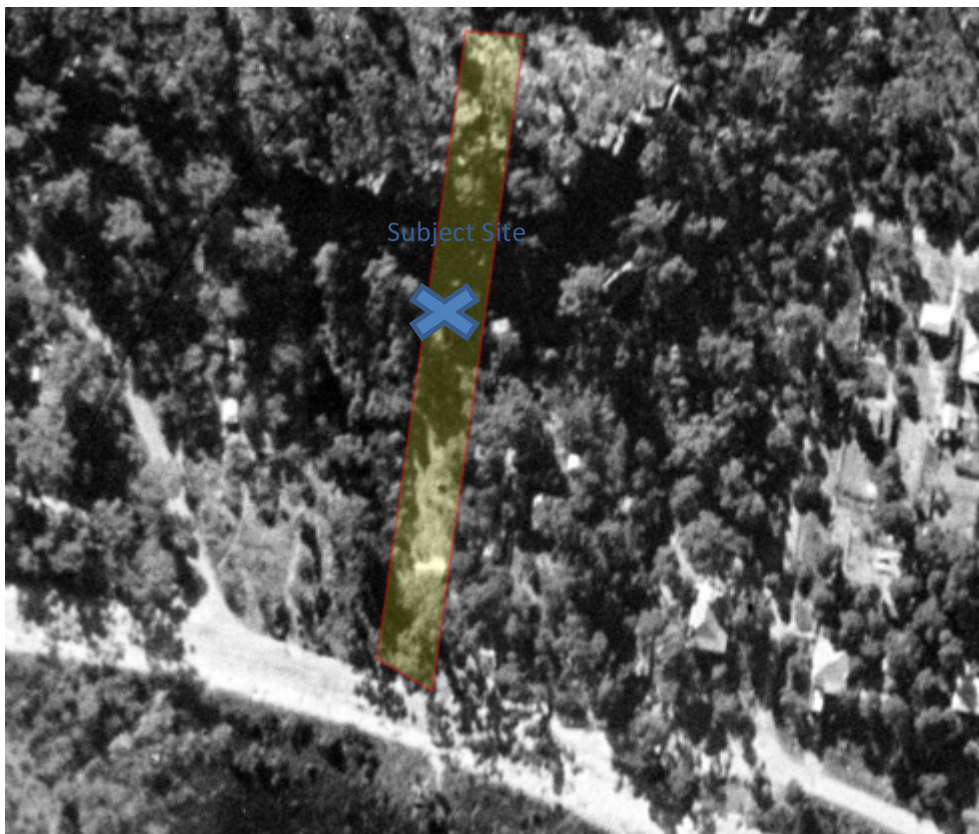


Figure 9: 1945 Imagery  
Source Six Maps

#### Part 4.3 SEPP BASIX 2004

SEPP (Building Sustainability Index: BASIX) 2004 commenced on 1 July 2004. A Basix certificate is submitted with the application that appropriately responds to the provisions of this SEPP.

#### Part 4.4 SEPP VEGETATION IN NON-RURAL AREAS

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

1. Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the *Local Land Services Amendment Act 2016*; and
2. Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the *Standard Instrument - Principal Local Environmental Plan* with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.

There are references in the applicable DCP to maximising tree retention in any development proposal and the issue is addressed through consideration of the proposed subdivision siting layout and the proposed removal of only small insignificant vegetation.

#### Part 4.5 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

The site is subject to the provisions of the Pittwater Local Environmental Plan 2014. Under the LEP the subject site is zoned E4-Environmental Living Zone and SP2 Infrastructure. The proposed works are a permissible form of development in the E4 Environmental Living Zone. On the portion of land Zoned SP2 - Infrastructure, no works are proposed.

*The objectives of the E4 Zone are as follows:*

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

The proposal is not considered to deviate away from the zone objectives as noted above.

*The objectives of the SP2 Infrastructure Zone are as follows:*

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

The proposal is not considered to deviate away from the zone objectives as noted above.



Figure 10- Zoning Map  
Source: Pittwater LEP 2012

#### CLAUSE 4.1 MINIMUM SUBDIVISION LOT SIZE

The objectives of this clause are as follows:

- to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,
- to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,
- to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,
- to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,
- to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,
- to maintain the existing function and character of rural areas and minimise fragmentation of rural land,
- to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

#### Controls

The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land which indicates a minimum lot size of 550m<sup>2</sup>.

#### Response

Lot 1 will comprise of an area of 550m<sup>2</sup> while Lot 2 will comprise of an area of 1166.5m<sup>2</sup> excluding the lot handle. Furthermore, the area dedicated as SP2-Infrastructure is not included in the lot size area measurements for Lot 1 given the below definition:



**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, **but does not include the area of any land on which development is not permitted** to be carried out under this Plan.

#### CLAUSE 4.4 HEIGHT OF BUILDINGS

The objectives of this clause are as follows:

- *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- *to minimise any overshadowing of neighbouring properties,*
- *to allow for the reasonable sharing of views,*
- *to encourage buildings that are designed to respond sensitively to the natural topography,*
- *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

##### Controls

The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#) which in this case is 8.5m.

##### Response

The alterations and additions to the existing dwelling will continue to maintain a maximum height that does not exceed 8.5m.

#### CLAUSE 5.1A DEVELOPMENT ON LAND INTENDED TO BE ACQUIRED FOR PUBLIC PURPOSES

The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.

##### Controls

Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that table.

Column 1	Column 2
Land	Development
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Local road"	Roads
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Recreation areas
Zone E2 Environmental Conservation and marked "Regional open space"	Recreation areas
Zone E2 Environmental Conservation and marked "Local open space"	Recreation areas

### Response

As detailed earlier in this SEE, no works are proposed on the portion of land zoned SP2 Infrastructure.

## CLAUSE 7.1 ACID SULFATE SOILS

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

### Controls

Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
  - (a) *a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and*
  - (b) *the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.*
- (5) *Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):*
  - (a) *emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*
  - (b) *routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*

- (c) *minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) *the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or*
- (b) *the works are not likely to lower the watertable.*

#### Response

The site is located in an area identified as being affected by Class 5 Acid Sulfate Soils. The proposal does not necessitate the need for any extensive ground works in which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

### CLAUSE 7.6 BIODIVERSITY

#### *Objectives*

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

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

#### *Controls*

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

- whether the development is likely to have:
- any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- any adverse impact on the habitat elements providing connectivity on the land, and
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- 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
- if that impact cannot be minimised—the development will be managed to mitigate that impact.

### Response

The proposed development does not propose the removal of any significant vegetation on site. The subdivision layout has been appropriately sited so as to enable any future dwelling on the rear lot to be constructed in a manner where it will not bear any adverse impact on the ability to preserve native flora and fauna on the site. The subdivision layout suitably responds to the sites constraints mitigating any potential future impacts to the natural environment.

## CLAUSE 7.7 GEOTECHNICAL HAZZARDS

The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:

- matches the underlying geotechnical conditions of the land, and
- is restricted on unsuitable land, and
- does not endanger life or property.

### Controls

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:

- site layout, including access,
- the development's design and construction methods,
- the amount of cut and fill that will be required for the development,
- waste water management, stormwater and drainage across the land,
- the geotechnical constraints of the site,
- any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

- 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
- the consent authority is satisfied that:
- 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
- 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
- if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact

### Response

A Geotechnical site assessment report prepared by White Geotechnical Group has identified the site constraints and concludes the following:

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

## CLAUSE 7.10 ESSENTIAL SERVICES

### Controls

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

### Response

Given that these services are already available to the existing dwelling, there is no reason as to why these services cannot be made available to any future dwelling on the proposed rear lot.

## SECTION 5- NON-STATUTORY ASSESSMENT

### PART 5.1 PITTWATER 21 DEVELOPMENT CONTROL PLAN

The Pittwater Development Control Plan 21 indicates that the site is located within the Elanora Heights Locality.

#### **Section B1- Heritage Controls**

A review of Schedule 5 of the Pittwater Local Environmental Plan 2014 did not indicate that the site has any identified Heritage significance issues, nor matters that would relate to Aboriginal Heritage.

The site is not listed as being subject to any Heritage Conservation Orders as identified in the Heritage Act 1977.

#### **Section B2.2 Subdivision Low Density Residential Areas**

The proposal appropriately responds to the design outcomes and controls relevant in this instance. The proposed subdivision will result in a consistent layout pattern to that already observed adjoining the site to the east at 100 and 100A Wakehurst Parkway. The layout of the subdivision is such that any future dwelling on the rear lot can be sited in a manner that will not adversely impact upon the natural environment or result in a development that dominates the natural setting.

#### **Section B3- Hazard Controls**

##### B3.1 Landslip

The Geotechnical site assessment report prepared by White Geotechnical Group includes the provision of a Geotechnical Risk Management Policy for Pittwater. In this regard, the development is not anticipated to 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.



### B3.2 Bushfire Hazard

The subject site is identified as having the potential to be impacted by Bushfires. In this regard, a detailed Bushfire Risk Assessment prepared by Bushfire Planning Services accompanies this application. This report concludes that:

*“This proposal either has or can incorporate all the necessary requirements to meet the conditions of clause 44 of the Rural Fires Regulations and that it is reasonable to expect that the Rural Fire Service will issue a section 100B Bushfire Safety Authority for this development. The proposal has sufficient setback from the hazardous vegetation to achieve a BAL of less than or equal to BAL-29”.*

### B3.11 Flood Prone Land

A certificate of Hydraulic Adequacy has been prepared by C & S Engineering Pty Ltd. This report concludes that:

*“An inspection of the above property for the purpose of reviewing the existing works within the property, partially affected by flooding of Narrabeen Lakes and confirm that all new works for the proposed new Dwelling within the proposed Sub- Division, refer Appendix “A”, maybe readily constructed in a manner, such that, in accordance with the Low Risk Hazard Mapping, refer Appendix “B”, it is not affected by flooding upon the new allotment created.*

*I am accordingly, able to issue this “Certificate of Hydraulic Adequacy” for the new dwelling on the new created Lot”.*

### **Section B4- Controls relating to the natural environment**

The proposal is not anticipated to result in an adverse impact to the natural environment.

### **Section B5- Water Management**

The water management requirements will not alter as a result of the alterations and additions to the existing dwelling. All new stormwater connections will be adapted to the existing disposal system for the site.

### **Section B6- Access and Parking**

The proposed driveway along the western side of the subject site has been designed to respond to the requirements and design guidelines detailed within this chapter. All vehicular manoeuvring on the site will be capable of complying with AS2890 Part 1.

### **Section B8- Site Works Management**

All works will be carried out giving consideration to the relevant standards.

### **Section C4 Design Criteria for Subdivision**

#### C4.1 Subdivision – Protection from Hazards

The proposed subdivision layout has been sited so as to ensure the provision of building platforms capable of housing a future dwelling. Any future dwelling on the newly created lot will be sited in a manner in which the site's natural hazards will have no restrictive bearing on. This is further confirmed by the Geotechnical Report, Certificate of Hydraulic Adequacy and the Bushfire Hazard report accompanying this application.

#### C4.2 Access Driveways and Off Street Parking Facilities

The design of each individual lot created within the subdivision is capable of providing for off street parking facilities compatible with the proposed development uses for that lot while the

internal driveway proposed along the western side of the site is compatible with the proposed development uses (dwelling house) for each lot.

#### C4.7 Amenity and Design

The proposed subdivision is commensurate with the siting and layout of that observed by the adjoining property to the west and also with a number of established lot patterns identified within the site's local context. Any future dwelling on the proposed rear lot can be designed in a manner that is both compliant with Council controls applicable to dwelling development while minimising any potential adverse impacts to the natural environment. The subdivision does not require the removal of any significant trees or vegetation nor will vehicular access to the rear lot be adversely restricted by any site constraints. In this regard, the proposed subdivision and any dwelling to be constructed on the newly created lot, will have an acceptable impact on the environment.

### **Part D5 Elanora Heights Locality**

#### **Clause D 5.1 Character as Viewed from a Public Place**

##### **Outcomes**

- *To achieve the desired future character of the Locality.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment*
- *To enhance the existing streetscape and promote a scale and density that is scale with the height of the natural environment*
- *The visual impact of the built form is secondary to landscaping and vegetation. High quality buildings designed and built for the natural context and any natural hazards*
- *Buildings do not dominate the streetscape and are human scale and within residential areas buildings are to give the appearance of two storey maximum.*
- *To preserve and enhance district and local views which reinforce and protect Pittwater's natural context*

##### **Controls**

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. Walls without articulation shall not have a length greater than 8 metres to any street frontage.

Any building facade to a public place must incorporate at least two of the following design features:

- i. entry feature or portico;*
- ii. awnings or other features over windows;*
- iii. verandahs, balconies or window box treatment to any first floor element;*
- iv. recessing or projecting architectural elements;*
- v. open, deep verandahs; or*
- vi. verandahs, pergolas or similar features above garage doors.*

The bulk and scale of buildings must be minimised.

Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.

### **Comment**

The alterations and additions proposed to be carried out to the existing dwelling suitably respond to these design requirements.

### **Clause D 5.2 Scenic Protection - General**

#### **Outcomes**

- Achieve the desired future character of the Locality.
- Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.

#### **Controls**

- Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

### **Comment**

The alterations and additions to the existing dwelling will continue to maintain consistency consistent with the other existing residential developments.

### **D10.4 Building Colours and Materials**

#### **Outcomes**

- *To achieve the desired future character of the Locality.*
- *The development enhances the visual quality and identity of the streetscape.*
- *To provide attractive building facades which establish identity and contribute to the streetscape.*
- *To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.*
- *The colours and materials of the development harmonise with the natural environment. The visual prominence of the development is minimised.*
- *Damage to existing native vegetation and habitat is minimised.*

#### **Controls**

External colours and materials shall be dark and earthy tones as shown below:



### **Comment**

The proposed colours are consistent with the above requirement.

## **D10.7 Front Building Line**

### **Outcomes**

- *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 10m or the established building line whichever is greater.

### **Comment**

The existing dwelling is setback over 29.590m from along Wakehurst Parkway being consistent with that of the established building line.

## **D10.8 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**

- For land zoned E4- Environmental Living Zone a setback of 2.5m is required to one side and 1m for the other side with a rear setback of 6.5m.

### **Comment**

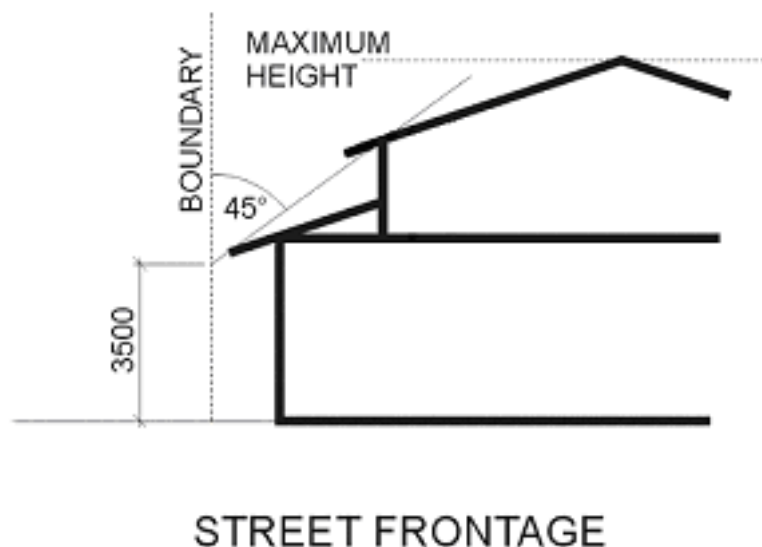
The existing dwelling will maintain the 965mm setback from along the western boundary while a 3.615m setback is proposed to the eastern side. Given that the 965mm setback from along the eastern side is already an established setback line, the DCP stipulates that maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved. In this regard, the minor numerical shortfall in the existing setback is not deemed to adversely compromise on the amenity of the neighbouring dwelling along this elevation nor will it result in any perceivable increase to the bulk of the building from along this elevation. The setback shortfall will have no adverse bearing on the ability to preserve native vegetation nor will it adversely impede upon any views from across the property. In this regard, the proposed setback is considered acceptable

### D10.11 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



#### Comment

As detailed in Figure 11 below, a minor non-compliance results with the noted envelope control. Notwithstanding, the non-compliance is primarily associated with the eave overhang of the dwelling which Council's DCP permits to sit outside of the envelope. The additional encroachment is relatively minor and negligible in terms of the resulting bulk to the dwelling. Reducing this portion would only serve to achieve numerical compliance as the built form and scale of the dwelling will remain spatially sensitive to both neighbouring development and the natural environment. In this regard, the minor encroachment is considered acceptable.



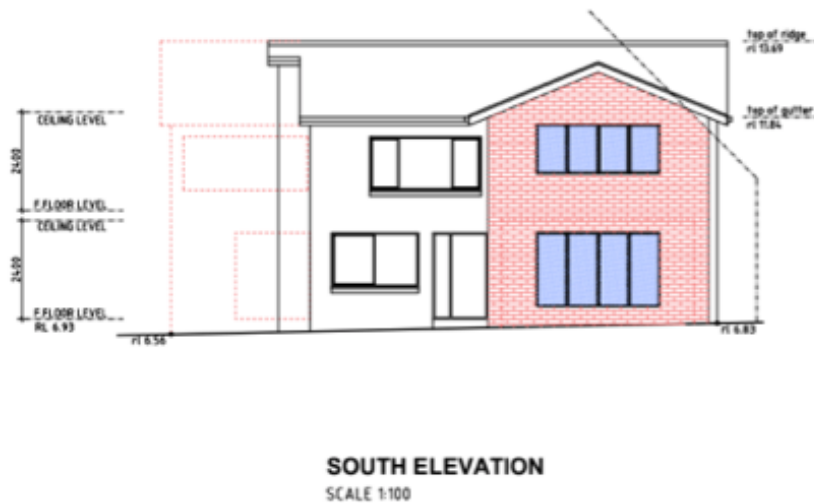


Figure 11: Building Envelope  
Source: High Design

### D10.13 Landscaped Area - Environmentally Sensitive Land

#### Outcomes

- Achieve the desired future character of the Locality.  
The bulk and scale of the built form is minimised.
- A reasonable level of amenity and solar access is provided and maintained.  
Vegetation is retained and enhanced to visually reduce the built form.
- Conservation of natural vegetation and biodiversity.  
Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.
- To preserve and enhance the rural and bushland character of the area.
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

#### Controls

Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.

#### Comment

The alterations and additions to the existing dwelling will result in a landscaped area of 63% or 347.5m<sup>2</sup>.

## SECTION 6- 79C CONSIDERATIONS

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979. This assessment has taken into account the following provisions:

### **STATUTORY POLICY AND COMPLIANCE – s.4.15 (1) (a)**

The proposed development has been assessed in relation to all relevant SEPPs, LEPs and DCPs above in the *Statement of Environmental Effects*.

The LEP which is relevant to the proposal is the Pittwater Local Environmental Plan 2014

#### Comment

The subject site is located within the E4 – Environmental Living Zone, of which the proposal is a permissible form of development. The proposal does not deviate away from the applicable standards outlined in this plan.

The relevant development control plan is the Pittwater 21 Development Control Plan.

#### Comment

The proposal appropriately responds to the relevant objectives and controls as noted in the DCP.

### **NATURAL ENVIRONMENT IMPACTS s.4.15 (1)(b)**

The proposed development will not result in the loss of views or outlook from any surrounding public or private spaces and provides a built form consistent with Council's desired character for the area.

### **SOCIAL AND ECONOMIC IMPACTS s.4.15 (1)(b)**

The proposed development will not be detrimental to the social and economic environment in the locality.

### **BUILT ENVIRONMENTAL IMPACTS s.4.15 (1)(b)**

The proposed development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

### **SUITABILITY OF THE SITE FOR DEVELOPMENT s.4.15 (1)(c)**

The proposed development will not result in any loss of amenity to neighbouring properties, above and beyond that anticipated by the applicable planning controls.

### **THE PUBLIC INTEREST s.4.15 (1)(e)**

The proposal is considered to be a positive contribution to the built and natural environment.

## SECTION 7 - CONCLUSION

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policies and Council's planning instruments.

The proposal is permissible with Council consent and suitably responds to the zone objectives of the Pittwater Local Environmental Plan 2014. The development also appropriately responds to the provisions of Council's DCP.

The site is suitable for the development proposal where it will have acceptable impacts on both the environment and the amenity of the locality. Accordingly, in the circumstances of this case, the proposal is considered to be in the public interest and worthy of Council's support.