



**STATEMENT OF ENVIRONMENTAL EFFECTS
TO ACCOMPANY A DEVELOPMENT APPLICATION
FOR ALTERATIONS AND ADDITIONS TO AN
EXISTING DWELLING INCLUDING LANDSCAPING
AND OTHER ASSOCIATED WORKS**

120 McCARRS CREEK ROAD, CHURCH POINT

Prepared for
Etic Design Studio

On behalf of
Melissa Lim

Prepared by
BBC Consulting Planners

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1. INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (“SEE”) has been prepared to accompany a Development Application (“DA”) lodged pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (“EP&A Act”) for alterations and additions to the existing dwelling including landscaping and other associated works (“the proposal”) at 120 McCarrs Creek Road, Church Point (“the site”).

The proposal includes the demolition of internal partition walls and parts of an external deck. It also includes reconfiguration of living spaces, and the construction of a new wrap-around deck and privacy wall. Additionally, the first floor will be partially infilled to create two new bedrooms, solar panels will be installed on the roof, the garage will be partially demolished and rebuilt and will be accessed by an extended inclinator track (partly already existing). Landscaping, drainage, and other associated works will also be carried out.

The purpose of the proposal is to provide a high quality, well-designed dwelling for a young family to allow for more contemporary living whilst positively contributing to the built form and natural character of Church Point.

The proposal represents a balanced planning outcome, having regard to the controls, the constraints and the opportunities of the site, existing development in the locality and the need to consider the amenity of neighbouring residential properties.

The proposal will be a positive addition to McCarrs Creek Road, have no unacceptable impacts on neighbours, and will provide excellent amenity for the owners and long-term residents on the site.

1.2 Purpose of the Statement of Environmental Effects

The purpose of this SEE is to:-

- describe the site to which the DA relates;
- describe the characteristics of the surrounding locality and, in particular, adjoining and adjacent development;
- define the statutory planning framework within which the DA is to be assessed and determined;
- describe the proposal; and
- assess the proposal in light of all the relevant heads of consideration under Section 4.15 of the Act.



1.3 Documentation

A certificate of title and deposited plan for the site are provided in **Appendix 1**. A survey plan is provided in **Appendix 2**.

Architectural plans are provided in **Appendix 3**, a landscape plan is provided in **Appendix 4**, and a stormwater drainage concept plan (including an erosion and sediment control plan) is provided in **Appendix 5**. A Geotechnical Report is provided in **Appendix 6**. A BASIX Certificate is provided in **Appendix 7** and a Waste Management Plan is provided in **Appendix 8**.

2. SITE

2.1 Location

The site is located on the northern side of McCarrs Creek Road at Church Point (see **Figures 1 and 2**).

The site is a battle-axe lot and forms part of a high amenity waterfront residential area predominantly characterised by large, detached, low density housing within a landscaped setting.

The majority of the dwellings in the immediate vicinity of the site are designed and oriented to take advantage of views to Browns Bay, McCarrs Creek, Ku-ring-gai Chase National Park and wherever possible, Pittwater.

2.2 Real Property Description and Ownership

The site comprises Lot 1 in DP 204970 and is owned by Melissa Lim.

A certificate of title and deposited plan for the site are provided in **Appendix 1**.

2.3 Area, Frontages and Topography

The site has an area of 1,201m² and is a battle-axe block, with a frontage of approximately 5 metres to McCarrs Creek Road and a water frontage of approximately 28 metres.

The boundaries of the site are shown on **Figure 2**. A survey plan is provided in **Appendix 2**.

The site slopes steeply (downwards) from south to north. Existing ground level at McCarrs Creek Road frontage of the site is approximately 35 metres AHD. The northern boundary of the site is the Mean High Water Mark ("MHWM").

2.4 Improvements

Erected on the site is a part two, part three storey dwelling house. The existing dwelling is setback around 40 metres from the street frontage and is located downslope, giving it a secluded and recessed setting.

The location and extent of the existing dwelling is identified on the survey plan in **Appendix 2**. The dwelling is of mid-20th century design and has been periodically improved over time. It features a steep pitched roof providing two bedrooms with dormer windows and a bathroom at first floor level. There is a kitchen, living and dining area with sliding doors onto a wrap-around external deck at ground floor level. Below is a lower ground level containing a study and living space with an external deck.

A double garage and adjoining carport is accessed via a driveway off the northern side of McCarrs Creek Road. The garage and car port are in the access handle of the battleaxe block. A short length of inclinators connects the garage level and the garden below.

The context of the existing dwelling relative to its immediate neighbours is evident on the detailed aerial photograph in **Figure 3A**, an extract from which is provided below.



2.5 Site Photos

Provided overleaf is a selection of photos of the site and its surrounds.



Photo 1: View of the driveway from McCarrs Creek Road. The driveway provides access to both No. 118 and No.120 McCarrs Creek Road.



Photo 2: View of the area at the foot of the shared driveway. On the right of the image is No. 118 McCarrs Creek Road and its car port and car manoeuvring area. The driveway down to the car port, garage and subject dwelling on the site can be seen on the left of the image.



Photo 3: View to the car port and garage in the access handle of the battle axe lot.



Photo 4: View to the north along the site's western side boundary showing the timber access stairs and inclinator.



Photo 5: View of the rear of the existing dwelling from the top of the access stairs.



Photo 6: View to the west across the existing ground level deck showing the stairs and access path to the jetty and Browns Bay.



Photo 7: View to the west across the existing lower ground level deck which sits beneath the ground level deck above (see Photo 6).



Photo 8: View of the dwelling from the top of the access stairs and pathway down to the waterfront.



Photo 9: View from the western side of the dwelling back towards the garage, access stairs from the garage and inclinator.



Photo 10: View to the south back towards the dwelling (at centre left on the image) from the private jetty.

2.6 Geology and Sub-Surface Conditions

Ground testing and observations by the geotechnical engineer indicate that the site conditions are consistent with the Narrabeen Group which are described as inter-bedded laminite, shale and quartz sandstone. The site is underlain by Alluvial Stream and Estuarine Sediment.

A geotechnical report is provided in **Appendix 6**.

2.7 Vegetation

As shown on the survey plan in **Appendix 2** and on the aerial photo in **Figure 3A**, the site mainly contains lawns and garden beds, with only scattered trees.

2.8 Vehicular Access

The site has vehicular access via a shared driveway off McCarrs Creek Road heading to the site's access handle in which the existing garage and carport are located.

2.9 Recent Planning History

A summary of the recent planning history for the site according to the Northern Beaches Council (“Council”) DA Tracker is as follows:

Council Reference:	Description:	Date:
DAN0923/04	Alterations and Additions – Additions to the existing deck	Approved 8 February 2005
DA0378/03	Alteration and Additions – Installation of Inclined Lift	11 August 2003
DAN0790/99	Jetty, ramp and pontoon	23 September 1999

2.10 Gross Floor Area and FSR

The existing dwelling has a gross floor area (“GFA”) of 204m² on a site area of 1,201m² equating to a floor space ratio (“FSR”) of 0.17:1.

2.11 Height

As shown on the survey plan in **Appendix 2**, the upper ridge of the existing dwelling is at RL21.22 metres AHD.

3. SURROUNDING CONTEXT

3.1 To the North

To the north of the site are the waters of Browns Bay and Pittwater. On the northern side of the bay are low density, detached residential dwellings in the C4 Environmental Living zone.

3.2 To the East

To the east of the site is No.116 McCarrs Creek Road, a waterfront battle axe block which contains a two-storey dwelling house.

3.3 To the South

Immediately to the south of the main body of the site is No. 118 McCarrs Creek Road, a two-storey dwelling house accessed via the shared driveway access to the site.

3.4 To the West

To the west of the main body of the site is No.124 McCarrs Creek Road, a battle-axe lot containing a two-storey dwelling house and a boat shed.

4. THE PROPOSAL

4.1 Overview

The proposal comprises the following elements:

- Minor internal demolition of partition walls;
- Partial demolition of external cantilevered deck structure and support posts;
- Demolition of existing garden steps;
- Installation of new gas fireplace to lower ground floor;
- Construction of new internal partition walls and reconfiguration of living spaces;
- Construction of new ground floor wrap around external deck area to north and west of the dwelling;
- Construction of new boundary privacy wall/screen to eastern end of ground floor deck;
- Partial infill of first floor level to create two additional bedrooms;
- Installation of solar panel array to newly formed roof;
- Partial demolition of existing garage to increase setback from western boundary;
- Construction of new garage and connecting stairs;
- Extension of existing inclinor track to provide access to new garage; and
- Associated landscaping, drainage and other works.

4.2 Gross Floor Area and Floor Space Ratio

The proposal has a GFA of 263m², which equates to a floor space ratio of 0.22:1 on a site area of 1,201m².

4.3 Height

The proposed development will have an upper roof ridge height at RL21.57 metres AHD equating to a maximum height above ground level of 8.268 metres.

4.4 Landscaping

A landscape plan is provided in **Appendix 4**. Minor landscape changes are proposed on the western and northern parts of the site (adjacent to the dwelling) including new plantings, trees, shrubs and ground covers.

The remainder of the site will remain unchanged. No tree removal is proposed.

The proposed landscaped area is 736m² (i.e. 62% of the site area).

4.5 Stormwater Management

A stormwater drainage concept plan (including an erosion and sediment control plan) is provided in **Appendix 5**.

4.6 Excavation

The proposed works involve shallow excavation. The Geotechnical Report in **Appendix 6** reports states as follows: -

“The excavation is expected to be through shallow clayey soil over colluvium and clay with Extremely Low to Very Low Strength Rock expected at depths ~1.2m. It is envisaged that excavations through soil, colluvium, clay, and Extremely Low to Very Low Strength Rock can be carried out with an excavator and toothed bucket”.

4.7 Parking and Access

Access arrangements to the site will remain unchanged.

The existing car port and part of the existing garage will be demolished and a new garage is proposed to be built on the same part of the site.

4.8 BASIX

A BASIX certificate is provided in **Appendix 7**.

4.9 Waste Management

A waste management plan is provided in **Appendix 8**.

4.10 Materials and Finishes

A schedule of proposed building materials, colours and finishes is provided in **Appendix 3** (see Drawing DA E01).

5. STATUTORY PLANNING CONTROLS

5.1 State Environmental Planning Policy (Resilience and Hazards) 2021

5.1.1 Chapter 2 – Coastal management

Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (“RHSEPP”) deals with coastal management.

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

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

Pursuant to Chapter 2 of RHSEPP, the site is located in the Coastal Use Area and in the Coastal Environment Area (see **Figures 6A** and **6B** respectively). This triggers particular considerations, none of which, however, impact on the ability to obtain consent for alterations and additions to the existing dwelling.

Coastal Environment Area

The entirety of the site contains land that is mapped as coastal environment pursuant to RHSEPP (see **Figure 6B**). Section 2.10 of RHSEPP states as follows:-

“2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the*

proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or

(b) if that impact cannot be reasonably avoided—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.

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.”

The proposed development will have no adverse impacts on the coastal environment, its natural processes, the hydrological conditions, marine biodiversity, Aboriginal heritage or the water quality of the coastal environment area and, therefore, complies with Section 2.10 of RHSEPP.

Coastal Use Area

The entirety of the site contains land that is mapped as coastal use pursuant to RHSEPP (see **Figure 6A**). Section 2.11 of RHSEPP states as follows:-

“2.11 Development on land within the coastal use area

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

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

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

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

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

(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6.”

The proposed development will have no adverse impacts in terms of access to the foreshore; will not result in the loss of views from public places to the foreshore, will not impact on the visual amenity and scenic qualities of the coast; will have no impact on aboriginal cultural heritage or built environment heritage. The dwelling is of a suitable scale and size in the context of the surrounding built environment and is sited to avoid any adverse impacts on the natural coastal environment. The proposed activity, therefore, complies with Section 2.11 of RHSEPP.

5.1.2 Chapter 4 – Remediation of land

The aim of this Chapter of the SEPP is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment: -

(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements.

Section 4.6(1) of the SEPP states: -

“(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

The site has been used for residential purposes for decades and as a result the risk of contamination is very low. Accordingly, Council can be satisfied that the site is suitable for the continued residential use which is proposed.

5.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

5.2.1 Chapter 2 - Vegetation in non-rural areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State (including the Northern Beaches LGA), and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

No tree removal is proposed. None of the existing vegetation proposed to be removed has any biodiversity significance.

5.3 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 commenced on 1 October 2023 and applies to all new dwellings in NSW. Schedule 1 of the SEPP provides standards for the erection of new BASIX buildings whilst Schedule 2 of the SEPP provides standards for alterations of BASIX buildings. A BASIX Certificate is provided in **Appendix 7**.

5.4 Pittwater Local Environmental Plan (PLEP) 2014

5.4.1 Zoning

The site is zoned C4 Environmental Living (see **Figure 4A**).

5.4.2 Zone objectives

The objectives of the C4 Environmental Living 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 relevantly consistent with the above objectives.

5.4.3 Permissibility

The proposal is permissible with consent in the C4 Environmental Living zone.

5.4.4 Minimum Lot Size (Clause 4.1)

Pursuant to Clause 4.1 of PLEP 2014, the minimum lot size for the area in which the site is located is 700m² (see **Figure 4C**). The site has an area (by plan) of 1,201m² which complies with the minimum lot size requirement. However, no subdivision is proposed.

5.4.5 Height of buildings (Clause 4.3)

The site is within Area “I” on the “Height of Buildings Map” in PLEP 2014 (see **Figure 4B**). Within Area “I”, the maximum building height is 8.5 metres.

“Building height (or height of building)” is defined to mean: -

“(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

The proposal complies with the 8.5 metre height limit in PLEP 2014.

5.4.6 Floor Space Ratio (Clause 4.4)

There is no maximum FSR control for the site.

5.4.7 Heritage Conservation (Clause 5.10)

The site does not contain a heritage item nor is it located within a Heritage Conservation Area.

5.4.8 Acid Sulfate Soils (Clause 7.1)

The site is identified as 'Class 5' on the Acid Sulfate Soils Map (see **Figure 4D**). Clause 7.1(2) of PLEP 2014 states that development consent is required for the carrying out of 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 water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

No substantial constraint to the proposed development arises from this classification.

5.4.9 Earthworks (Clause 7.2)

Pursuant to Clause 7.2(2) of PLEP 2014, 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.”

A geotechnical report is provided in **Appendix 6**. The report states as follows:

“the site is underlain by Alluvial Stream and Estuarine Sediment (Qha), although the Narrabeen Group Rocks is shown close to the uphill property boundary and at a residential scale the map is not always accurate. Ground testing and observations on site indicate that the proposed works are underlain by geology which is consistent with the Narrabeen Group Rocks which are described as interbedded laminite, shale, and quartz to lithic quartz sandstone”.

“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.”

5.4.10 Biodiversity Protection (Clause 7.6)

The site is identified as “biodiversity” on the Biodiversity Map (see **Figure 4E**). Clause 7.6(4) of PLEP 2014 states: -

“(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”

The proposal will have no adverse impact on the biodiversity values of the site.

5.4.11 Geotechnical Hazards (Clause 7.7)

The site is located within the “H1 Geotechnical Hazard” area on the Geotechnical Hazard Map (see **Figure 4F**). Clause 7.7(4) of PLEP 2014 states: -

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

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

(b) the consent authority is satisfied that—

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

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

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

A geotechnical report is provided in **Appendix 6**. The report concludes as follows: -

“The client and builder are to familiarise themselves with the following required inspections as well as council geotechnical policy. We cannot provide certification for the Occupation Certificate or the owner if the following inspections have not been carried out during the construction process.

- *The exploration pits to determine the foundation material along the supporting walls of the house are to be inspected by the geotechnical consultant to determine if underpinning is necessary. This is to occur before the bulk excavation for the Lower Ground Floor commences.*
- *During the excavation process, the geotechnical consultant is to inspect the cut in 1.5m intervals as it is lowered, while the machine/excavation equipment is on site, to ensure the ground materials are as expected, and no additional temporary support is required.*
- *All footings are to be inspected and approved by the geotechnical consultant while the excavation equipment and contractors are still onsite and before steel reinforcing is placed or concrete is poured”.*

5.4.12 Limited development on foreshore area (Clause 7.8)

Clause 7.8(2) of PLEP 2014 states as follows: -

“(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,

(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).”

The proposal does not include any works beyond the foreshore building line, therefore, Clause 7.8 of PLEP 2014 is not a relevant matter for consideration in the assessment of this DA.

5.4.13 Essential Services (Clause 7.10)

Clause 7.10 of PLEP 2014 states as follows: -

“Development consent must not be granted to development unless the consent authority is satisfied that any of 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.”

The site has the benefit of electricity, water and sewage services. Each of those services is readily available and can be augmented to suit the needs of the proposal.

5.5 Pittwater Development Control Plan 2014 (“PDCP”)

The site is subject to the development controls in Pittwater 21 Development Control Plan (“PDCP”). Key relevant controls in PDCP are found in the following sections of the DCP:

- Section A Shaping Development in Pittwater (including Section A4.4 Church Point and Bayview Locality);
- Section B General Controls;
- Section C Development Type Controls; and
- Section D Locality Specific Development Controls (including Section D4 Church Point and Bayview Locality).

Some relevant sections of the PDCP are briefly discussed in the table below:

Control	Compliance	Comment
Pittwater Development Control Plan 2014 (“PDCP”)		
Section A4 Localities		
A4.4 Church Point & Bayview Locality		
<p><i>“The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community.</i></p> <p><i>Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.</i></p>	Yes	<p>The site is located within the Church Point and Bayview Locality.</p> <p>The proposal is relevantly consistent with the Desired Character Statement for the Church Point and Bayview locality for the following reasons:</p> <ul style="list-style-type: none"> • The low density housing typology of the site and surrounding area will be retained as a result of the proposal. • The landscaped setting will be retained and enhanced. • The site is adequately serviced and these services will be

Control	Compliance	Comment
<p><i>The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinator, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.</i></p> <p><i>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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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.</i></p> <p><i>The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, 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.</i></p> <p><i>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</i></p> <p><i>Vehicular, pedestrian and cycle access within and through the locality will be</i></p>		<p>upgraded as necessary.</p> <ul style="list-style-type: none"> • The proposed alterations and additions will maintain the building height below the tree canopy and will minimise bulk and scale impacts. • The proposal will extend the existing inclinator track to provide ease of access for the residents. The inclinator is discreetly located along the western boundary of the site and is sensitively designed to blend into its surroundings. • The proposed new garage will be located within the southern portion of the site behind the existing tree canopy and will not be visible from the foreshore. • The proposed development will not be readily visible from Scotland Island or Bilgola Plateau

Control	Compliance	Comment
<p><i>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.</i></p> <p><i>Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.</i></p> <p><i>Church Point will remain an important link to the offshore communities.”</i></p>		
Section B General Controls		
B3.1 Landslip Hazard		
<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>Yes</p>	<p>The site is located within the “H1 Geotechnical Hazard” area on the Geotechnical Hazard Map (see Figure 4F). The Geotechnical report in Appendix 6 states that: -</p> <p><i>“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”.</i></p> <p>The report concludes as follows: -</p> <p><i>“The client and builder are to familiarise themselves with the following required inspections as well as council geotechnical policy. We cannot provide certification for the Occupation Certificate or the owner if the following inspections have not been carried out during the construction process.”</i></p> <p>The exploration pits to determine the foundation material along the supporting walls of the house are to be inspected by the geotechnical consultant to determine if underpinning is necessary.</p>

Control	Compliance	Comment
		<p>This is to occur before any excavation works.</p> <p>During the excavation process, the geotechnical consultant is to inspect the cut in 1.5 metre intervals as it is lowered, while the machine/excavation equipment is on site, to ensure the ground materials are as expected, and no additional temporary support is required.</p> <p>All footings are to be inspected and approved by the geotechnical consultant while the excavation equipment and contractors are still onsite and before steel reinforcing is placed or concrete is poured.</p> <p>Therefore, the proposal will not adversely affect or increase the level of geotechnical risk to any people, assets and infrastructure in the vicinity.</p>
B3.7 Estuarine Hazard – Low Density Residential		
<p><u>Protection of Development from Wave Action and Tidal Inundation</u></p> <p>Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development are at or above the Estuarine Planning Level.</p> <p><u>General to all Development</u></p> <p>The following applies to all development:</p> <ul style="list-style-type: none"> All development or activities must be designed and constructed such that they will not increase the level of risk from estuarine processes for any people, assets or infrastructure in surrounding properties; they will not adversely affect estuarine processes; they 	<p>Yes</p>	<p>The site is identified as being within a “wave action and tidal inundation” area on the Estuarine Hazard Map (see Figure 5A).</p> <p>The proposed works are located above the Estuarine Planning Level; therefore, the proposal is protected from the effects of wave action or tidal inundation and no mitigation works are required.</p>

Control	Compliance	Comment
<p>will not be adversely affected by estuarine processes; and,</p> <ul style="list-style-type: none"> • All structural elements below the Estuarine Planning Level shall be constructed from flood compatible materials; and, • All structures must be designed and constructed so that they will have a low risk of damage and instability due to wave action and tidal inundation; and, • All electrical equipment, wiring, fuel lines or any other service pipes and connections must be waterproofed to the Estuarine Planning Level; and, • The storage of toxic or potentially polluting goods, materials or other products, which may be hazardous or pollute the waterway, is not permitted below the Estuarine Planning Level; and, • For existing structures, a tolerance of up to minus 100mm may be applied to the Estuarine Planning Level in respect of compliance with these controls. • To ensure Council's recommended flood evacuation strategy of 'shelter-in-place', it will need to be demonstrated that there is safe pedestrian access to a 'safe haven' above the Estuarine Planning Level. 		
B5.13 Development on Waterfront Land		
<p>Any waterfront land (as defined in the Water Management Act 2000) on the property shall be retained in their natural state to: carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions.</p> <p>Natural or artificially modified water courses cannot be diverted onto adjoining lands, filled, channelised and/or dammed.</p>	Yes	No works are proposed in the rear portion of the site (adjacent to Browns Bay).

Control	Compliance	Comment
<p>Waterfront land in a degraded state, should be restored and rehabilitated.</p> <p>Development within waterfront land shall incorporate appropriately sized riparian corridor zones into the design based on Controlled Activities on Waterfront Land: Guideline for outlet structures on waterfront land (NSW Office of Water, July 2012).</p> <p>Development adjoining waterfront land is to be landscaped with local native plants.</p> <p>Council encourages the replacement of a piped stormwater system where appropriate with a restored watercourse with appropriate flow carrying capacity, wherever feasible.</p> <p>The piping or artificial channelling of natural watercourses and drainage channels is not permitted.</p> <p>A Water Management Plan with supporting documentation is to be submitted demonstrating the feasibility of the proposed watercourse works within the site.</p>		
B5.15 Stormwater		
<p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p>	Yes	A copy of the stormwater management plan including ESCP is provided in Appendix 5 .
B6.3 Off Street Vehicle Parking		
<p>The minimum requirement is two vehicle spaces for dwelling houses with 2 or more bedrooms.</p>	Yes	The proposal includes a new garage with space for two vehicles.
B8.1 Construction & Demolition – Excavation & Landfill		
<p>Excavation and landfill on any site that includes the following: -</p>	Yes	The geotechnical report in Appendix 5 states that apart from footings and possible

Control	Compliance	Comment
<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; • Any excavation greater than 1.5 metres deep below the existing surface; • Any excavation that has the potential to destabilize 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; • 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, must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate. 		<p>minor levelling, no excavations are required.</p> <p>The report has stated that the proposed development is suitable for the site and states as follows: -</p> <p><i>“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”.</i></p>
B8.3 Construction & Demolition – Waste Minimisation		
<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>	Yes	<p>This has been addressed in the waste management plan in Appendix 8.</p>
B8.5 Construction & Demolition – Works in the Public Domain		
<p>All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.</p> <p>All works undertaken on site or in the public road reserve must make provision for</p>	Yes	<p>The proposed works undertaken on site or in the adjacent public road reserve will not adversely affect pedestrian and traffic flow.</p>

Control	Compliance	Comment
<p>pedestrian and traffic flow and not adverse nuisance.</p> <p>All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.</p>		
Section C Development Type Controls		
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. 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>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>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 long-term. 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>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>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 front of buildings (between the front boundary and any built structures) shall be</p>	<p>Yes</p>	<p>No tree removal is proposed. Minor landscape changes are proposed in the western part of the site (adjacent to the dwelling) including new tree shrub and ground coverings. A landscape plan is provided in Appendix 4.</p> <p>There is sufficient soil depth on site to accommodate the types of low scale plantings that are proposed.</p> <p>The dwelling is considerably set back from the street frontage and is not readily visible from any public road. The site is sufficiently landscaped to provide adequate screening between the public and private interface.</p> <p>All existing site trees will be retained and adequate consideration has been given to species selection in terms of bushfire resilience.</p>

Control	Compliance	Comment
<p>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>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</p> <p>In bushfire prone areas, species shall be appropriate to the bushfire hazard.</p> <p>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</p> <p>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.</p> <p>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.</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 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>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>Yes</p>	<p>The proposed alterations and additions will not adversely impact on views available from surrounding and nearby properties. The surrounding area is heavily vegetated, therefore, views are already partially obscured. Given the steep downward slope of the site and the limited increase in height above the existing ridge line, the proposed development will not affect any significant views from</p>

Control	Compliance	Comment
Views are not to be obtained at the expense of native vegetation.		neighbouring adjoining occupiers.
C1.4 Solar Access		
<p>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.</p> <p>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).</p> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</p> <p>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</p>	Yes	The dwelling is north facing with all living spaces and bedrooms orientated towards the water. The dwelling will continue to have a high degree of solar access to all habitable rooms.
C1.12 Waste & Recycling Facilities		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	Yes	<p>A waste management plan is provided in Appendix 8. During construction of the proposal, skip bins plus building materials are to be stored on site. All building waste will be removed from the site by the builder.</p> <p>Existing residential waste/recycling bins are to be stored in the proposed garage and will be placed on the street for council collection.</p>

Control	Compliance	Comment
Section D Locality Specific Development Controls		
D4.1 Character as Viewed from a Public Place		
<p>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.</p> <p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p> <p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> 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. <p>The bulk and scale of buildings must be minimised.</p> <p>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.</p> <p>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.</p>	<p>Yes</p>	<p>The dwelling is located considerably below road level and will not be readily visible from Mc Carrs Creek Road. Regardless, the proposed alterations and additions to the dwelling has been designed to retain the local character of the area and seamlessly blend in to the landscaped charter of the site.</p>

Control	Compliance	Comment
<p>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view. General service facilities must be located underground.</p> <p>General service facilities must be located underground.</p> <p>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.</p>		
D4.2 Scenic Protection – General		
<p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	Yes	<p>The proposal will not have any adverse visual impacts on the natural environment when viewed from Browns Bay.</p>
D4.3 Building Colours & Materials		
<p>External colours and materials shall be dark and earthy tones as shown below:</p> <div style="display: flex; flex-wrap: wrap; gap: 10px;"> <div style="display: flex; align-items: center;"> Black ✓</div> <div style="display: flex; align-items: center;"> Dark grey ✓</div> <div style="display: flex; align-items: center;"> Dark green ✓</div> <div style="display: flex; align-items: center;"> Dark brown ✓</div> <div style="display: flex; align-items: center;"> Mid grey ✓</div> <div style="display: flex; align-items: center;"> Green ✓</div> <div style="display: flex; align-items: center;"> Brown ✓</div> <div style="display: flex; align-items: center;"> Dark blue ✓</div> </div> <p>White, light coloured, red or orange roofs and walls are not permitted:</p> <div style="display: flex; flex-wrap: wrap; gap: 10px;"> <div style="display: flex; align-items: center;"> White ✗</div> <div style="display: flex; align-items: center;"> Light blue ✗</div> <div style="display: flex; align-items: center;"> Red ✗</div> <div style="display: flex; align-items: center;"> Orange ✗</div> <div style="display: flex; align-items: center;"> Light grey ✗</div> <div style="display: flex; align-items: center;"> Beige ✗</div> </div> <p>Limited use of corporate colours may be permitted within Business zoned land.</p> <p>Finishes are to be of a low reflectivity.</p> <p>Applications in commercial areas shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.</p>	Yes	<p>A schedule of proposed building materials, colours and finishes is provided in Appendix 3 (see Drawing DA E03). The proposed colours include darker/earthy tones.</p>

Control	Compliance	Comment				
D4.5 Front Building Line						
<p>The minimum front building line shall be in accordance with the following table.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;">Land</th> <th style="width: 70%;">Front Building Line (metres)</th> </tr> </thead> <tbody> <tr> <td>Land zoned R2 Low Density Residential or E4 Environmental Living adjoining McCarrs Creek Road or Pittwater Road</td> <td>10 or established building line, whichever is the greater</td> </tr> </tbody> </table> <p>Built structures other than driveways, fences and retaining walls are not permitted within the front building setback.</p>	Land	Front Building Line (metres)	Land zoned R2 Low Density Residential or E4 Environmental Living adjoining McCarrs Creek Road or Pittwater Road	10 or established building line, whichever is the greater	Yes	<p>The minimum front building line for land in the C4 Environmental Living zone adjoining McCarrs Creek Road is 10 metres or established building line, whichever is the greater. The existing dwelling is setback around 40 metres from the street frontage, giving it a relatively secluded setting.</p> <p>The existing car port will be partially demolished and replaced by a new proposed garage. The proposed garage will be set back by over 10 metres from Mc Carrs Creek Road and as a result of the sloping site, will not be readily visible.</p>
Land	Front Building Line (metres)					
Land zoned R2 Low Density Residential or E4 Environmental Living adjoining McCarrs Creek Road or Pittwater Road	10 or established building line, whichever is the greater					
D4.6 Side and Rear Building Line						
<p>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.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;">Land</th> <th style="width: 70%;">Side & Rear Building Line Setback (metres)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Land	Side & Rear Building Line Setback (metres)			Partial Compliance	<p>The eastern side setback of the existing dwelling remains unchanged (2.473 metres) and the western elevation is setback approximately 11 metres from the boundary.</p> <p>The proposed garage has an eastern side setback of approximately 0.92 metres and nil setback to the western boundary of the driveway over a limited depth.</p> <p>The minor non-compliance with the side setback control in this instance is justified as a result of the limited impact the structure will have on neighbouring dwellings. The existing garage along the western boundary of the site will be partially demolished and setback 1.326 metres</p>
Land	Side & Rear Building Line Setback (metres)					

Control		Compliance	Comment
Land zoned R2 Low Density Residential or E4 Environmental Living	2.5 metres to at least one side; 1.0 metres for the other side 6.5 metres rear (other than where the foreshore building line applies)		(currently nil setback). The proposed garage will have no adverse impacts on overshadowing, loss of solar access or loss of privacy. The current garage/ parking arrangement is not fit for purpose given the significant steeply sloping gradient. The proposed garage will provide an accessible level surface on which to park two (2) cars and will have integrated bin storage.
D4.10 Landscaped Area			
<p>The total landscaped area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.</p> <p>The use of porous materials and finishes is encouraged where appropriate.</p> <p>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</p>		Yes	<p>The proposal complies with the landscape control.</p> <p>The landscaped area of the site is 736m² equating to 62% of the site area (1190m²).</p>

6. ENVIRONMENTAL EFFECTS

6.1 Statutory Planning Considerations

In determining the DA, the Council is required to consider those relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act, 1979 ("EPA Act"). Each of the relevant matters is addressed below.

6.2 Section 4.15(1)(a) – Statutory Planning Considerations

Section 4.15(1)(a) of the EPA Act requires the consent authority to take into consideration: -

"(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 Director-General 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) (Repealed),*

that apply to the land to which the development application relates,"

The relevant provisions are addressed below.

6.2.1 Environmental Planning Instruments

Relevant environmental planning instruments are addressed in Section 5 of this SEE.

The proposal is consistent with the aims, principles and relevant requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, and State Environmental Planning Policy (Sustainable Buildings) 2022.

The proposal is permissible with consent in the C4 Environmental Living zone pursuant to PLEP 2014 and is consistent with the objectives relating thereto.

The proposed alterations and additions comply with the 8.5 metre maximum height control in PLEP 2014.

6.2.2 Proposed Planning Instruments

There are no proposed planning instruments relating to the site.

6.2.3 Development Control Plans

Relevant matters are addressed in Section 5.5 above.

6.2.4 Planning Agreement

No planning agreement is proposed.

6.2.5 Matters prescribed by the regulation

The *Environmental Planning and Assessment Regulation 2021*, prescribes in Clause 61(1) that for the purposes of Section 4.15(1)(a)(iv) of the Act, and in relation to a DA for the demolition of a building, the provisions of Australian Standard AS 2601-2001: The Demolition of Structures are to be taken into consideration by Council.

The relevant requirements of AS 2601 will be complied with when demolishing the existing structures on the site.

6.3 Section 4.15(1)(b) – Environmental, Social and Economic Impacts

Section 4.15(1)(b) of the EPA Act requires the consent authority to consider: -

“(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.”

The relevant matters are addressed below.

6.3.1 Impacts on the natural environment

Minor landscape changes are proposed in the western part of the site (adjacent to the dwelling) including new plantings, a new outdoor dining area and new stairs to the inclinators. The remainder of the site will remain unchanged from its current form. There will be a net increase in landscaping across the site in accordance with the Landscape Plan (see **Appendix 4**).

6.3.2 Impacts on the built environment

6.3.2.1 Character

The objectives of the C4 Environmental Living zone promote residential development of a low density and scale integrated with the landform and landscape. In this regard, the proposal has been carefully designed and sited to ensure no unreasonable adverse impact on adjacent and nearby dwellings. The proposed alterations and additions to the existing dwelling will not be seen from McCarrs Creek Road and will be consistent with the surrounding waterfront development in Church Point.

6.3.2.2 Bulk and scale impacts

The bulk and scale of the proposal are compatible within the existing context of the surrounding low density residential area of which the site forms part.

The proposed additions comply with the maximum 8.5 metre height control and will not exceed the existing maximum RL for the dwelling which is RL 21.57 metres AHD.

The part two storey/part three storey dwelling has appropriate front, rear and side setbacks that are consistent with neighbouring sites.

The proposal is highly consistent with the desired future character of the Church Point area and with the relevant regulatory controls applicable to development of the type proposed.

6.3.2.3 Overshadowing impacts

The shadow diagrams included in the set of DA drawings in **Appendix 3** demonstrate that the proposed alterations and additions will result in no unreasonable overshadowing impacts on the neighbouring properties.

As shown on drawing DA S01 in **Appendix 3**, there will be some additional minor overshadowing of the site to the east at 3pm.

However, these additional shadows are considered minor and will not adversely impact on solar access to the neighbouring dwellings to the east and west.

6.3.2.4 View Impacts

There will be no adverse view impacts on adjoining properties as a result of the proposal. The proposal will have no adverse view impacts to and from Browns Bay or from McCarrs Creek Road.

6.3.2.5 Parking impacts

The parking situation will be much improved on the site improving accessibility and useability for the residents. The provision of two car spaces complies with the car parking requirements in the PDCP.

6.3.3 Social and economic impacts

The social and economic impacts of the proposal will be positive, in that: -

- the standard of local housing stock in the locality will be improved;
- the proposal will provide better quality accommodation in an area that enjoys excellent amenity; and
- the proposal will generate employment in the construction phase.

6.4 Section 4.15(1)(c) – The suitability of the site

Section 4.15(1)(c) requires the consent authority to consider:

“(c) the suitability of the site for the development.”

The site is zoned C4 Environmental Living, in which dwelling houses are permissible with consent and is adjoined and surrounded by other land in the same zone. The proposal is consistent with the objectives of the zone. The proposal is suitable for the site.

6.5 Section 4.15(d) – Submissions

Section 4.15(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant submissions will need to be considered by the consent authority in the determination of the DA.

6.6 Section 4.15(e) – Public interest

Section 4.15(e) requires the consent authority to consider:

“(e) the public interest”.

The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land, and which satisfies a market demand, in this case for alterations and additions to the existing dwelling house in an area which enjoys excellent amenity.

The proposal is in the public interest as it will:-

- contribute to the provision of higher quality housing stock;
- exhibit a high-quality design which will provide a high level of amenity for future residents; and
- not impact, in any unreasonable way, on neighbour’s amenity or on the public domain.

7. CONCLUSION

The proposal represents a balanced planning outcome, having regard to the controls, the constraints and the opportunities of the site, existing development in the locality and the need to consider the amenity of neighbouring residential properties.

The proposal is highly consistent with the zoning, and with the objectives and relevant principles and controls contained in the relevant planning instruments. The proposal will result in no unreasonable adverse environmental impacts and is consistent and compatible with the existing and future character for the Church Point and Bayview locality.

The proposed alterations and additions will deliver well-designed, high-quality, and sympathetic changes to the existing dwelling which will add to its amenity without diminishing in any way from the character of the Church Point area or from the built form character of this part of the Pittwater LGA.

The proposal will have no unacceptable impacts on neighbours, will not adversely impact on views to and from Browns Bay, and will provide excellent amenity for the owners and long-term residents on the site.

Having regard to the above, and in the light of the relevant heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979, the proposal is worthy of positive assessment and determination by Council.

FIGURES

APPENDICES
