



*Planning Direction Pty. Ltd.*  
*Town Planning & Development Services*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Alterations and Upper Level  
Addition to a Dwelling including the  
construction of a Secondary Dwelling and  
above ground swimming pool**

**At**

**No 21 Waterview Street, Mona Vale**

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## **TABLE OF CONTENTS**

	<b>PAGE NO</b>
<b>1.0 INTRODUCTION</b>	<b>1</b>
<b>2.0 THE SITE AND ITS CONTEXT</b>	<b>3</b>
<b>2.1 The Subject Site</b>	<b>3</b>
<b>2.2 Site Context</b>	<b>4</b>
<b>3.0 PROPOSED DEVELOPMENT</b>	<b>7</b>
<b>3.1 Design Approach</b>	<b>7</b>
<b>4.0 ZONING &amp; RELEVANT PLANNING INSTRUMENTS</b>	<b>9</b>
<b>4.1 Pittwater LEP 2014</b>	<b>9</b>
<b>4.2 Pittwater 21 DCP</b>	<b>15</b>
<b>5.0 SECTION 4.15 EVALUATION</b>	<b>33</b>
<b>6.0 CONCLUSION</b>	<b>37</b>

## 1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council. The applicant seeks development consent to undertake the following development on land known as No 21 Waterview Street, Mona Vale:

- Construct an upper level addition to an existing single storey dwelling comprising of a master bedroom with a walk-in wardrobe and ensuite and an internal staircase leading to the ground floor;
- Also proposed is the construction of a secondary dwelling above an approved double garage with direct access to be gained from the street via a street facing deck and stairs. The double approved garage is to be reinforced structurally to support the proposed upper level;
- On the ground floor it is proposed to construct an internal staircase accessing the upper level and create a study;
- Erect a 1.8m safety fence internal of the property; and
- Install an above ground swimming pool and elevated deck and pool surrounds at the rear of the dwelling.

As a matter of background, Council issued development consent No 237/17 on the 20<sup>th</sup> July 2017 authorising alterations and additions to a dwelling including the construction of retaining walls and fencing at the subject site. It is understood that the construction certificate was issued and works on site have commenced. The building works have since been halted awaiting the determination of the subject application.

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

- A description of the site and the locality and a description of the proposed development; A description of the statutory framework in which the development application will be assessed inclusive of the local planning

instruments and the provisions of the Environmental Planning and Assessment Act 1979; and

- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by b + w.

## 2.0 SITE AND CONTEXT

### 2.1 Subject Site

The subject site is situated on the northern side of Waterview Street and is known as No 21 Waterview Street, Mona Vale .



Subject Site

The subject site is legally identified as Lot H in Deposited Plan 396772.

The subject site is regular in configuration and benefits from a wide street frontage of 26.212m. The subject site is a large lot with a total area of approximately **1,296m<sup>2</sup>**.

Existing improvements on the subject site consist of a single storey brick and tile dwelling sited lower than street level. Ample on-site parking opportunities exist pursuant to the approved development plans.





**Subject Site**

No trees require removal as a result of the subject application.

The applicant does not propose to alter existing drainage arrangements given that the proposed upper level addition is fully contained within the footprint of the existing dwelling/hard surfacing on-site. Ample green space exists around the dwelling to assist with natural absorption.

The subject site is partly prone to flooding. A flood report was prepared with the prior application confirming that the dwelling is situated above the flood prone part of the land.

The subject site is distant from bushland, coastline hazards and estuarine hazards.

## **2.2 Site Context**

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

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

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



**Adjoining eastern dwelling**

- Adjoining the subject site to the east is a two storey weatherboard dwelling, known as No 19 Waterview Street. This adjoining property is well setback from the common boundary with the subject site. The proposed pool, upper level addition and secondary dwelling on the subject site is also well setback from the eastern boundary ensuring that there will be no loss of privacy or overshadowing issues. Only highlight type windows are proposed along the eastern elevation ensuring that there will be no overlooking or privacy loss.





**Adjoining western dwelling**

- Adjoining the subject site to the west is a two storey timber and tile dwelling, known as No 23 Waterview Street, which is well distant from the common western boundary. The proposed upper level addition on the subject site and pool will be well setback from this adjoining dwelling.
- The large lot pattern ensure that substantial separation exists between dwellings enabling adequate levels of privacy and access to sunlight to be maintained to all properties.



### **3.0 PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following at No 21 Waterview Street, Mona Vale:

- Construct an upper level addition to an existing single storey dwelling comprising of a master bedroom with a walk-in wardrobe and ensuite and an internal staircase leading to the ground floor;
- Also proposed is the construction of a secondary dwelling above an approved double garage with direct access to be gained from the street via a street facing deck and stairs. The double approved garage is to be reinforced structurally to support the proposed upper level;
- On the ground floor it is proposed to construct an internal staircase accessing the upper level and create a study;
- Erect a 1.8m safety fence running internal of the property; and
- Install an above ground swimming pool and elevated deck and pool surrounds at the rear of the dwelling.

### **3.1 Design Approach**

The proposed upper level addition is sought to provide most needed quality internal living space to meet the needs of the residents. The existing dwelling despite benefitting from an approval to carry out alterations and additions, presents limited quality internal floor space relative to the large lot size. The proposed upper level addition has been site specifically designed and sited away from side boundaries.

Suitable articulation is also proposed to compliment the overall appearance of the dwelling. Also proposed is the erection of a secondary dwelling above an approved double garage within the front setback of the dwelling providing affordable rental accommodation opportunities.

A conventional roof pitch is proposed over the proposed upper level addition to match the existing roof profile. The proposed upper level addition is modest and

will create a proportional dwelling relative to the generous site frontage and existing dwellings in the street.

The design solution ensures that privacy issues are appropriately resolved between the subject site and adjoining dwellings. The proposed secondary dwelling has a street address and outlook towards the street allowing for effective casual surveillance.

No issues in terms of overshadowing arises as the proposed upper level is well contained within the site's boundaries and given the orientation of the land.

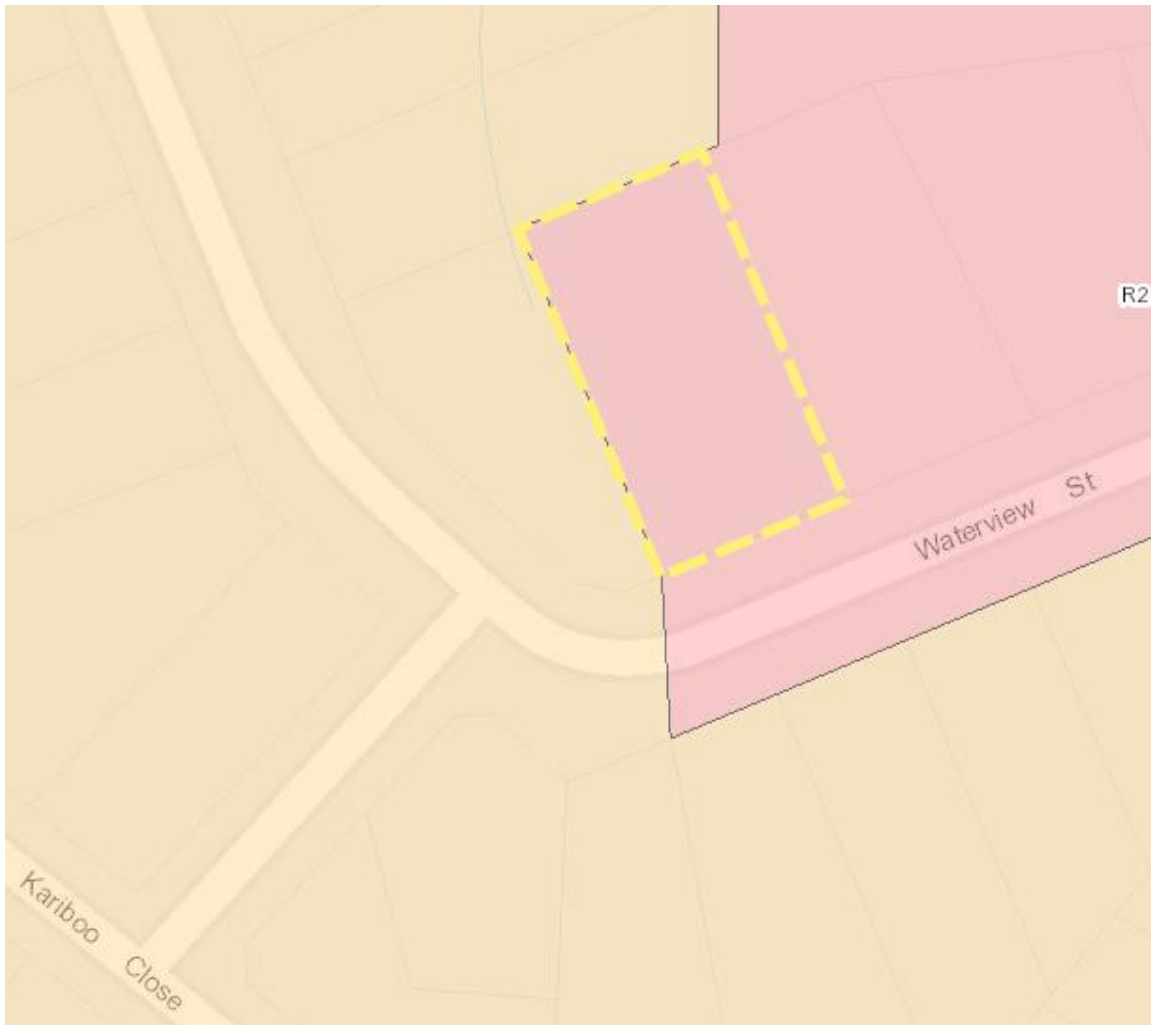
The proposed above ground pool is appropriately set inwards from the side boundaries to compensate for its raised surface level. Such is reasonable on a sloping lot and the desire to engage level access between the pool and the rear of the dwelling and existing deck.

The erection of a 1.8m internal safety fence is also proposed running diagonally internal of the property following a drop-off in the land. The fence will be designed to ensure the free flow of overland flows.

## 4.0 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

### 4.1 Zoning and Zone Objectives

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



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

The proposed works/use relate to a dwelling and complies with the above definitions.

**A secondary dwelling** means *a self-contained dwelling that—*



- (a) is established in conjunction with another dwelling (the **principal dwelling**), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

**Note—**

*See clause 5.4 for controls relating to the total floor area of secondary dwellings.*

*Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

The proposal is permissible in the zone with development consent.

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

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

**Comment:**

An assessment against the R2 zone objectives indicates that all standards will be achieved as a result of this development.

The salient elements of this assessment follow:

- The proposed development provides an enhanced level of amenity to the residents on-site. A low intensity of use is retained on-site properly utilising the large land size. Ample green space and existing trees will be retained on-site.
- Only a minor extent of landscaping will be removed across the frontage to facilitate the proposed access from the secondary dwelling to the street.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed

previously in this statement of environmental effects. The proposal is appropriate in this regard.

- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- The proposed development will contribute to the quality of housing stock in the precinct and act as a catalyst for future home improvements in the precinct. The proposal will therefore be consistent with desired future development character of the locality and will establish an appropriate form of housing, which is in harmony with the environment.

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

### **4.3 Relevant Clauses of the LEP**

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

The building height map specifies a maximum permissible height limit within the zone of 8.5m. The proposed upper level addition has been designed to comply with the building height control.

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

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

**Clause 4.6** relates to Exceptions to development standards.

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

**Comment:**

The proposed development complies with the maximum building height by maintaining a conventional floor profile and standard floor to ceiling heights for all levels.

The applicant does not seek to vary a development standard with this proposal.

**Clause 7.1** of the LEP relates to Acid Sulfate Soils:

The subject site is not subject to acid sulphate soil consideration.

Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

**Clause 7.2** of the LEP relates to **Earthworks**:

As the proposal relates to an upper level addition contained within the footprint of the existing dwelling, no excavation of the subject site is required in association with the proposed works.

**Clause 7.7** of the LEP relates to **Geotechnical hazards**:

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

- (a) matches the underlying geotechnical conditions of the land, and*
- (b) is restricted on unsuitable land, and*
- (c) does not endanger life or property.*

*(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.*

*(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:*

- (a) site layout, including access,*
- (b) the development’s design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*



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

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

*(b) the consent authority is satisfied that:*

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

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

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

Comment:

The subject site is not subject to geotechnical considerations.

#### **Clause 7.6 of the LEP relates to Biodiversity**

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

*(a) protecting native fauna and flora, and*

*(b) protecting the ecological processes necessary for their continued existence, and*

*(c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

*(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.*

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

*(a) whether the development is likely to have:*

*(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

*(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

*(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

*(iv) any adverse impact on the habitat elements providing connectivity on the land, and*

*(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

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

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

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

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

Comment:

The subject site is identified as being subject to biodiversity considerations. The proposed works are contained within the existing building footprint in the main and do not adversely affect any established vegetation, fauna habitats or significant waterways. The prior development application and development consent addressed issues relating to biodiversity. The proposed application raises no additional issues in this regard.

#### 4.4 LEP Summary

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

## **5.0 PITTWATER 21 DEVELOPMENT CONTROL PLAN**

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

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

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

### **5.1 Context and Site Analysis**

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

### **5.2 Part A- Introduction**

**Land within the Mona Vale Locality is identified on the Mona Vale Locality Map.**

#### ***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.  
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.*

*High quality buildings designed and built for the natural context and any natural hazards.*

*Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum*

*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)*

### **Controls**

*Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.*

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

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

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

*The bulk and scale of buildings must be minimised.*

*Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should 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.*

*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.*

*Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.*

**Comment:**

The proposed development is consistent with the desired character of the Mona Vale locality by providing a proportionate upper level addition co-ordinated with the lower level in terms of finishes. The proposed works are minor. The proposed swimming pool will provide added amenity and better utilise the sloping open space at the rear of the site. The proposed secondary dwelling is proposed to be constructed above the approved carport structure and will present as less than two storeys to the street due to ground levels being lower than street level. Accordingly the presentation of the works to the streetscape will be reasonable given its low scale.

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

The applicant does not seek to remove trees to facilitate the proposal and the proposed works are effectively contained to within the footprint of the existing dwelling, allowing for the smooth integration of natural and built forms. The site does not have heritage significance.

The proposed development is fully compliant with the development controls established for the locality.

### **5.3 Part B – General Controls**

#### **B1 Heritage Controls**

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

###### *Outcomes*

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

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

*Outcomes*

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

**B1.3 – General**

*Outcomes*

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

**B1.4 – Aboriginal heritage significance**

*Outcomes*

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

**Comment:**

The subject site does not have any heritage significance.

**B2 Density Controls**

**B2.2 – Subdivision: Low density residential areas**

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

*Outcomes*

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

**Comment:**

Subdivision is not sought as part of this application.

## **B4 Controls Relating to the Natural Environment**

### **B4.22 Preservation of trees or bushland vegetation**

#### *Outcomes*

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

#### **Comment:**

No trees require removal to facilitate the proposal.

## **B5 Water Management**

### **B5.1 – Water management plan**

#### *Outcomes*

- *Effective management of all water and wastewater resources*
- *Protection of receiving environments downstream of all water management systems.*

#### **Comment:**

The applicant does not propose to alter existing drainage arrangements given that the proposed upper level addition is fully contained within the footprint of the existing dwelling. The proposed swimming deck servicing the swimming pool allows for natural run off.

### **B5.2 – Wastewater disposal**

#### *Outcomes*

- *Effective management of sewage and wastewater systems and disposal to central reticulation system.*
- *Effective management of on-site sewage and effluent systems to ensure environmental and public health protection*

**Comment:**

Noted.

**B5.3 – Greywater reuse**

*Outcomes*

- *Effective management of grey water treatment systems which maintain disposal to Sydney Water central reticulation system (for disposal in cases of emergency breakdown/malfunction).*
- *Effective management of on-site sewage and effluent systems to ensure environmental and public health protection.*
- *Water conservation.*

**Comment:**

Noted.

**B5.4 – Stormwater harvesting**

*Outcomes*

- *Minimise quantity of stormwater runoff*
- *Minimise surcharge from the existing drainage systems*
- *Reduce water consumption and waste in new development*
- *Implement the principles of Water Sensitive Urban Design*

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

*Outcomes*

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

**B5.8 - Stormwater management – Water quality – Low density residential**

*Outcomes*

- *No increase in pollutants discharged with stormwater into the environment.*
- *Development is compatible with Water Sensitive Urban Design Principles.*

**B5.10 - Stormwater discharge into public drainage system**

*Outcomes*

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



### B5.11 - Stormwater discharge into waterways and coastal areas

#### *Outcomes*

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

### B5.12 – Stormwater drainage systems and natural watercourses

#### *Outcomes*

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

### B5.13 – Development on waterfront land

#### *Outcomes*

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

#### **Comment:**

Existing drainage arrangements will be maintained.

## **B6 Access and Parking**

### B6.1 – Access driveways and works on the public road reserve – Low density residential

#### *Outcomes*

- *Safe and convenient access*
- *Adverse visual impact of driveways is reduced.*
- *Pedestrian safety*
- *An effective road drainage system.*
- *Maximise the retention of trees and native vegetation in the road reserve.*

### B6.3 - Internal driveways – Low density residential

#### *Outcomes*

- *Safe and convenient access.*
- *Reduce visual impact of driveways.*
- *Pedestrian safety.*
- *An effective road drainage system.*

- *Maximise the retention of trees and native vegetation.*
- *Reduce contaminate runoff from driveways.*

**Comment:**

The applicant is relying on the approved on-site car parking arrangements, which provide for the parking of 3 cars on-site. No change is proposed to the approved parking arrangements.

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

*Outcomes*

- *Safe and convenient parking.*

**Comment:**

The approved double garage at the front of the dwelling provides safe and convenient parking.

**B8 Site Works Management**

**B8.1 - Construction and demolition – excavation and landfill**

*Outcomes*

- *Site disturbance is minimised*
- *Excavation, landfill and construction not to have an adverse impact*
- *Excavation and landfill operates not to cause damage on the development or adjoining property*

**Comment:**

Considering that the proposed development in the main relates to an upper level addition, no excavation or landfill is required.

**B8.2 Construction and demolition – erosion and sediment control**

*Outcomes*

- *Waterways, coastal areas, watercourses, drainage systems, and the public domain are protected from the transportation of sedimentation from development sites.*
- *Reduction of waste throughout all phases of development*
- *Public safety is ensured*
- *Protection of the public domain*

**Comment:**

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

**B8.3 – Construction and demolition – Waste minimisation**

*Outcomes*

- *Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.*

**Comment:**

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

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

*Outcomes*

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

**Comment:**

Noted.

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

*Outcomes*

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

**B8.6 – Construction and demolition – Traffic management plan**

*Outcomes*

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

**Comment:**

Not applicable.

**5.4 Part C – Development Type Controls****C1 Design Criteria of Residential Development****C1.1 – Landscaping***Outcomes*

- *A built form softened and complemented by landscaping.*
- *Landscaping reflects the scale and form of development*
- *Retention of canopy trees by encouraging the use of pier and beam footings.*
- *Development results in retention of existing native vegetation.*
- *Landscaping results in the long-term retention of Pittwater's locally native tree canopy*
- *Landscaping retains and enhance Pittwater's biodiversity by using locally native plant species*
- *Landscaping enhances habitat and amenity value.*
- *Landscaping results in reduced risk of landslip.*
- *Landscaping results in low watering requirement.*

**Comment:**

The proposed development does not significantly erode existing landscaping on-site or adversely affect native vegetation.

No trees are proposed to be removed as part of the application. The extent of green space on-site remains substantial given the large lot size.

**C1.2 – Safety and Security***Outcomes*

- *Ongoing safety and security of the Pittwater community*
- *Opportunities for vandalism are minimised.*
- *Inform applicant's of Council's requirements for crime and safety management for new development*

- *Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements*
- *Identify crime and safety priority areas in Pittwater LGA*
- *Improve community safety and reduce the fear of crime in the Pittwater LGA*
- *Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety*

**Comment:**

The proposed development introduces no changes to the front of the dwelling with respect to the entry. The proposed upper level provides surveillance opportunities of the street.

The entrance to the building is easily identified and well lit and the proposed carport provides safer and improved parking arrangements on-site.

C1.3 – View sharing

*Outcomes*

- *A reasonable sharing of views amongst dwellings*
- *Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced*
- *Canopy trees take priority over views*

**Comment:**

The subject site is substantially distant from the ocean.

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

C1.4 – Solar access

*Outcomes*

- *Residential development is sited and designed to maximise solar access during mid-winter.*
- *A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development*

- *Reduce usage and/dependence for artificial lighting*

**Comment:**

Shadow diagrams are provided.

The adjoining properties will continue to benefit from uninterrupted sunlight access to its rear yard and living space. The adjoining dwellings are well distant from the subject dwelling.

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

C1.5 – Visual privacy

*Outcomes*

- *Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design*
- *A sense of territory and safety is provided for residents*

**Comment:**

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

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

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

C1.6 – Acoustic privacy

*Outcomes*

- *Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.*



- *Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas.*

**Comment:**

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

C1.7 – Private open space

*Outcomes*

- *Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.*
- *Private open space is integrated with, and directly accessible from, the living areas of dwellings.*
- *Private open space receives sufficient solar access and privacy.*

**Comment:**

Existing private open space is accessible directly from living areas and will be embellished with the inclusion of the swimming pool and deck.

The private rear yard benefits from a northern orientation and full solar access opportunities.

C1.10 - Building facades

*Outcomes*

- *Improved visual aesthetics for building facades.*

**Comment:**

The proposed upper level addition improves the architectural styling of the dwelling and will become a notable feature of the streetscape.

C1.15 – Storage facilities

*Outcomes*

- *Provision of convenient storage with the development.*

**Comment:**

A storage area will be created under the pool surrounds and will be suitably concealed from view.

**5.5     11.6 Front Building Line***Outcomes*

*Achieve the desired future character of the Locality. Equitable preservation of views and vistas to and/or from public/private places. The amenity of residential development adjoining a main road is maintained. Vegetation is retained and enhanced to visually reduce the built form. Vehicle manoeuvring in a forward direction is facilitated. To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment. To encourage attractive street frontages and improve pedestrian amenity. To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

*All land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living NOT adjoining Barrenjoey Road, Mona Vale Road or Pittwater Road*

*6.5m, or established building line, whichever is the great*

*Variations*

*Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line.*

*Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:*

- *considering established building lines;*
- *degree of cut and fill;*
- *retention of trees and vegetation;*
- *where it is difficult to achieve acceptable levels for building;*
- *for narrow or irregular shaped blocks;*
- *where the topographic features of the site need to be preserved;*
- *where the depth of a property is less than 20 metres.*

*Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.*

**Comment:**

The proposed upper level secondary dwelling is proposed to sit forward of the existing dwelling and is proposed to be sited 6m from the street as measured to the wall of the dwelling. A deck and entry stair is proposed within the setback.

The applicant seeks a variation from the front setback control. A justification is as follows:

- The subject site benefits from a wide frontage and on average provides a setback to the street greater than 6.5m.
- The secondary dwelling is proposed to be constructed above an approved garage and maintains the same approved alignment.
- The dwelling sits below the road level due to the fall in the land away from the street and consequently presents a lower scale of development to the street than a typical 2 storey dwelling. The proposed location of the secondary dwelling is optimum in terms of ease of access arrangements and separation from the principal dwelling. The location also ensures that fire rating issues between the principal dwelling and secondary dwelling are readily resolved.
- No trees require removal to facilitate the proposal.
- The secondary dwelling is well articulated with the inclusion of the deck, balcony rail and steps.

D11.7 – Side and rear building line

*Outcomes*

*To achieve the desired future character of the Locality.  
The bulk and scale of the built form is minimised.  
Equitable preservation of views and vistas to and/or from public/private places.  
To encourage view sharing through complimentary siting of buildings,  
responsive design and well-positioned landscaping.  
To ensure a reasonable level of privacy, amenity and solar access is provided  
within the development site and maintained to residential properties.*

*Substantial landscaping, a mature tree canopy and an attractive streetscape. Flexibility in the siting of buildings and access. Vegetation is retained and enhanced to visually reduce the built form. To ensure a landscaped buffer between commercial and residential zones is established.*

#### *Controls*

*The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:*

*2.5 to at least one side; 1.0 for other side*

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

#### *Comment:*

The proposed upper level complies with the controls.

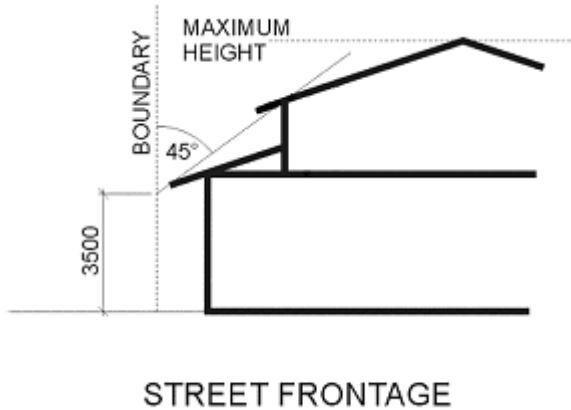
### D 11.9 – Building envelope

#### *Outcomes*

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

#### *Controls*

*Buildings are to be sited within the following envelope:*



### Comment:

The proposed addition complies with the building envelope generated by the site, particularly the height control.

### Landscaping

#### *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)*

#### *Controls*

*The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.*

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

*Any alterations or additions to an existing dwelling shall provide a minimum*

60% of the site area as landscaped area.

**Comment:**

Minimal loss of vegetation or green space occurs as a result of the proposal.

Existing trees have been retained.

No change to the site coverage of the dwelling is proposed.

D9.14 Construction, Retaining walls, terracing and undercroft areas

*Outcomes*

*To achieve the desired future character of the Locality.  
To protect and minimise disturbance to natural landforms.  
To encourage building design to respond sensitively to natural topography.*

*Controls*

*Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.*

*Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.*

*In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.*

*Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.*



## 5.0 SECTION 4.15 CHECKLIST

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

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

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

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

*(iii) any development control plan, and*

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

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

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

### **Comment:**

The proposal is permissible pursuant to the Pittwater LEP 2014.

The proposed development will significantly improve the visual presentation of the built form on-site by providing a high quality design and upgrade to the existing dwelling.

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

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

**Comment:**

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

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

The proposal has favourable social and economic implications by minimising impacts and providing a quality dwelling inclusion in the streetscape.

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

**Comment:**

The subject site is suitably large and capable of accommodating the proposed development. The proposed building structures will retain privacy levels between properties by effectively containing new floor space within the footprint of the existing dwelling.

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

**Comment:**

**Nil.**

*(e) The public interest*

*Note.*

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

**Comment:**

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

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

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

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

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

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

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

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

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

Comment:

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

*(3A) Development control plans*

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

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

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

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

*In this subsection, standards include performance criteria.*

**Comment:**

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

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

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

*(6) Definitions In this section:*

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

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

**Comment:** Not applicable.

## **6.0        CONCLUSION**

The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP and in the main relates to improving the quality of living space on-site.

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

The proposed development provides for an improved level of amenity for the residents. The proposal has been designed so as to enhance the appearance of the dwelling without compromising the amenity enjoyed by adjoining residents.

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

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