

STATEMENT OF ENVIRONMENTAL EFFECTS

USE OF AN EXISTING STRUCTURE AS A GARAGE LOCATED AT

163 PACIFIC ROAD, PALM BEACH

This Statement of Environmental Effects accompanies plans prepared by Urbaine Design Group dated 6 December 2023 on behalf of Kingfisher Properties Pty Ltd, to detail the proposed use of an existing covered parking structure as a garage at 163 Pacific Road, Palm Beach.

The enclosure of the open hard stand car parking area to form a garage allows for secure parking and undercover access to an approved vertical passenger lift/elevator which was previously considered under DA N0066/11, with the Notice of Determination issued 6 June 2011. Should Development Consent be issued for the structure, a separate Building Information Certificate has been issued.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

Property Description:

The subject allotment is described as 163 Pacific Road, Palm Beach, with the parcel comprising Lot 2A DP 8595, Lot 1 DP 953004, Lot 2 DP 9530034 and Lot 2 within Deposited Plan 953003 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014. The site falls within the Class 5 Acid Sulfate Soils area in this issue will be discussed further within the statement.

The land is noted as being W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Assessment has been prepared by JK Geotechnics under Report Reference 2470Blet1 dated 23 June 2021.

The site is subject to bushfire hazard and a Bushfire Risk Assessment has been prepared by Bushfire Planning Services dated 9 July 2021.

The site is also noted as mapped as being within the Biodiversity area, however the proposed use of the existing structure will not see any disturbance to the site or loss of landscaping and therefore no further assessment is considered to be necessary in this instance.

The site is not identified as being affected by any other hazards.

Site Description:

The property is located on the north-eastern side of Pacific Road, and has a substantial frontage to Pacific Road the western boundary of 73.15m, and a total frontage to the southern boundary of 55.43m or a total street frontage of 128.58m. The site is irregular in shape with a total site area of 4614m². Currently the site is developed with a two storey rendered brick dwelling with a terracotta tile roof together with an existing double garage at the eastern end of the site.

The Surrounding Environment:

The general vicinity of the site is characterised by irregular shaped allotments within a scenic ridge top location which enjoy views to the east towards the ocean and to the west and north-west towards Pittwater. The design of development in this locality reflects the sloping terrain and views towards the ocean to the north-east and retains a dominance of natural features and vegetation. The locality comprises a mix of low-density residential development within landscaped settings, which respond to the sloping topography and as a consequence of the local terrain, car parking structures are often provided at the front boundary or within the front setback.

Proposed Development:

The proposal seeks consent for the use of an existing detached covered parking facility which has been constructed without prior approval and provides for covered car parking facilities and covered all weather access to the approved vertical passenger lift/elevator adjacent to the entry to the dwelling. The subject building is a steel frame and terracotta roof clad garage structure with a panel lift door facing Pacific Road, which provides for enclosed secure parking for two vehicles and covered pedestrian entry to the dwelling. The works to provide for the roof and partial enclosure for the garage over the existing detached hard stand does not result in any further site disturbance or loss of landscaped area.

The indices for the development are summarised as:

Site Area	4614m ²
Required Landscape Area	60% or 2768.4m ²
Proposed Landscape Area	Unchanged

Zoning and Development Controls:

State Environmental Planning Policy No. 55 – Remediation of Land SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the current residential use of the land being unchanged, the site is not considered to be subject to contamination and further investigation is not required at this stage.

State' Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 –

Given the non-habitable nature of the works, the structure does not attract any BASIX Commitments and therefore no Basix Certificate is required in this instance.

State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to: The aim of this Policy is 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 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The Coastal Management Act 2016 states within Clause 3: The objects set out in Clause 3 of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
- (m) to support the objects of the Marine Estate Management Act 2016.

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

Development in coastal zone generally—development not to increase risk of coastal hazards
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal provides for the use of an existing as built garage for car parking which is ancillary to the existing dwelling. The proposed use of the existing detached structure for parking does not require any further disturbance and is within the confines of the existing as built structure, with no further loss of landscaped area. The proposal is not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018

Pittwater Local Environmental Plan 2014 – Clause 2.2 Zone objectives and Land use Table – The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

The proposed use of the detached structure as a garage which is ancillary to the existing residential dwelling is considered to be permissible with the consent of Council. The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- 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.

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal is consistent with and complements the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- As discussed further in the submission, the proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of buildings

PLEP 2014 prescribes a maximum building height for the subject site of 8.5m. The proposal provides for a height of up to 7.89m above natural ground level and therefore complies with this control.

Clause 7.1 – Acid sulfate soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). The development does not require any site disturbance with no further excavation required and therefore, no further investigation is considered necessary in this instance.

Clause 7.2 – Earthworks

The works to provide for the roof and garage door enclosure did not require any site disturbance and the works have been previously considered by the Consulting Geotechnical Engineer – JK Geotechnics in accordance with the Geotechnical Assessment prepared by JK Geotechnics under Report Reference 2470Blet1 dated 23 June 2021.

Clause 7.6 - Biodiversity

The site is also noted as mapped as being within the Biodiversity area, however the proposal does not involve any further site disturbance to the site or loss of landscaping and therefore no further assessment is considered to be necessary in this instance.

Clause 7.7 – Geotechnical hazards

The land is noted as being W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Assessment has been prepared by JK Geotechnics under Report Reference 2470Blet1 dated 23 June 2021.

The report concludes: "Based on the above information we consider that the constructed garage/carport will not affect our assessed slope stability risk to both property and life as detailed on our report dated 23 February 2011 (ref: 24701LBrpt) Therefore, as detailed in our previous report, we consider that the risks to both property and life of the site is acceptable in accordance with the Geotechnical Risk Management Policy for Pittwater (2009 and the Australian Geomechanics Society (2007c) 'Practice Note Guidelines for Landslide Risk Management ', Australian Geomechanics, Vol 42, No 1, March 2007, pp63-114.

We do not consider that preparation of an updated geotechnical slope stability risk assessment is warranted for the garage/carport and this would not alter the assessed risk to both property and life."

Clause 7.10 – Essential services

The proposal will see the existing essential services to the site being maintained. There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

Council's Pittwater 21 DCP and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

Section A Introduction A4.12 Palm Beach Locality

Desired Character

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

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

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

The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

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

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

Palm Beach will remain an important link to the offshore communities.

It is considered that the proposal is consistent with the desired character of the locality by providing for use of a low scale detached car parking structure for parking within the as built structure which presents a form and style with matches the existing dwelling and the current garage located in south

eastern corner of the site. The existing garage to the south-eastern corner of the site is located below road level and given the substantial frontage of the site to Pacific Road, is screened from a direct view of the site from the public domain.

The structure which is the subject of this application is more prominently visible and appears to a view of the site from the public domain to be the primary parking structure for the site.

The proposal presents a modest single storey height and scale relative to the topography of the land, when viewed from Pacific Road. Given the extensive frontage of the site to Pacific Road, views past and over the structure towards Pittwater and the ocean are maintained for the surrounding properties

The development is compatible with the low-density scale of the area and with the low profile roof form and recessive colours and finishes are not visually prominent within the Palm Beach locality.

The provision of the roof and garage door and partial enclosure over the existing open hard stand parking area did not require the removal of any significant vegetation to accommodate the new works.

The works are finished in a range of textures and finishes which complement the existing surrounding development and the use of earthy tones will harmonise with the landscaped setting of the locality.

Section B General Controls

The General Controls applicable to the use of the existing structure as a garage/carport which is ancillary to the existing dwelling is summarised as:

B3.1 Landslip Hazard The controls seek to achieve the outcomes: Protection of people. (S) Protection of the natural environment. (En) Protection of private and public infrastructure and assets. (S)

The land is noted as being W Hazard H1 on Council's Geotechnical Hazard Map. Accordingly, a Geotechnical Assessment has been prepared by JK Geotechnics under Report Reference 2470Blet1 dated 23 June 2021.

The report concludes that the works have not adversely affected the site stability and no further investigation of the site conditions is considered necessary.

B3.2 Bushfire Hazard The controls seek to achieve the outcomes: Protection of people. (S) Protection of the natural environment. (En) Protection of private and public infrastructure and assets. (Ec)

The land is identified as being Bushfire Prone Land and accordingly a Bushfire Report has been prepared by Bushfire Planning & Design, Reference No. 3227, dated 9 July 2021, and accompanies this submission.

The proposed use of the existing structure for car parking will be carried out in accordance with the recommendations contained within this report, and will therefore satisfy the provisions of this clause.

B3.6 Contaminated Land and Potentially Contaminated Land The controls seek to achieve the outcomes: Protection of public health (S), Protection of natural environment (En). Successful remediation of contaminated land (En S)

Given the residential history of the site, it is not expected that any contamination is present within the site.

B4.5 Flora and Fauna Habitat Enhancement Category 3 Land The controls seek to achieve the outcomes: The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)

The proposal does not require the removal of any vegetation to accommodate the proposed use, as the proposed use of the structure for carparking is wholly contained within the footprint of the existing structure.

The existing vegetation surrounding the structure and inclusive of the substantial hedge along the western frontage to Pacific Road provide for suitable screening of the dwelling and private space area from the street.

B5.8 Stormwater Management - Water Quality – Low Density Residential The controls seek to achieve the outcomes: No increase in pollutants discharged with stormwater into the environment. (En) Development is compatible with Water Sensitive Urban Design principles.

Roofwater from the roof area of the garage structure is directed to the existing system. As the stormwater is direct runoff from the roof, there will not be any significant issue in terms of water quality.

B6.1 Access Driveways and Works on the Public Road Reserve – Low a range Density Residential This control seeks to achieve the outcomes: Safe and convenient access. (S) Adverse visual impact of driveways is reduced. (En) Pedestrian safety. (S) An effective road drainage system. (En, S) Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The garage which is the subject of this application gains access from the existing driveway from Pacific Road and vehicles can turn to allow for forward entry and exit from the site. Suitable access to the existing garage located in the south-eastern corner of the site is maintained.

B6.2 Internal Driveways – Low Density Residential This control seeks to achieve the outcomes: Safe and convenient access. (S) Reduce visual impact of driveways. (S) Pedestrian safety. (S) An effective road drainage system. (En, S) Maximise the retention of trees and native vegetation. Reduce contaminate run-off from driveways.

The subject garage gains access from the existing driveway and provides for safe and convenient access for parking within the site and direct access to the dwelling.

B6.3 Off-Street Vehicle Parking Requirements This control seeks to achieve the outcome: Safe and convenient parking. (S)

The proposal provides for any additional garage to supplement the existing garage and the total parking within the site meets Council's requirement for large dwellings.

B8.1 Construction & Demolition – Excavation and Landfill The controls seek to achieve the outcomes: Site disturbance is minimised. (En) Excavation, landfill and construction not to have an adverse impact. (En) Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposal will not see any further site disturbance with the structure in a completed form, with no further works required

Section C Development Type Controls for Residential Development The Development Controls for the proposed use of the existing as built structure are summarised as: C1.1 Landscaping The controls seek to achieve the outcomes: A built form softened and complemented by landscaping. (En) Landscaping reflects the scale and form of development. (En) Retention of canopy trees by encouraging the use of pier and beam footings. (En) Development results in retention of existing native vegetation. (En) Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En) Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En) Landscaping enhances habitat and amenity value. (En, S) Landscaping results in reduced risk of landslip. (En, Ec) Landscaping results in low watering requirement. (En)

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

As previously discussed, the proposal to provide for the roof cover and partial enclosure with a garage door of an existing open hard stand parking area retained the majority of the perimeter hedging and screening planting along the southern boundary of the site facing Pacific Road.

The site has a substantial area of 4614m² and the development retains a substantial soft landscaped area which works with the existing screening planting to maintain a dominance of soft landscaping over the built structures within the site.

C1.2 Safety and Security The controls seek to achieve the outcomes: On-going safety and security of the Pittwater community. (S) Opportunities for vandalism are minimised. (S, Ec) Inform applicants of Council's requirements for crime and safety management for new development. (S) Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S) Identify crime and safety priority areas in Pittwater LGA (S, Ec) Improve community safety and reduce the fear of crime in the Pittwater LGA (S) Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

The proposed use of the enclosure of the existing open hard stand for car parking within a garage provides for secure parking and covered safe access to the existing approved elevator and entry to the dwelling.

The primary outcome sought is minimisation and prevention of vandalism.

This has been an ongoing concern for the owners as on several occasions vehicles parked on car spaces on the property have been vandalised. This includes breaking into as well as vandalising the vehicles paintwork through deep scratching. The subject garage has been built to include a garage door, reducing unforced entry. On completion of the development a security gate for pedestrian access is to be installed. The garage has sensors located on the driveway so that anyone approaching the garage will be illuminated at night by a series of spot lights.

The steps enunciated above only form part of an overall fully automated security system monitored by the owner and third parties

C1.3 View Sharing The controls seek to achieve the outcomes: A reasonable sharing of views from public places and living areas. (S) Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S) Canopy trees take priority over views (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings enjoy significant views to the north-west towards Pittwater and north-east towards the ocean. As the structure has the potential to present some impact on the available views from the public domain and from the properties opposite on the southern side of Pacific Road, being No's 130B & 130C Pacific Road, a comprehensive Visual Impact Assessment Report has been prepared by Urbane Architectural, dated June 2021.

The Visual Impact Assessment Report notes as it's scope that it intends to provide "an analysis of the proposed development's visual impact in relation to its visual and statutory contexts and is to be read in conjunction with the drawings and other material originally submitted with the development application".

The Report includes an assessment of the available views and the potential impacts of the structure, in accordance with the Land and Environment Court's Planning Principle for view sharing established in Tenacity Consulting versus Pittwater Council [2004] NSWLEC140.

The report provides a detailed assessment of the views available to the surrounding sites and considers the views from the publicly accessible areas immediately forward of the neighbouring properties on the southern side of Pacific Road.

The Report concludes:

In summary, the new developments visual impact is low and the view loss from neighbouring properties can be considered as minor to negligible, relative to the predevelopment situation.

Any minor view impact is observed from a distance and behind existing dense edges, particularly along the site boundary of No 130B Pacific Road. View assessments are considered from main living areas and, in this case, views from these are aligning with the top of the existing hedge line, obscuring most of the new building at No 163. There are very small portions of the new roof that add to view loss, but these are so minor as to not have to relevance of the case law described in this assessment".

Accordingly, the basis of the comprehensive View Impact Assessment Report prepared by Urbaine Architectural, the proposal is considered to result in equitable access to the available views and outlook for the neighbouring dwellings and public areas being largely maintained.

C1.4 Solar Access The controls seek to achieve the outcomes: Residential development is sited and designed to maximise solar access during mid-winter. (En) A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En) Reduce usage and/dpendence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The single storey height of the structure and its significance separation from any other adjacent residential properties ensures that there is no adverse solar access impacts resulting from the works and the use of the structure.

C1.5 Visual Privacy The controls seek to achieve the outcomes: Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S) A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The structure is for a non-habitable building to be used as a garage and will not result in any visual privacy impacts for any surrounding or nearby residential properties.

C1.6 Acoustic Privacy The controls seek to achieve the outcomes: Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S) Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions.

C1.23 Eaves The controls seek to achieve the outcomes: Housing that reflects the coastal heritage and character of Pittwater. (S) Optimise roof forms. (S) Appropriate solar access and shading is achieved. (En)

The works incorporate eaves for weather and solar protection and to match the style and form of the existing dwelling. The low scale residential nature of the works ensures that the structure complements other newer development in the immediate area.

Section D Locality Specific Development Controls The D12 Palm Beach Locality Statement contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing the use of a structure which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The stormwater runoff from the development is directed to the existing stormwater system. There will not be any adverse siltation or water pollution impacts on the general drainage system of the area or to local waterways.
- The development does not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the D12 Palm Beach Locality is provided below: D12.1 Character as Viewed from A Public Place The control seeks to achieve the outcomes: To achieve the desired future character of the Locality. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec) To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec) High quality buildings designed and built for the natural context and any natural hazards. (En, S) Buildings do not dominate the streetscape and are at 'human scale'. To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context. To enhance the bushland

vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component. To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The proposal seeks to utilise an existing as built garage structure over an existing hard stand, which presents a built form which is compatible with the existing dwelling and complements the scale and form of other detached and parking structures in the locality.

The subject property currently presents two double garages to the street façade – one is at the southern end and the other – the subject of this statement - at the western end of the south western frontage to Pacific Road. The garages are visually similar and compliment the house in form and design.

Both garages are accessed via the road reserve between the property boundary and Pacific Road. The subject garage is on the property boundary but is some 8 metres from the driveway crossing and is relatively level with the road surface of Pacific Road. The south-eastern garage is set back from the boundary by some 3 metres but is below the level of the road surface by approximately 2 metres.

Most of the driveway length is beneath the surface of Pacific Road as the road continually rises towards the south.

The driveway from Pacific Road is bounded with a mature hedges to the subject garage of 7.5m in length and the hedge continues between the two garages other than for the access gate to the house. The effect of the hedges is to enhanced the soft landscaped/ vegetated vista when viewed from the street and results in the built form being of the garages being a secondary component of the landscape. The distance between the two garages is in excess of 10.5m and the resulting effect is that the garages subject of this proposal appears to be the primary parking for the site.

The street plantings of mature olive trees providing additional beautification to the landscape while minimising the predominance of the built forms which become very much a secondary component.

The as built garage structure does not meet Council's control requirements per se because the width of both garages combined is greater than the lesser of 50% of the frontage of 56m or 7.5m. By Council's calculation in notes from Pre lodgement Meeting, this is a variance of 78.7% based upon Council's combined measurement of the garages of 13.4m. By our calculation the existing garage is 6.7m wide, the subject garage is 5.7m wide and combined total of 11.9m which would reduce the variance to 58.7%.

From an analysis of Control D12.1, it would appear that the relationship between the lesser of 50% of the allotment frontage and 7.5m for the width of the garage is irrelevant in larger allotments. If an allotment has a frontage of 100m – 50% is 50m, the garage width must be 7.5m being the lesser factor.

Applying the control to allotments that have a frontage of 10m (similar to the neighbouring property) – 50% being 5m will be the lesser factor meaning the garage can be only 5m wide. In this case the visual and dominant impact on the narrower allotments will certainly much greater, giving enhanced

meaning to the reason for the control. It is reasonable to assume that allotments with a longer frontage would therefore have very limited impact as the garage width is 7.5m in a frontage such as the subject site (56m).

The two garage structures facing Pacific Road have a significant separation with copious surrounding vegetation and the difference in elevations as aforementioned, the perception and prominence of the two garages on the property is very significantly minimised.

As discussed in the comprehensive View Impact Assessment Report prepared by Urbaine Architectural, views will be reasonably retained for the uphill dwellings which are located above the site and on the southern side of Pacific Road and from the public domain.

The proposed works are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises one, two and three storey dwellings with detached parking structures common. The setbacks provided reflect the setbacks of the adjoining properties.

D12.3 Building colours and materials The controls seek to achieve the outcomes: Achieve the desired future character of the Locality. The development enhances the visual quality and identity of the streetscape. (S) To provide attractive building facades which establish identity and contribute to the streetscape. To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater. The colours and materials of the development harmonise with the natural environment. (En, S) The visual prominence of the development is minimised. (S) Damage to existing native vegetation and habitat is minimised. (En)

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

The proposal complies with controls as the structure presents earthy tones and compatible finishes which match the existing dwelling.

D12.5 Front Building Line The controls seek to achieve the outcomes: Achieve the desired future character of the Locality. Equitable preservation of views and vistas to and/or from public/private places. (S) The amenity of residential development adjoining a main road is maintained. (S) Vegetation is retained and enhanced to visually reduce the built form. (En) Vehicle manoeuvring in a forward direction is facilitated. (S) To preserve and enhance the rural and bushland character of the locality. (En, S) 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.

The control to achieve this outcome is to provide a 6.5m setback for land zoned E4 Environmental Living, or the established building line to the street frontage, whichever is the greater.

As has been discussed within this Statement, the development achieves the stated Objectives of the front setback control in the following manner:

- The desired future character of the Palm Beach locality 6 to provide for low-density residential development within a landscaped setting integrated with the landform and landscape.

The subject site is a substantial parcel with an area of 4614m² and by being developed with only a single residential dwelling and associated recreation facilities and the existing garages, which present

only a modest footprint within the total site area, the land offers a significant contribution to the low density, bushland setting of this portion of Pacific Road and the locality as viewed from Sunrise Hill.

The modest size of the proposed garage over the existing open hard stand will continue to support the site's contribution to the local landscape setting, the existing tree canopy and the site to be unaffected. The site will continue to successfully achieve a balance between the development of the land and maintaining the landforms, landscapes and other features the natural environment.

- As discussed in the detailed Visual Impact Assessment prepared by Urbaine Architecture, the extent of view loss to the surrounding water areas, relative to the amount of loss previously incurred as a result of the pre-existing tree screening in the vicinity of the garage structure is considered to be at most viewpoint surrounding the site to be negligible.
- Notwithstanding some screening hedges were removed to allow for the enclosure of the open car stand area, the site retains a dense hedge to the majority of the Pacific Road frontage, which further assists in presenting a low scale, soft landscaped appearance to the site and visually reducing the dominance of any built structures.
- The garage structure is set approximately 8m from the roadway with access via an angle driveway from Pacific Road. Vehicles can enter and leave site in a forward direction which in this portion of Pacific Road, provides a safer outcome residents and for passing traffic.
- The enclosure of the parking structure allows for safe storage of vehicles for the owners, without fear of vandalism or damage and also permits all-weather access to the internal passenger lift which facilitates and enhances the safety of the owners when alighting from the vehicle.
- Given the significant length of the frontage of the site presents to Pacific Road, the inclusion of the second enclosed car parking space does not result in the visual appearance of the structures being dominant from the street and the site does not appear to be cluttered or overdeveloped. To the contrary, the subject garage which is separate from the pre-existing double garage at the south-eastern corner of the site are not perceived as being within the subject site and other than the unifying features of the external finishes, the subject structure sits independently of the other garage within the site. The consequence is that the site maintains the low scale character of the locality and reinforces the Objectives of the front setback control.
- The opportunities presented by the significant frontage of this the site presents to the street also assist in mitigating any sense of visual bulk, with substantial spatial separation between both the structures within the subject property and from the surrounding properties. Once again, this further reinforces the stated intentions of the desired future character of Palm Beach to be one that is notable for development which results in a dominance of soft landscaped area over the built form.

As discussed, the site contains an existing double garage within its south-eastern corner and the proposal represents a second detached double garage which is more closely related to the dwelling entry and the approved vertical passenger lift. Whilst Council's controls generally discourage parking beyond the minimum structure necessary for two off street car spaces, the site presents a substantial frontage to Pacific Road of in excess of 128m and visually, the subject structure presents to the street as the primary parking for the site.

The existing south-eastern garage is visually less prominent due to its location below the road level and the two separate structures do not dominate the street appearance of the site.

The proposed parking structures are modest in bulk and scale, and will not be overbearing within the streetscape. Plantings which have been provided to the perimeter of the front boundary further assist with softening the built form of the development.

Whilst the proposal does not comply with the numerical control for the front setback, strict compliance is deemed unreasonable proposal achieves the Objectives of the DCP without impacting on the public or private amenity and being set back from the road surface/gutter, by the previously stated 8m adds to the perception of the structure being consistent with the other nearby developments.

Notwithstanding the inclusion of the two separate garages, site is considered to be in keeping with the desired outcomes of this clause, and is worthy of support on merit.

D12.6 Side and rear building line The controls seek to achieve the outcomes: To achieve the desired future character of the Locality. (S) The bulk and scale of the built form is minimised. (En, S) Equitable preservation of views and vistas to and/or from public/private places. (S) To 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. (En, S) Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S) Flexibility in the siting of buildings and access. (En, S) Vegetation is retained and enhanced to visually reduce the built form. (En) To ensure a landscaped buffer between commercial and residential zones is achieved.

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The as built structure is located well clear of the side boundaries of the site and exceeds Council's minimum side setback requirements.

D12.8 Building Envelope The controls seek to achieve the outcomes: To achieve the desired future character of the Locality. (S) To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment. To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment. The bulk and scale of the built form is minimised. (En, S) Equitable preservation of views and vistas to and/or from public/private places. (S) To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S) Vegetation is retained and enhanced to visually reduce the built form. (En)

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

As the structure is located well clear of the side boundaries of the site, there is no encroachment of Council's building envelope control.

D12.10 Landscaped Area – Environmentally Sensitive Land The controls seek to achieve the outcomes: Achieve the desired future character of the Locality. (S) The bulk and scale of the built form is minimised. (En, S) A reasonable level of amenity and solar access is provided and maintained. (En, S) Vegetation is retained and enhanced to visually reduce the built form. (En) Conservation of natural vegetation and biodiversity. (En) Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En) To preserve and enhance the rural and bushland character of the area. (En, S) Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area. In this instance, the site area is 4614m² and the required minimum landscaped area for the site is 2767.2m². The provision of the proposed garage structure over the pre-existing hard stand car parking area does not result in any loss of landscaping; the site retains a dominance of landscaping over the built form.

The proposal addresses the objectives of this clause in the following manner:

- The bulk and scale of the proposed development is modest, and in keeping with the extent of existing surrounding development. This is further demonstrated through compliance with the statutory height control.
- The works maintain suitable views, solar access and privacy for neighbouring properties.
- The stormwater run-off from the structure is connected to the existing system and does not result in any stormwater issues for the surrounding properties or the public area.

D12.14 Scenic Protection Category One Areas The controls seek to achieve the outcomes: To achieve the desired future character of the Locality. To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En,S). Maintenance and enhancement of the tree canopy. (En,S) Colours and materials recede into a well vegetated natural environment. (En,S) To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S) To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility. To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping. To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment. Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

The required controls to achieve the outcomes are to ensure that the development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.

As discussed, the works as constructed are not considered to be bulky or overbearing when viewed from the adjoining public areas or neighbouring properties.

The compatible bulk and scale of the subject garage are not a dominant feature within the locality and do not adversely affect the natural environment.

The recessive tones and external finishes that have been provided further minimise the bulk and scale of the built form.

Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

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

There are no draft instruments applying to the land.

Any development control plan

The development as constructed is considered to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014 and in particular, the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the design of the structure respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

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

No matters of relevance are raised in regard to the proposed development.

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

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the use of an existing structure as a garage which would be ancillary to the existing dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Palm Beach Locality Statement.

The suitability of the site for the development

The subject land is currently E4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

The public interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

Conclusion

The principal objective of this development is to provide for the use of an existing as built covered parking structure as a garage which will be ancillary to the existing dwelling and maintains the existing landscaping.

It is considered that the proposed use satisfies the stated objectives of Council's Development Controls and does not adversely affect the residential character of the area.

The use of the existing as built structure will not alter the street façade of the structure as it has been constructed and will retain a sense of openness and a landscaped character when viewed from the public areas and the surrounding sites in the immediate locality.

As discussed in the comprehensive Visual Impact Assessment Report prepared by Urbaine Architecture, reasonable access to the views for the surrounding properties and from the public areas is also maintained.

The intended purpose of the enclosure of the open car stand was to enable the owner's family visitors and occupants to enjoy safe and convenient access to the property and secure, all-weather access to the approved elevator lift, particularly for the owners to maintain safe and functional access as they age in place.

As the proposed use of the existing structure for car parking purposes does not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.