

**Four Towns  
Planning**

*Planning and property consultant*

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Alterations and additions to the  
existing dwelling house  
including a detached carport**

**23 Grandview Drive,  
Newport NSW 2106**

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**This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.**

**Report prepared by:**

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Director – Four Towns Pty Ltd

**Report prepared for:**

James Kemp and Marion Di Benedetto

**15 May 2024**

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## 1. Introduction and Background Information

### 1.1 Introduction

This report has been prepared as supporting documentation for a development application for alterations and additions to the existing dwelling house and detached carport at 23 Grandview Drive, Newport, legally referred to as Lot 12 in Deposited Plan 16029.

This report has been prepared following instructions from the client James Kemp and Marion Di Benedetto. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Pittwater Local Environmental Plan 2014 (PLEP 2014);
- Pittwater Development Control Plan 21 (PDCP21);
- Survey Plan prepared by Adam Clarke Surveyors Pty Ltd;
- Architectural Plans prepared by Action Plans Pty Ltd;
- Geotechnical Assessment prepared by Ascent Geo;
- Arboricultural Impact Assessment prepared by Hugh the Arborist;
- Stormwater Management Plan prepared by Taylor Consulting;
- BASIX Certificate prepared by Action Plans Pty Ltd;
- Waste Management Plan.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's PDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being alterations and additions to the existing dwelling house and detached carport is permissible with development consent, as well as consistent with the relevant statutory planning instruments including Pittwater Local Environmental Plan 2014 and relevant planning policies of Pittwater Development Control Plan 21.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

### 1.2 Background Information

The site is not the subject of a pre-lodgement meeting relating to the proposed works. The site is the subject a recent Development Application N0410/15 and associated Modification Application Mod2021/0929. At this stage the applicants will not be proceeding with those applications with this subject application to form a new project on the site.

## 2. Site Profile

### 2.1 Property Description

The subject allotment is described as 23 Grandview Drive Newport, being Lot 12 in Deposited Plan 16029. The site is zoned C4 Environmental Living under Pittwater Local Environmental Plan 2014.

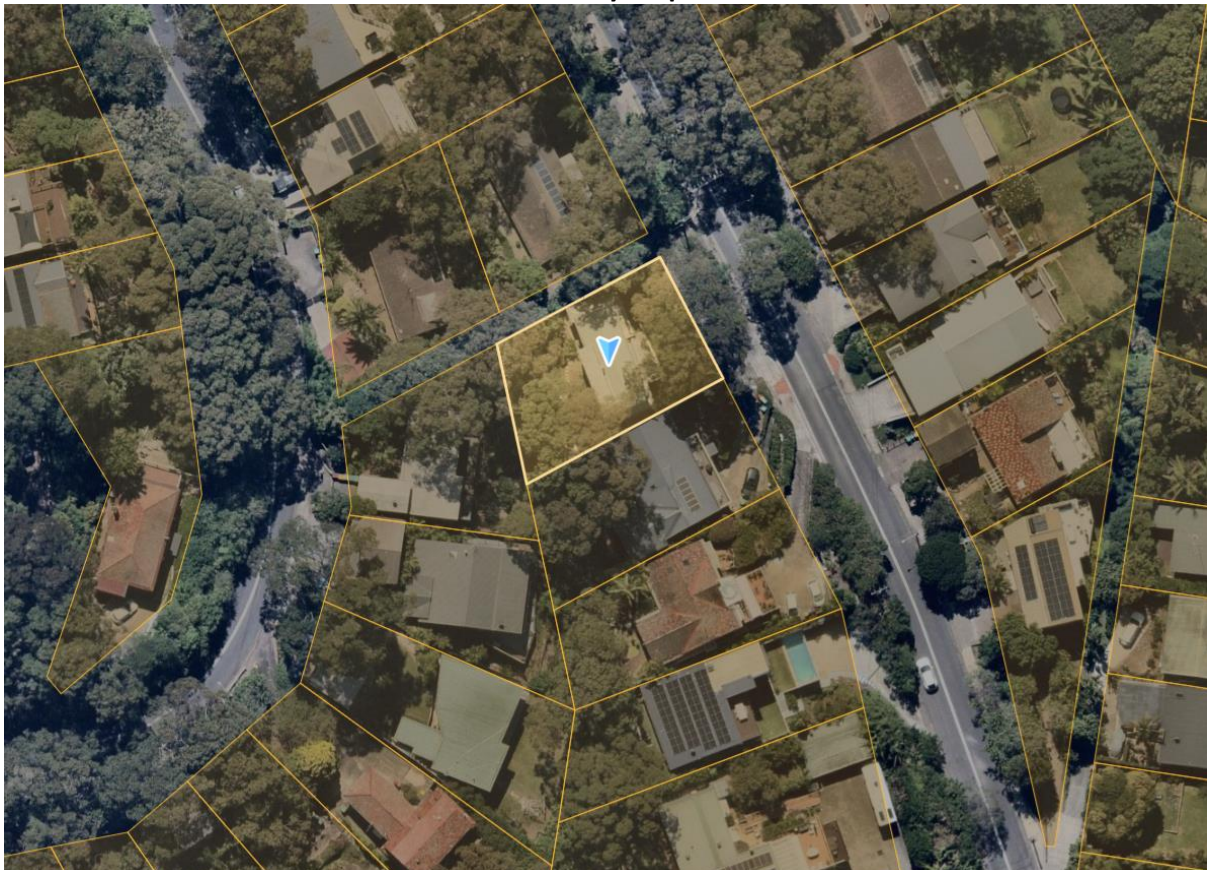
The site is not listed as a heritage item, nor is it located within a heritage conservation area.

### 2.2 Site and Locality Description

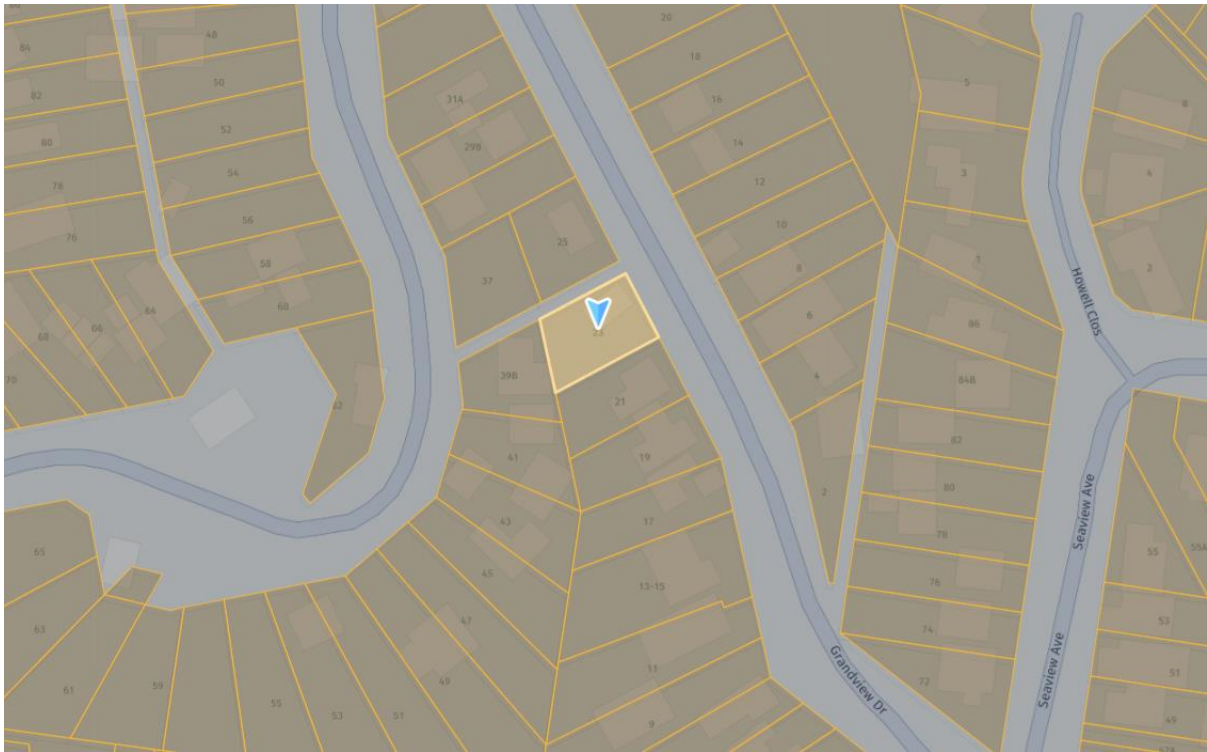
The site is located on the western side of Grandview Drive, on the high side of the street. The site is irregular in shape with an 18.585m frontage to Grandview Drive, varying side boundaries of 25.215m and 30.33m and a rear boundary of 19.43m. The property has vehicular access off Grandview Drive where a hardstand parking space is currently provided. The existing property has a part two and part three storey dwelling house.

The locality maps below and on the following page show the location and area of the site:

#### Locality Map



**Figure 1: Aerial Image of the subject site (outlined in yellow)**  
Source: Nearmaps 202



**Figure 2: Locality map (subject site outlined in yellow)**  
Source: Nearmaps 2024

The area surrounding the subject site is largely characterised by low density residential development located on sites with a steep topography. Dwellings are typically 2 to 3 storeys with onsite parking located within the front setback, where the land is too steep to integrate parking into the design of the dwelling.

A visual analysis is provided on the following pages:



*Photograph of the subject site looking west from Grandview Drive*



*Photograph of the subject site looking south-west from Grandview Drive*



*Photograph of adjoining properties to the south – note driveways and stairs integrated for pedestrian access*



*Photograph of properties on the eastern side of Grandview Drive – note carports and garages built to front boundary*





*Photograph of rear yard*

### 3. Proposal

The proposal is for alterations and additions to an existing dwelling house including a detached carport and associated landscaping works.

#### **Demolition Works**

Refer to architectural plans prepared by Action Plans for full assessment of works to be demolished.

#### **Proposed Alterations and Additions**

##### *Lower Ground Level*

- New proposed deck
- New external stairs leading up to the proposed deck and ground floor entry.

##### *Ground Level*

- Proposed new balcony accessible from existing lounge dining area including built in BBQ.
- New storage space located off stairway landing.

##### *First Level*

- New roof over the existing balcony

#### **Proposed External Works**

##### *External Works*

- Detached Carport
- Storage area accessible from carport
- Extension of existing patio, new stairs leading to proposed outdoor entertaining area, including a firepit and a paved deck.

*\*Refer to architectural plans prepared by Action Plans for a full description of all works.*

## 4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2021*;
- State Environmental Planning Policies;
- Pittwater Local Environmental Plan 2014; and
- Pittwater Development Control Plan 21.

### 4.1 *Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)*

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

### 4.2 State Environmental Planning Policies (SEPPs)

#### **SEPP (Transport and Infrastructure) 2021**

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

#### **SEPP (Sustainable Buildings) 2022**

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency. A BASIX Certificate has been prepared by Action Plans and outlines the proposal's compliance with the provisions of BASIX and Energy Efficiency.

#### **SEPP (Resilience and Hazards) 2021**

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

#### **4.6 *Contamination and remediation to be considered in determining development application***

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

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

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

It is submitted that the site has been used for the purpose of residential accommodation for decades. The builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials. A site inspection was undertaken with no landfill sited. As a result, it is our professional opinion that the site is classed low risk and no further assessments are required.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPS that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The Biodiversity Offsets Scheme applies to proposed development that involve the clearing of native vegetation or a prescribed impact on biodiversity (under Clause 6.1 of the Biodiversity Conservation Regulation) and is located on the Biodiversity Values Map.

The subject site is identified as containing land with biodiversity value. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land. The proposal is of lesser impact to that assessed and

approved under N0410/15 (as amended through Mod2021/0929). It is noted that the approval for N0410/15 was granted a construction certificate, so therefore the trees could be removed if required, as existing.

Based on the above, the development remains consistent with the provisions of the SEPP and the approval granted for the site under N0410/15 (as modified). The removal of vegetation will not likely result in an adverse impact to the natural environment.

## 4.3 Pittwater Local Environmental Plan 2014 (PLEP2014)

The relevant matters to be considered under PLEP2014 are outlined below in the LEP summary compliance table.

<b>Part 1: Preliminary</b>		
<b>Standard</b>	<b>Control</b>	<b>Comments</b>
1.2 Aims of Plan	<p>(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,</p> <p>(b) to ensure development is consistent with the desired character of Pittwater's localities,</p> <p>(g) to protect and enhance Pittwater's natural environment and recreation areas,</p> <p>(h) to conserve Pittwater's European and Aboriginal heritage,</p> <p>(i) to minimise risks to the community in areas subject to environmental hazards including climate change,</p> <p>(j) to protect and promote the health and well-being of current and future residents of Pittwater.</p>	<p>The proposal has been designed to meet the aims of PLEP2014.</p> <p>The proposal will provide upgrades to the existing dwelling which protects the natural environment while providing a more functional and usable dwelling for the occupants.</p> <p>The proposal is supported by expert consultant advice which ensures that the design is not impacted by climate change and is sustainable with the locality and bulk and scale of Grandview Drive.</p>

<b>Part 2 Permitted or prohibited development</b>		
<b>Standard</b>	<b>Control</b>	<b>Comments</b>
2.5 Additional permitted uses for particular land	<p>(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—</p> <p>(a) with development consent, or</p> <p>(b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.</p> <p>(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.</p>	Not applicable
2.6 Subdivision—consent requirements	<p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p><b>Notes—</b></p>	Not applicable

	<p><b>1</b> If a subdivision is specified as <b>exempt development</b> in an applicable environmental planning instrument, such as this Plan or <a href="#">State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</a>, the Act enables it to be carried out without development consent.</p> <p><b>2</b> Part 6 of <a href="#">State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</a> provides that the strata subdivision of a building in certain circumstances is <b>complying development</b>.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p> <p><b>Note</b>—The definition of <b>secondary dwelling</b> in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	
<p>2.7 Demolition requires development consent</p>	<p>The demolition of a building or work may be carried out only with development consent.</p> <p><b>Note</b>— If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or <a href="#">State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</a>, as exempt development, the Act enables it to be carried out without development consent.</p>	<p>Complies – the proposal includes the demolition of existing structures as required with Northern Beaches Council consent.</p>

**Part 4: Principal Development Standards**

Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	700sqm	N/A	N/A
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A

4.1B Minimum lot sizes for dual occupancies	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	9.141m	Refer to accompanying Clause 4.6 to vary the height of buildings development standard.
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.5A Density controls for certain residential accommodation	N/A	N/A	N/A
4.6 Exceptions to development standards	Noted	Yes	Clause 4.6 to be utilised for breach to building height.

<b>Part 5: Miscellaneous Provisions</b>	
<b>Provisions</b>	<b>Comments</b>
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purposes	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 (Repealed)	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9, 5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A



5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A
5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

#### Part 6: Urban Release Areas

Provisions	Comments
6.1 to 6.2	N/A – the site is not located within an urban release area.

#### Part 7: Relevant Additional Local Provisions

Provisions	Comments
7.1 Acid sulfate soils	The site is identified as containing Class 5 Acid Sulfate Soils. The proposed works are not likely to disturb, expose or drain acid sulfate soils and cause environmental damage as excavation works are relatively minor and the watertable is not likely to be lowered below 1 metre.
7.2 Earthworks	The proposal includes excavation works which are supported by relevant documentation with the DA package. Refer to Geotechnical Investigation prepared by Ascentgeo Geotechnical Consulting.
7.3 (Repealed)	N/A
7.4 Floodplain risk management	N/A
7.5 Coastal risk planning	N/A
7.6 Biodiversity	The site is identified as land within the biodiversity map.
7.7 Geotechnical hazards	The site is identified within the geotechnical hazards map. Refer to Geotechnical Investigation prepared by Ascentgeo Geotechnical Consulting.
7.8 Limited development on foreshore area	N/A.
7.9 Residual lots	N/A
7.10 Essential service	The proposal will provide relevant services as per Clause 7.10.

7.11 Converting serviced apartments to residential flat buildings	N/A
7.12 Location of sex service premises	N/A
7.13 Development on land at 6 Mitchell Road, Palm Beach	N/A

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

### Zoning Provisions



**Figure 3: The subject site is zoned C4 Environmental Living under the PLEP2014.**  
 Source: [planningportal.nsw.gov.au](http://planningportal.nsw.gov.au)

### Zone C4 Environmental Living

#### 1 Objectives of zone

- 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.

## 2 Permitted without consent

Home businesses; Home occupations

## 3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures

## 4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The proposed use is defined as follows under PLEP2014:

**dwelling house** means a building containing only one dwelling.

**Note**— Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.

### Comment:

The site is zoned C4 Environmental Living. A dwelling house and associated works are permissible land uses within the C4 Environmental Living zone. The proposed works are consistent with the objectives of the C4 zone, as the proposed works will be of low impact and will minimise the impact on the ecological values of the site. Furthermore, the proposal will provide an enhanced and more functional site with new outdoor spaces which are integrated with the existing landform and landscape.

## Part 4 Principal development standards

### 4.1 Minimum subdivision lot size

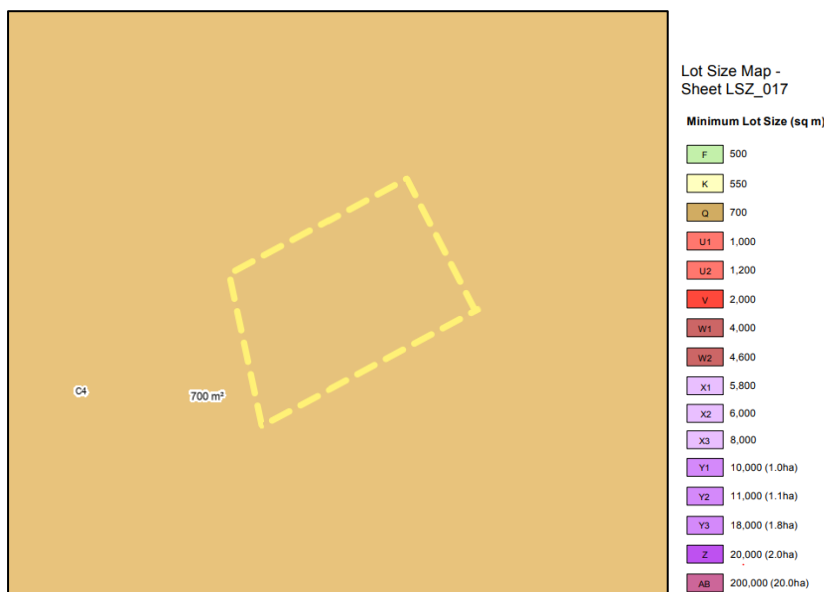


Figure 4: The minimum subdivision lot size is 700m<sup>2</sup> under the PLEP2014.

(1) *The objectives of this clause are as follows—*

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

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

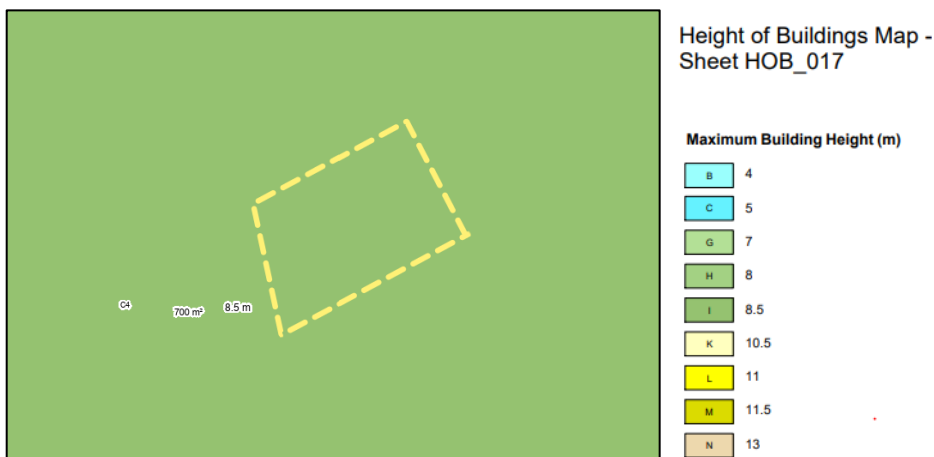
(3A) *If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.*

(4) *This clause does not apply in relation to the subdivision of any land—*

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
- (b) by any kind of subdivision under the Community Land Development Act 1989.*

**Comment:** Not applicable – the proposed development does not involve a subdivision.

#### 4.4 Height of buildings



**Figure 5: The maximum building height is 8.5m under the PLEP2014.**

(1) *The objectives of this clause are as follows—*

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

**(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.***

(2A) *Despite subclause (2), development on land—*

- (a) *at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*
- (b) *that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map, may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.*

(2B) *Despite subclause (2), development on land—*

- (a) *at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*
- (b) *that has a maximum building height of 11 metres shown for that land on the Height of Buildings Map, may exceed a height of 11 metres, but not be more than 10.5 metres above the flood planning level.*

(2C) *Despite subclause (2), development on an area of land shown in Column 1 of the table to this subclause and identified as such on the Height of Buildings Map, may exceed the maximum building height shown on the Height of Buildings Map for that land, if the height of the development is not greater than the height shown opposite that area in Column 2.*

**Column 1    Column 2**

**Area            Maximum height above the flood planning level**

Area 1            11.5 metres

Area 2            8.5 metres on the street frontage and 10.5 metres at the rear

Area 3            8.5 metres

Area 4            7.0 metres

(2D) *Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—*

- (a) *the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*
- (b) *the objectives of this clause are achieved, and*
- (c) *the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*

- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*
- (2E) Despite subclause (2), development for the purposes of shop top housing on land identified as “Area 5” on the Height of Buildings Map may have a height of up to 10 metres if the top floor of the building is setback a minimum of 6 metres from the boundary to the primary street frontage.*
- (2F) Despite subclause (2), development on land identified as “Area 6” on the Height of Buildings Map must not exceed 8.5 metres within the area that is 12.5 metres measured from the boundary of any property fronting Orchard Street, Macpherson Street, Warriewood Road or Garden Street.*
- (2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker’s dwelling in Zone E4 Environmental Living or Zone RU2 Rural Landscape is 5.5 metres if the secondary dwelling or rural worker’s dwelling is separate from the principal dwelling.*
- (2FB) Despite subclause (2), in the case of a dual occupancy (detached), the maximum height for the dwelling that is furthest back from the primary street frontage of the lot is 5.5 metres.*
- (2G) In this clause—*
- flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard determined by an adopted floodplain risk management plan.
- floodplain risk management plan** has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.

**Comment:**

Merit Assessment - The site has a maximum building height provision of 8.5m. The proposal will result in a maximum height of 9.141m. The proposed height breach is a result of the proposed roof over the existing first floor balcony.

The breach in the height of buildings standard is largely a result of the existing topography of the site. The proposed roof over the balcony is reasonable within the context of the site and will not result in excessive bulk and scale. It is submitted that there is more than enough justification and precedence within the area to support the breach.

*(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

The site is located within an area identified within A4.10 Newport Locality which outlines the desired character of the area. The desired character statement of A4.10 Newport locality is provided below:

**A4.10 Newport Locality**

**Desired Character**

*The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor 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. 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.*

*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.*

*Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.*

After reviewing the desired character statement, it is my professional opinion that the proposed roof over the balcony is consistent with the locality and desired character of the area. The following is noted to support my opinion:

- Notwithstanding the minor building height breach to the covered balcony only, the Newport locality will remain a low-density residential area for dwelling houses.
- The building height is attributed to the proposed roof over the facing balcony only, which is sympathetic to the façade of the existing dwelling, whilst adding depth and articulation.
- The proposed works are consistent with the established streetscape character and the covered balcony will be indiscernible when viewed from Grandview Drive.

As a result of the above, I have formed the considered opinion that the project is sympathetic with the existing and future character of the area. It is also noted that most observers would not find the proposed development offensive, or unsympathetic in a streetscape context.

Notwithstanding the proposed minor variation to the building height, the proposal is consistent with this objective.

*(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

The proposal has been strategically designed to minimise the impact and bulk and scale of the project, noting that it is only the balcony roof that exceeds the building height.

*(c) to minimise any overshadowing of neighbouring properties,*

Further, the proposed minor variation to the building height will not further impact neighbouring properties than that of a compliant design. Refer to Shadow Studies provided as part of the architectural package. The proposal is consistent with this objective.

*(d) to allow for the reasonable sharing of views,*

Having inspected the site and identified available public and private view lines over and across the site, I am satisfied that the building height variation will not give rise to any unacceptable view loss with a view sharing outcome maintained in accordance with the planning principle established in the matter of Tenacity vs Warringah Council (2004) NSWLEC 140. Notwithstanding the proposed minor building height variation, the proposal is consistent with this objective.

*(e) to encourage buildings that are designed to respond sensitively to the natural topography,*

The proposed works have been designed to respond to the existing natural topography of the land, as site levels are generally maintained throughout. The proposal is consistent with this objective.

*(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The proposal will add value to the natural environment and will be visually pleasing to the surrounding areas. The site is not identified or located close to known heritage items. The proposal is consistent with this objective.

#### **4.4 Floor space ratio**

**Comment:** Not applicable.

#### **4.6 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.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless—*

*(a) the consent authority is satisfied that—*



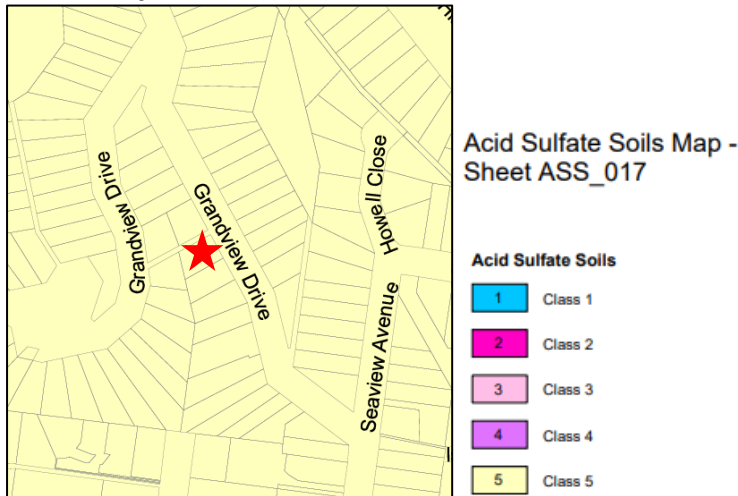
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) the public benefit of maintaining the development standard, and*
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note—** *When this Plan was made it did not include all of these zones.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
  - (a) a development standard for complying development,*
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) clause 5.4.*

**Comment:**

As described under Clause 4.3, a Clause 4.6 Variation to Development Standard is required to support the breach to the building height. It is submitted that the proposal warrants a variation, and it would be unreasonable and unnecessary for Council to enforce the development standard, as the development meets the relevant objectives under Clause 4.3 and Clause 4.6. A Clause 4.6 Variation to Development Standard report is provided with the DA package.

**Part 7 Additional local provisions**

**7.1 Acid sulfate soils**



**Figure 6: The site contains Class 5 Acid Sulfate Soils under the PLEP2014.**

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

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

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

- (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and
- (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

- (a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*
- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—*
  - (a) the works involve the disturbance of less than 1 tonne of soil, and*
  - (b) the works are not likely to lower the watertable.*

**Comment:**

The site is identified as containing Class 5 Acid Sulfate Soils. The proposed excavation works are minimal and are not likely to disturb, expose or drain acid sulfate soils and cause environmental damage.

**7.2 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless—*
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
  - (b) the effect of the development on the likely future use or redevelopment of the land,*
  - (c) the quality of the fill or the soil to be excavated, or both,*
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
  - (e) the source of any fill material and the destination of any excavated material,*
  - (f) the likelihood of disturbing relics,*
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
  - (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

- (4) In this clause—*

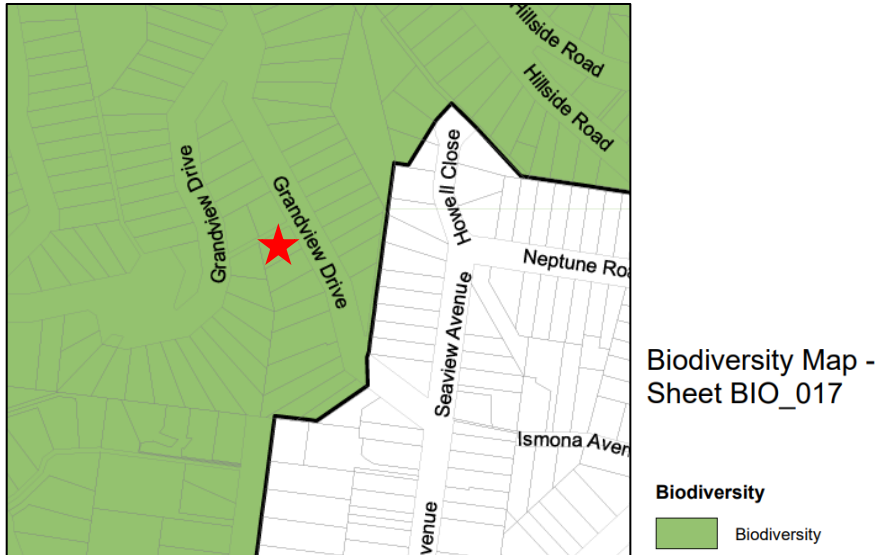
**environmentally sensitive area** has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.

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

**Comment:**

The proposal includes excavation works to the site. The proposal will meet the objective of Clause 7.2 with a Geotechnical Investigation prepared by Ascentgeo Geotechnical Consulting submitted with the application.

**7.6 Biodiversity**



**Figure 7: The site is identified as containing land of ecological value under the PLEP2014.**

- (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*

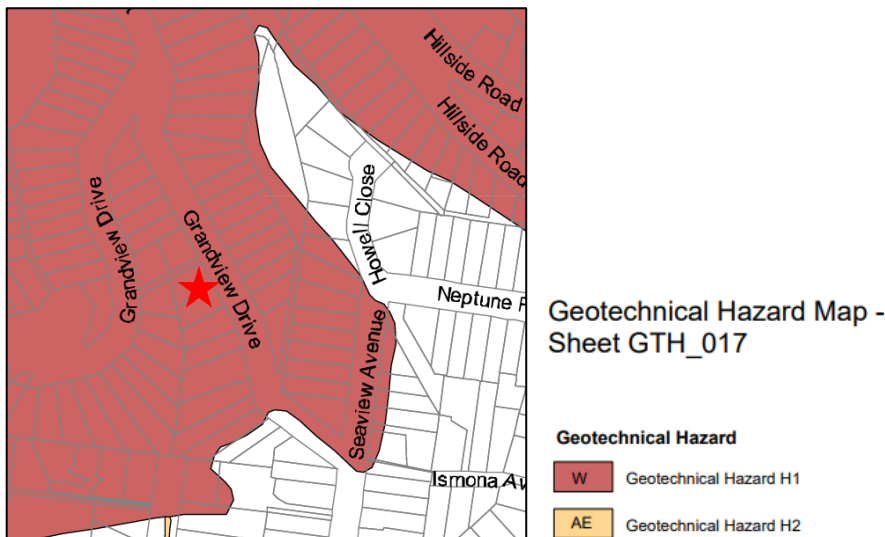
*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Comment:**

Complies - The subject site is identified as containing land with biodiversity value. It is not anticipated that the development will detrimentally impact upon the ecological value and significance of the fauna and flora on the land or the importance of the vegetation to the habitat of native fauna and the habitat elements providing connectivity on the land. The proposal is of lesser impact to that assessed and approved under N0410/15 (as amended through Mod2021/0929). It is noted that the approval for N0410/15 was granted a construction certificate, so therefore the trees could be removed if required, as existing.

Based on the above, the development remains consistent with the provisions of Clause 7.6 and the approval granted for the site under N0410/15 (as modified). The removal of vegetation will not likely result in an adverse impact to the natural environment.

**7.7 Geotechnical hazards**



**Figure 8: The site is a geotechnical hazard under the PLEP2014.**

*(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 impact.*

**Comment:**

The site is identified within the geotechnical hazard map as hazard H1. The proposal will meet the objectives of Clause 7.2 with a Geotechnical Investigation prepared by Ascentgeo Geotechnical Consulting submitted with the application.

**7.10 Essential services**

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

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

**Comment:**

Complies – the site has access to the relevant essential services.

**General**

The site is not identified on the following maps within PLEP2014:

- Land Reservation Acquisition Map
- Heritage Map
- Coastal Risk Planning Map
- Floor Space Ratio Map
- Urban Release Area Map
- Flood Planning Map
- Floodplain Risk Management

## 4.4 Pittwater Development Control Plan (PDCP21)

In designing the built form, due consideration must be given to the respective sections and objectives of PDCP, in particular:

- Section B General Controls
- Section C Development Control Types
- Section D Locality Specific Development Controls

Key components of the DCP have been detailed below. The proposal is compliant with relevant provisions of the PDCP21.

Key components of the DCP have been detailed in the table below.

Pittwater Development Control Plan		
	Requirement	Proposed
<b>Building Envelope</b>	Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height Variations can be applied – refer to D10.11 Building Envelope	The proposed works are located within the building envelope.
<b>Front Setback</b>	6.5m or established building line, whichever is the greater	The proposed carport and deck will encroach into the front setback; however, the proposed works are not likely to be highly visible when viewed from the street as it will be screened by vegetation.  Furthermore, due to the topography of the area the carport located forward of the building line is necessary to achieve vehicular access and is consistent with the character of the area, as demonstrated by the aerial photograph below.



**Figure 9: Aerial photograph showing structures located forward of the established building line**  
 Source: [maps.six.nsw.gov.au](http://maps.six.nsw.gov.au)

**Side Setbacks**

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

**Complies**

The proposed storage area on the southern elevation is within the 1m prescribed setback.

It is noted that the existing dwelling associated structures, such as stairs, encroach into the northern side setback. The proposed replacement stairs and planter boxes will encroach within 2.5 of the northern boundary, noting that the replacement stairs have a greater side setback than that of the existing, thus improving amenity to the adjoining property to the north.



<p><b>Rear Setback</b></p>	<p>6.5m</p>	<p>The proposed pergola and deck will encroach into the rear setback. A variation to this control is sought to create a functional outdoor area, which is limited due to the steep topography of the site.</p> <p>The proposed deck will maintain a reasonable level of privacy, amenity and solar access to surrounding properties, as it is adequately separated from property boundaries and will be screened by existing vegetation.</p>
<p><b>Landscaping</b></p>	<p>Total landscaped area shall be 60% of the site area                  Variations can be applied – refer to D10.13 Landscaped Area - Environmentally Sensitive Land</p>	<p>Refer to assessment under D10.13 Landscaped Area - Environmentally Sensitive Land</p> <p>The current total landscaped area within the site is 66.87% (346.02sqm)</p> <p>A variation of 3.75% (11.65sqm is proposed).</p> <p>The proposed works will result in a minor decrease in the provision of landscaped area, with total landscaped area of 57.74% (298.78sqm) proposed.</p>
<p><b>Private Open Space</b></p>	<p>Minimum 80sqm at ground level</p>	<p>Complies – at least 80sqm of POS is provided.</p>

Section A Shaping Development in Pittwater		
Control	Proposed	Compliance
<p><b>A4.10 Newport Locality</b> <u>Desired Character</u></p> <p><i>The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor 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.</i></p> <p><i>Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.</i></p> <p><i>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.</i></p> <p><i>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</i></p>	<p>The proposed alterations and additions will retain the natural topography, whilst improving access and providing a functional area of POS within the site and improving pedestrian access throughout the site.</p> <p>The proposed works are relatively minor and the improved internal and external spaces will result in a more articulated built form without adding unnecessary bulk and scale.</p> <p>Overall the proposed works will be sympathetic with the natural environmental and the local setting of Newport.</p> <p>The proposal complies with the desired character of the Newport locality and therefore warrants approval as submitted.</p>	<p>Yes</p>

<p><i>development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.</i></p> <p><i>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</i></p> <p><i>Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.</i></p> <p><i>Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.</i></p>		
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Section B General Controls		
Control	Proposed	Compliance
<b>B1 Heritage Controls</b>		
<b>B1.1-1.4</b>	Not applicable – the site is not identified as a heritage item or within a heritage conservation area, nor does it adjoin or will impact a heritage item.	N/A
<b>B2 Density Controls</b>		
<b>B2.2 Subdivision - Low Density Residential Areas</b>	Not applicable	N/A

<b>B3 Hazard Controls</b>		
<p><b>B3.1 Landslip Hazard</b>  <i>All development on land to which this control applies must comply with the requirements of the <a href="#">Geotechnical Risk Management Policy for Pittwater (see Appendix 5)</a>.</i></p> <p><i>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the <a href="#">Geotechnical Risk Management Policy for Pittwater (see Appendix 5)</a> for the life of the development.</i></p> <p><i>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</i></p>	<p>Complies – the proposal is supported by a geotechnical assessment report in accordance with Northern Beaches Councils requirements. Refer to Geotechnical Investigation Report prepared by Ascentgeo Geotechnical Consulting.</p>	<p>Yes</p>
<p><b>B3.2 Bushfire Hazard Controls</b>  <i>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</i></p>	<p>Not applicable – the site is not identified as bushfire prone land.</p>	<p>N/A</p>
<p><b>B3.7 Estuarine Hazard - Low density residential</b></p>	<p>Not applicable – site not affected by Estuarine Hazard.</p>	<p>N/A</p>
<p><b>B3.10 Estuarine Hazard - Subdivision</b></p>	<p>Not applicable – site not affected by Estuarine Hazard.</p>	<p>N/A</p>
<p><b>B3.11 Flood Prone Land Requirements</b>  <i>1. Development must comply with the prescriptive controls set out in the Matrix below. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property.</i>  <i>2. Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.</i></p>	<p>Not applicable – the site is not identified as flood prone land</p>	<p>N/A</p>
<p><b>B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume) Controls</b></p>	<p>Not applicable – the site is not identified as flood prone land</p>	<p>N/A</p>

<b>B4 Controls Relating to the Natural Environment</b>		
<b>B4.11 Land Adjoining Bushland</b>	N/A – the site does not adjoin bushland.	N/A
<p><b>B4.22 Preservation of Trees and Bushland Vegetation</b></p> <p><i>Controls</i></p> <p><i>1. Authority to clear a tree or other vegetation is regulated in this plan in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 i.e. ‘Vegetation SEPP’. In particular, Part 2 of the Vegetation SEPP sets out the authority to clear vegetation and Part 3 provides for Council to declare under this DCP when a Vegetation Clearing Permit may be issued for clearing of vegetation.</i></p> <p><i>However a permit under Part 3 of the Vegetation SEPP (clause 10(3)) cannot allow the clearing of vegetation that is or forms part of a heritage item or that is within a heritage conservation area, or that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity:</i></p> <ul style="list-style-type: none"> <li><i>• is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</i></li> <li><i>• would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</i></li> </ul> <p><i>Requirements for other Development Applications</i></p> <p><i>When a DA required for clearing vegetation the following requirements apply:</i></p> <p><i>5. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</i></p>	<p>The proposal includes the removal of vegetation on the site, noting that a large portion of vegetation will be retained.</p> <p>Refer to the Arboricultural Impact Assessment prepared by Hugh the Arborist.</p>	Yes

<p>6. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</p> <p>7. Development must also avoid any impact on trees on public land.</p> <p>8. For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.</p> <p>9. Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.</p> <p>Variations Council may consider a variation to the requirements where:</p> <ul style="list-style-type: none"> <li>• Council is satisfied a tree or other vegetation is dying or dead and is not required as habitat for native fauna.</li> <li>• Council is satisfied a tree or other vegetation is a risk.</li> </ul>		
<p><b>B5 Water Management</b></p>		
<p><b>B5.15 Stormwater Objectives</b></p> <ul style="list-style-type: none"> <li>• Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</li> <li>• Minimise the risk to public health and safety;</li> <li>• Reduce the risk to life and property from any flooding and groundwater damage;</li> <li>• Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.</li> <li>• Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing</li> </ul>	<p>The application is supported by a Stormwater Management Plan prepared by Taylor Consulting which confirms the following:</p> <p><i>This is to certify that the Stormwater Management Plan layout as shown on plan STORM-1 by Taylor Consulting Civil &amp; Structural Engineers has been designed in accordance with section 3.1.2, 'Drainage', of the Building Code of Australia Housing Provision, AS/NZS 3500.3.2 – Stormwater Drainage and</i></p>	<p>Yes</p>

<p><i>treatment measures that replicate the natural water cycle</i></p> <ul style="list-style-type: none"> <li>• <i>Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources</i></li> <li>• <i>Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.</i></li> </ul> <p><b>Requirements</b>  <i>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</i>  <i>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</i></p>	<p><i>Northern Beaches Council - Water Management for Development Policy.</i></p>	
<p><b>B6 Access and Parking</b></p>		
<p><b>B6.1 Access driveways and Works on the Public Road Reserve</b></p> <p><i>Controls</i>  <u><i>General Requirements</i></u>  <i>Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 - Driveway Profiles.</i></p> <p><i>An Access Driveway to the standards as set out below must be provided for:</i></p> <ul style="list-style-type: none"> <li>• <i>any new development;</i></li> <li>• <i>any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m<sup>2</sup>; and</i></li> <li>• <i>where additional car parking spaces and/or garages are proposed.</i></li> </ul> <p><i>Where there is an existing driveway and the applicant proposes to retain the existing driveway, the applicant will be required to demonstrate</i></p>	<p>The proposed staircase located within the road reserve and will be constructed in accordance with standard Council details.</p>	<p>Yes</p>

*compliance with this control.*

*Access Driveway Design*

*The design of all Access Driveways shall be in accordance with the current edition of following Australian Standards:*

- *Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking.*
- *Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.*

*Number of Access Driveways per Allotment*

*The number of permissible Access Driveways to an allotment is as follows:*

- *where the frontage of an allotment to a local public road is less than 30m, one only access driveway.*
- *where the frontage of an allotment to a local public road is 30m or more, a second access driveway will be considered on merit.*
- *where the allotment has a frontage to a second local public road, one additional access driveway to the second local road frontage will be considered on merit, based on Council's consideration of the site constraints.*

*Council, under the Local Government Act 1993, may direct as to which frontage access is to be gained where traffic safety issues are a consideration.*

*Shared Driveways and Access Driveways located in front of adjoining properties*

*Shared Access Driveways shared between adjoining private properties and Access Driveways located in front of adjoining properties will be considered on merit, based on Council's consideration of the site constraints.*

*Access Driveway for Service Vehicles to Loading Dock*

*Access Driveways providing access for service vehicles to loading docks must be separated from access used by the general public for access to public parking areas.*



*Access Driveways providing access for service vehicles to loading docks shall, where practical, be located on a rear public road frontage providing separation from pedestrian activity.*

*Where Access Driveways are located on the same frontage, the minimum distance between an Access Driveway for service vehicles and an Access Driveway for the general public shall be 5 metres from the inside edge to the inside edge of the Access Driveways.*

*Access Driveway Location*

*Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows:*

- minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 kph speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and*
- minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary*

*For corner allotments, the closest point of the Access Driveway shall be located at the maximum practical distance from the intersection of adjoining roads, being no closer than 6m from the tangent point at the kerb.*

*For corner allotments adjacent to traffic signals, the location of the Access Driveway will be subject to the approval of the Roads and Maritime Services as the authority responsible for traffic signal facilities.*

*For developments in commercial centres where separate entry/exit vehicular access is required, access driveways for entry and exit are to be separated by a minimum distance of 2 metres.*

*The location of the Access Driveway is to maximise the retention of trees and native vegetation in the public road reserve.*

*Access Driveway Width*

*The maximum width of an Access Driveway for dual occupancies, dwellings houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation shall be as follows:*

<table border="1"> <tr><td><b>Distance Building Line to Boundary</b></td></tr> <tr><td>Nil to 3.5m</td></tr> <tr><td>Greater than 3.5m to 6.5m</td></tr> <tr><td>Greater than 6.5m</td></tr> </table>	<b>Distance Building Line to Boundary</b>	Nil to 3.5m	Greater than 3.5m to 6.5m	Greater than 6.5m			
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<table border="1"> <tr><td><b>Width at Boundary</b></td></tr> <tr><td>Width of car parking area or garage opening</td></tr> <tr><td>4.0m</td></tr> <tr><td>3.0m</td></tr> </table>	<b>Width at Boundary</b>	Width of car parking area or garage opening	4.0m	3.0m			
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4.0m							
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<table border="1"> <tr><td><b>Width at Kerb</b></td></tr> <tr><td>Width of car parking or garage opening plus 0.5m</td></tr> <tr><td>4.5m</td></tr> <tr><td>3.5m</td></tr> </table>	<b>Width at Kerb</b>	Width of car parking or garage opening plus 0.5m	4.5m	3.5m			
<b>Width at Kerb</b>							
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4.5m							
3.5m							
<p><i>Access Driveway width can be varied subject to a merit based consideration.</i></p> <p><u><i>Access Driveway Profile and Gradient</i></u>  <i>Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles.</i></p> <p><u><i>Access Driveway Construction and Finishes</i></u>  <i>All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.</i>  <i>Gutter crossings are to be in plain concrete.</i>  <i>Access Driveways are to be in plain concrete.</i>  <i>Cosmetic Access Driveways on a public road reserve are not permitted.</i>  <i>Access Driveways are to match with the adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition.</i>  <i>The Access Driveway is to be structurally adequate for its intended use.</i>  <i>Suspended driveways must not use the existing road structure for support.</i></p> <p><u><i>Ancillary Structures within the Road Reserve</i></u>  <i>Ancillary structures within the Road Reserve will be supported for the purposes of structurally supporting the access driveway only. Ancillary structures include retaining walls.</i>  <i>Encroachment into the road reserve is to be minimised.</i>  <i>Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes.</i>  <i>All structural elements within the Road Reserve must be certified by a Structural Engineer.</i>  <i>In addition, where the land is identified on the</i></p>							

*Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.*

*Access Driveway - Stormwater Drainage*

*All Access Driveways on the low side of the road are to be designed and constructed such that stormwater drainage is directed away from the Access Driveway.*

*Access Driveway and Public Utilities Costs*

*The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.*

*Variations*

*Access Driveway Location*

*If driveways are located where the sight distance is below the minimum criteria, consideration will be given on a merit basis subject to the submission of a Traffic Assessment Report by a suitably qualified Traffic Engineer.*

*Access Driveway Profile and Gradient*

*A new driveway or an existing structurally sound driveway with gradients up to 1:3 (V:H) may be permitted to remain on merit subject to demonstration through a Traffic Assessment Report and relevant certification that the Access Driveway including surface finish is safe for its intended use and that a pedestrian footpath either can be accommodated in the road reserve or is not required.*

*Dual Occupancy / Secondary Dwelling Development*

*For Dual Occupancy and Secondary Dwelling development, a separate Access Driveway to each dwelling will be considered on merit, based on Council's consideration of the site constraints.*

*Alternative Design on steeply sloping sites*

*Where it can be demonstrated to Council's satisfaction that this control is not applicable in the case of steeply sloping sites and steeply sloping public road reserve verges, the design of the Access Driveway may be in accordance with the current edition of the following Australian standard, based on turning paths for a B85 vehicle and subject to provision for a 1.5metre footpath width, kerb and*

<p><i>gutter and stormwater drainage being directed away from the Access Driveway:</i></p> <ul style="list-style-type: none"> <li>• Australian Standard AS/NZS 2890.1 "Parking Facilities Part 1" Off-Street Car Parking.</li> </ul>		
<p><b>B6.2 Internal Driveways</b></p> <p><i>Controls</i></p> <p><u>General</u></p> <p><i>An Internal Driveway must be provided for in:</i></p> <ul style="list-style-type: none"> <li>• any new development;</li> <li>• development where additional car parking spaces and/or garages are required by Council's plans or policies;</li> <li>• any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m<sup>2</sup> ; and</li> <li>• development where additional car parking spaces and/or garages are proposed.</li> </ul> <p><i>If the applicant proposes to retain the existing driveway, the applicant will need to demonstrate compliance with the outcomes and driveway standards of this control.</i></p> <p><u>Internal Driveway</u></p> <p><u>Internal Driveway Profiles</u></p> <p><i>Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.</i></p> <p><i>For Internal Driveways on steeply sloping or difficult sites, gradients may be increased up to 1:4 (V:H) over a maximum 20 metre length.</i></p> <p><i>Provision is to be made for vehicles to enter and leave the site in a forward direction, where:</i></p> <ul style="list-style-type: none"> <li>• the internal driveway grade exceeds 1:4 (V:H);</li> </ul>	<p>Existing driveway to be retained and enhanced for the new car space within the property.</p>	<p>Yes</p>

- *the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre);*
- *driveways are more than 30m in length; and*
- *the driveway enters onto a classified road.*

*Internal Driveway Stormwater Drainage*

*Internal Driveway grades, cross falls and grated drains are to be designed to reduce discharge into the public drainage system and to maximise stormwater discharge into adjacent landscape areas by the use of grass swales and soakage pits.*

*Internal Driveway Construction/Finishes*

*Internal Driveways shall have a stable surface for all weather construction.*

*Internal Driveways where visible from a public road or public place are to be constructed of materials that blend with the environment and of dark earthy tones or natural materials.*

*Internal Driveway Design for all other uses than dual occupancies, dwelling house, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.*

*The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standards:*

- *Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.*
- *Australian Standard AS/NZS 2890.2-2002: Parking Facilities - Off-Street Commercial Vehicle Facilities except as qualified in this control.*

*Driveway width for dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation.*

*The Internal Driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be as follows:*

- *Single Dwelling: 3.0 metres minimum.*
- *Dual Occupancy: 3.0 metres minimum.*
- *Combined driveway for more than 2 dwellings: 3.0 metres minimum except where the driveway length exceeds 40 metres, a passing bay to an overall minimum width of 5.0 metres for a length of 10 metres with suitable transitions to the adjacent narrow driveway.*

*Internal Driveway and Driveway Corridor Width for all other development than dual occupancies, dwellings, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation*

*Internal Driveways shall be designed and constructed to the minimum practical pavement width needed to facilitate access and turning movements.*

*Internal Driveways shall be designed and constructed to minimise the area of impervious pavement within the land. Track style driveways are encouraged where practical.*

*Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking).*

#### *Variations*

*For existing Internal Driveways on steeply sloping or difficult sites proposing dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural works dwellings and tourist and visitor accommodation, gradients up to a maximum of 1:3 (V:H) may be maintained subject to demonstration through a Traffic Assessment Report and the relevant certification that the Internal Driveway including surface finish is safe for its intended use.*

*Any alternate design of the Internal Driveway (based on turning paths for a B85 vehicle) is to be in accordance with the current edition of Australian Standard AS/NZS 2890.1 "Parking Facilities Part 1" Off-Street Car Parking.*

<p><i>A variation may be considered subject to demonstration through a Traffic Assessment Report and the relevant certification that an alternate vehicular access arrangement to the site is safe for all pedestrian and vehicular traffic.</i></p>														
<p><b>B6.3 Off-Street Vehicle Parking Requirements</b></p> <p><i>Controls</i>  <i>The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation:</i></p> <table border="1" data-bbox="220 707 783 797"> <tr> <td><b>Number of bedrooms per dwelling but not a secondary dwelling</b></td> </tr> <tr> <td>1 bedroom</td> </tr> <tr> <td>2 bedrooms or more</td> </tr> </table> <table border="1" data-bbox="220 808 520 887"> <tr> <td><b>Parking requirements per dwelling</b></td> </tr> <tr> <td>1 space</td> </tr> <tr> <td>2 spaces</td> </tr> </table> <p><i>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).</i></p> <p><i>Minimum dimensions of internal space for on-site parking are:</i></p> <table border="1" data-bbox="220 1182 858 1339"> <tr> <td><b>Single car parking spaces on hard stand and Single Carport</b></td> </tr> <tr> <td><b>Enclosed garage(internal dimension)</b></td> </tr> <tr> <td><b>Multiple side by side carport and enclosed garage(internal dimension)</b></td> </tr> <tr> <td> </td> </tr> <tr> <td> </td> </tr> <tr> <td> </td> </tr> </table> <p><i>The maximum cross-fall in any direction for an open car parking space is 1:20 (V:H).</i></p> <p><i>For all other uses, the minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to be in accordance with the following:</i></p> <ul style="list-style-type: none"> <li>• <i>The total number of spaces as set out in TABLE 1 below;</i></li> <li>• <i>PLUS the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements.</i></li> </ul>	<b>Number of bedrooms per dwelling but not a secondary dwelling</b>	1 bedroom	2 bedrooms or more	<b>Parking requirements per dwelling</b>	1 space	2 spaces	<b>Single car parking spaces on hard stand and Single Carport</b>	<b>Enclosed garage(internal dimension)</b>	<b>Multiple side by side carport and enclosed garage(internal dimension)</b>				<p>Complies – the dwelling currently contains one car parking space, which will be retained, noting that the number of bedrooms within the existing dwelling will remain unchanged as a result of the proposed works.</p>	<p>Yes</p>
<b>Number of bedrooms per dwelling but not a secondary dwelling</b>														
1 bedroom														
2 bedrooms or more														
<b>Parking requirements per dwelling</b>														
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<b>B8 Site Works Management</b>		
<p><b>B8.1 Construction and Demolition - Excavation and Landfill</b>  <i>Controls</i>  <i>Excavation and landfill on any site that includes the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</i></li> <li>• <i>Any excavation greater than 1.5 metres deep below the existing surface;</i></li> <li>• <i>Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;</i></li> <li>• <i>Any landfill greater than 1.0 metres in height; and/or</i></li> <li>• <i>Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</i></li> </ul> <p><i>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.</i></p>	<p>Complies – the proposal is supported by a Geotechnical Investigation Assessment Report as per the requirements of Northern Beaches Council which outlines requirements for excavation on the site.</p>	<p>Yes</p>
<p><b>B8.3 Construction and Demolition - Waste Minimisation</b>  <i>Controls</i>  <i>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</i></p>	<p>The proposal will utilise and minimise waste generation through the reuse on-site, recycling or disposal at appropriate facilities. Refer to Waste Management Plan for further details.</p>	<p>Yes</p>
<p><b>B8.4 Construction and Demolition - Site Fencing and Security</b>  <i>Controls</i>  <i>All sites are to be protected by site fencing for the duration of the works.</i></p>	<p>Noted – the site will be fenced during construction.</p>	<p>Yes</p>



<p><b>B8.5 Construction and Demolition - Works in the Public Domain</b>  <i>Controls</i>  <i>All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.</i>  <i>All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.</i>  <i>All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.</i></p>	<p>The proposal will require approval for any works within the public domain through applications to Council including bond lodgement forms. Further review at Construction Certificate stage.</p>	<p>Yes</p>
<p><b>B8.6 Construction and Demolition - Traffic Management Plan</b>  <i>Controls</i>  <i>For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m<sup>3</sup> or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.</i>   <i>All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.</i></p>	<p>The proposal includes excavation works to the site. Further analysis and information can be provided at Construction Certificate stage if a construction traffic management plan is required.</p>	<p>Yes</p>

<p style="text-align: center;"><b>Section C Development Type Controls</b></p>		
<p><b>Control</b></p>	<p><b>Proposed</b></p>	<p><b>Compliance</b></p>
<p><b><u>C1 Design Criteria for Residential Development</u></b></p>		
<p><b>C1.1 Landscaping</b>  <i>Controls</i>  <i>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</i></p>	<p>Complies - Where feasible the project retains existing trees. The site will maintain significant canopy trees within the front and rear yad as specified on the architectural plans.</p>	<p>Yes</p>

*In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.*

*At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.*

*Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.*

*The following soil depths are required in order to be counted as landscaping:*

- 300mm for lawn
- 600mm for shrubs
- 1metre for trees

*The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:*

- A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments,
- 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and
- 50% for all other forms of residential development.

*Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.*

*In bushfire prone areas, species shall be appropriate to the bushfire hazard.*

*Landscaping shall not unreasonably obstruct driver and pedestrian visibility.*

<p><i>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</i></p> <p><i>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</i></p> <p><i>Noxious and undesirable plants must be removed from the site</i></p>		
<p><b>C1.2 Safety and Security</b></p> <p><b>Controls</b></p> <p><i>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</i></p> <p><u><i>1. Surveillance</i></u></p> <p><i>Building design should allow visitors who approach the front door to be seen without the need to open the door.</i></p> <p><i>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</i></p> <p><i>Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</i></p> <p><i>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</i></p> <p><i>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</i></p>	<p>The proposal has been designed to comply with the four principles of CPTED.</p> <p>The balcony facing and windows from habitable spaces facing the street will contribute to the passive surveillance of the street.</p>	<p>Yes</p>

<p><i>Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</i></p> <p><i>Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</i></p> <p><b><u>2. Access Control</u></b>  <i>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</i></p> <p><i>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</i></p> <p><i>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</i></p> <p><i>The street number of the property is to be clearly identifiable.</i></p> <p><i>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</i></p> <p><b><u>3. Territorial reinforcement</u></b>  <i>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</i></p> <p><i>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</i>  <i>Blank walls along all public places (streets, open space etc) shall be minimised.</i></p> <p><b><u>4. Space management</u></b>  <i>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space</i></p>	<p>The proposal includes a direct and well-defined walkway off Grandview Drive to the existing dwelling.</p> <p>As above, the proposed accessways are well-defined and strategically located to separate the driveway from the main entrance to the dwelling.</p> <p>The project architects have provided a well-designed and thought-out project</p>	
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<p><i>management ensures that space is appropriately utilised and well cared for.</i></p> <p><i>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</i></p> <p><i>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</i></p>	<p>which uses space management to improve pedestrian access points.</p>	
<p><b>C1.3 View Sharing</b>  <i>Controls</i>  <i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i></p> <p><i>The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing.</i></p> <p><i>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</i></p> <p><i>Views are not to be obtained at the expense of native vegetation.</i></p>	<p>The proposed works will not affect the achievement of view from surrounding properties.</p>	<p>Yes</p>
<p><b>C1.4 Solar Access</b>  <i>Controls</i>  <i>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</i></p> <p><i>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of</i></p>	<p>The proposal has been strategically designed into the natural topography of the site. This helps to alleviate any potential solar impacts with the southern neighbour retaining adequate sunlight, being a minimum of 3 hours between 9am and 3pm during the winter solstice.</p>	<p>Yes</p>

<p><i>sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</i></p> <p><i>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</i></p> <p><i>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</i></p> <p><i>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</i></p> <p><b>Variations</b> <b><u>General</u></b> <i>Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:</i></p> <ul style="list-style-type: none"> <li><i>• where the orientation or shape of a lot precludes northerly orientation (20° west to 30° east of north),</i></li> <li><i>• where there is adverse slope or topography,</i></li> <li><i>• where there is existing vegetation, obstruction, development or fences that overshadow, or</i></li> <li><i>• where other controls have priority, e.g. heritage and landscaping considerations.</i></li> </ul> <p><i>Subject to a merit assessment, consent may be granted where a proposal does not comply with the standard, provided the resulting development is consistent with the general principles of the development control, the desired future character of the locality and any relevant State Environmental Planning Policy.</i></p>	<p>Overall, the proposal will not impact neighbouring properties and complies with the requirements of C1.4 Solar Access. Refer to Shadow Studies DA-18, DA-15 and DA-20 for full details.</p>	
<p><b>C1.5 Visual Privacy</b> <b>Controls</b> <i>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial</i></p>	<p>The proposal has been designed to maximise privacy to and from the subject site and main private open space areas.</p>	<p>Yes</p>

<p><i>separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</i></p> <p><i>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</i></p> <p><i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i></p> <p><i>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</i></p> <ul style="list-style-type: none"> <li>• <i>vegetation/landscaping</i></li> <li>• <i>a window sill height 1.7 metres above floor level, or</i></li> <li>• <i>offset windows</i></li> <li>• <i>fixed translucent glazing in any part below 1.7 metres above floor level, or</i></li> <li>• <i>solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:</i> <ul style="list-style-type: none"> <li>• <i>permanent and fixed;</i></li> <li>• <i>made of durable materials; and</i></li> <li>• <i>designed and painted or coloured to blend in with the dwelling.</i></li> </ul> </li> </ul>	<p>The front facing balcony is adequately separated from neighbouring properties to as to minimise direct overlooking.</p> <p>A portion of the proposed rear deck will be raised approximately 900mm above the existing ground level, noting that at least half of the proposed deck will be consistent with the existing ground level.</p> <p>Due to the steep topography of the site, it is anticipated that a raised floor level is required to provide a functional area of private open space, whilst noting that some mutual overlooking may occur between properties.</p>	
<p><b>C1.6 Acoustic Privacy</b></p> <p><i>Controls</i></p> <p><i>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</i></p> <p><i>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</i></p> <p><i>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce</i></p>	<p>The subject development will not impact the acoustic amenity of the occupants, nor will it impact the amenity of adjoining neighbours.</p>	<p>Yes</p>

<p><i>noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</i></p> <p><i>Developments must comply in all respects with the <a href="#">Protection of the Environment Operations Act 1997</a>, and other relevant legislation.</i></p>		
<p><b>C1.7 Private Open Space</b></p> <p><i>Controls</i></p> <p><i>Private open space shall be provided as follows:-</i></p> <p><i><u>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</u></i></p> <p><i>Minimum 80m<sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</i></p> <p><i>Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</i></p> <p><i>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</i></p> <p><i>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</i></p> <p><i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i></p> <p><i>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</i></p> <p><i>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for</i></p>	<p>Compliant private open space is provided within the rear yard.</p> <p>The proposal seeks to provide a functional area of private open space within the rear yard.</p>	<p>Yes</p>



<p><i>recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</i></p> <p><i>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</i></p> <p><i>An accessible and usable area for composting facilities within the ground level private open space is required.</i></p>		
<p><b>C1.9 Adaptable Housing and Accessibility</b> <i>Accessibility for all development</i></p> <p><i>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.</i></p> <p><i>Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.</i></p>	<p>The front of the site is accessible.</p>	<p>Yes</p>
<p><b>C1.12 Waste and Recycling Facilities</b> <i>Controls</i></p> <p><i>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan</i></p>	<p>The application includes a Waste Management Plan as per Northern Beaches Councils requirements.</p>	<p>Yes</p>
<p><b>C1.13 Pollution Control</b> <i>Controls</i></p> <p><i>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</i></p> <p><i>Developments must comply in all respects with the <a href="#">Protection of the Environment Operations Act 1997</a>, and other relevant legislation.</i></p>	<p>The proposal has been designed to minimise pollution and will be constructed and maintained in a proper and efficient manner to prevent air, water, noise and land pollution.</p>	<p>Yes</p>

<p><b>C1.14 Separately Accessible Structures</b>  <b>Controls</b>  <i>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</i></p> <ul style="list-style-type: none"> <li><i>i. it is ancillary to a dwelling;</i></li> <li><i>ii. it is not designed for separate habitation and does not contain any cooking facilities.</i></li> </ul> <p><b>Variations</b>  <i>Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.</i></p>	<p>The proposal does not include separately accessible structures.</p>	<p>N/A</p>
<p><b>C1.17 Swimming Pool Safety</b>  <b>Controls</b>  <i>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <a href="#">Swimming Pools Act 1992 and regulations</a>. The fencing and warning notices (resuscitation chart) shall be permanent structures.</i></p>	<p>Swimming pool not proposed</p>	<p>N/A</p>
<p><b>C1.19 Incline Passenger Lifts and Stairways</b>  <b>Controls</b>  <i>Incline passenger lifts and stairways shall:</i></p> <ul style="list-style-type: none"> <li><i>i. be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, and</i></li> <li><i>ii. be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and</i></li> <li><i>iii. be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and</i></li> <li><i>iv. be painted to blend in with surrounding vegetation and screened by landscaping and</i></li> <li><i>v. be set back two (2) metres from the side boundary to the outer face of the carriage</i></li> <li><i>vi. be located wholly on private land, and</i></li> <li><i>vii. have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling.</i></li> </ul> <p><i>On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required</i></p>	<p>The proposal does not include any incline passenger lifts.</p>	<p>N/A</p>

<p><i>driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above the existing ground level.</i></p> <p><i>Incline passenger lifts will not be accepted in lieu of vehicular access for new subdivisions.</i></p> <p><i>The noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises.</i></p> <p><i>Variations Where an incline passenger lift is shared between lots, the 2m side boundary setback does not apply to those lots.</i></p>		
<p><b>C1.23 Eaves</b> <i>Controls Dwellings shall incorporate eaves on all elevations. Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</i></p>	<p>Eaves are not included as part of this application</p>	<p>N/A</p>
<p><b>C1.24 Public Road Reserve - Landscaping and Infrastructure</b> <i>Controls <u>Landscaping General - All Development</u> Landscaping within the public road reserve is to include street trees planted at 6m centres. Street trees are to be planted to encourage the free passage of pedestrians. Street trees should not interfere with existing powerlines. All existing trees over 3m in height and native vegetation within the road reserve areas are to be retained where practical. The existing trees are to be protected during the construction of works through temporary perimeter fencing that is 1.8m high. New tree plantings are to be a minimum 35 litre size with 1m x1m hole and backfilled with suitable planting medium. Trees are to be appropriately supported by two stakes (minimum 50mm x 50mm) with Hessian ties. To ensure a consistent streetscape the new tree plantings are to be the same as the existing adjacent street trees.</i></p>	<p>The proposal has been designed to retain where possible the existing landscaping within the public road reserve. Two trees are proposed to be removed from within the road reserve – details from arboricultural impact assessment.</p>	<p>Yes</p>


<p><i>Where appropriate, Council encourages the use of local endemic native species according to the list of local native species in Pittwater.</i></p> <p><i>Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade. All work is subject to a Section 139 approval from Council.</i></p> <p><u><i>Dwelling Houses, Secondary Dwellings and Dual Occupancy</i></u></p> <p><i>The location of new landscaping (street trees) is not to hinder the future construction of a 1.5m wide footpath in location to be nominated by Council and is subject to a Section 139 approval from Council.</i></p> <p><u><i>Variations</i></u></p> <p><i>Where the landscaping or infrastructure in the public road reserve currently exists, the requirements of this control in respect to the specific landscaping or infrastructure item need not apply.</i></p> <p><i>Where the landscaping or infrastructure in the public road is located in steep terrain the landscaping and infrastructure requirements will be considered on merit.</i></p> <p><i>The merit for deciduous trees will only be considered on the grounds of solar access.</i></p>		
<p><b>C1.25 Plant, Equipment Boxes and Lift Over-Run Controls</b></p> <p><i>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</i></p> <p><i>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the</i></p>	<p>The application does not include plant, equipment boxed or a lift over run.</p>	<p>N/A</p>

<p><i>acoustic privacy of workers, residents and neighbours.</i></p> <p><i>Variations</i>  <i>Subject to achievement of the outcomes of this control, consideration may be given to the location of plant, equipment boxes and lift over-runs on the roof a building where it can be shown that there will not be a non-compliance with Council's built form controls including building height and building envelope.</i></p> <p><i>Where located on the roof any plant, equipment boxes and lift over-runs are to be adequately screened from view from adjoining properties and the public domain.</i></p>		
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**Section D Locality Specific Development Controls**

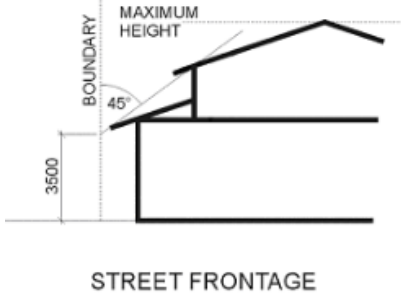
Control	Proposed	Compliance
<b>D10 Newport Locality</b>		
<p><b>D10.1 Character as viewed from a public place Controls</b>  <i>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i></p> <p><i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i></p> <p><i>Any building facade to a public place must incorporate at least two of the following design features:</i></p> <ol style="list-style-type: none"> <li><i>i. entry feature or portico;</i></li> <li><i>ii. awnings or other features over windows;</i></li> <li><i>iii. verandahs, balconies or window box treatment to any first floor element;</i></li> <li><i>iv. recessing or projecting architectural elements;</i></li> <li><i>v. open, deep verandahs; or</i></li> </ol>	<p>The proposed alterations and additions have been skillfully designed to ensure the character of the Newport locality is retained and enhanced through the natural environment and topography of the site.</p> <p>The external works will improve the appearance of the dwelling as the front balconies will create depth and articulation of the built form when viewed from the street.</p> <p>The proposed carport within the front setback will not dominate the associated dwelling and will not be highly visible when viewed from the street, as it will</p>	<p>Yes</p>

<p>vi. <i>verandahs, pergolas or similar features above garage doors.</i></p> <p><i>The bulk and scale of buildings must be minimised.</i></p> <p><i>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</i></p> <p><i>General service facilities must be located underground.</i></p> <p><i>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</i></p>	<p>largely be screened by existing landscaping. It is noted that car parking structures are common within the locality due to site constraints due to steep topography.</p> <p>Existing services will be utilised with all facilities where possible to be located underground.</p>	
<p><b>D10.3 Scenic protection - General Controls</b></p> <p><i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i></p>	<p>The proposal will not have a visual impact on the natural environment. External works to the site have been designed to be sympathetic to the topography of the site.</p> <p>The proposed alterations and additions to the dwelling will complement the existing built form and will not detract from the natural environment.</p>	<p>Yes</p>

<p><b>D10.4 Building colours and materials</b></p> <p><i>Controls</i></p> <p><i>External colours and materials shall be dark and earthy tones as shown below:</i></p>  <p><i>White, light coloured, red or orange roofs and walls are not permitted:</i></p>	<p>The proposed alterations and additions have been designed to be modern and high quality while blending in with the natural coastal environment.</p> <p>Refer to architectural plans for details on building materials.</p>	<p>Yes</p>
<p><b>D10.7 Front building line</b></p> <p><i>Controls</i></p> <p><i>The minimum front building line shall be in accordance with the following table:</i></p> <p><i>All other land zoned R2 Low Density Residential or E4 Environmental Living - 6.5 or established building line, whichever is the greater.</i></p> <p><i>Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:</i></p> <ul style="list-style-type: none"> <li>• <i>considering established building lines;</i></li> <li>• <i>degree of cut and fill;</i></li> <li>• <i>retention of trees and vegetation;</i></li> <li>• <i>where it is difficult to achieve acceptable levels for building;</i></li> <li>• <i>for narrow or irregular shaped blocks;</i></li> <li>• <i>where the topographic features of the site need to be preserved;</i></li> <li>• <i>where the depth of a property is less than 20 metres.</i></li> </ul>	<p>The proposed carport and deck will encroach into the front setback; however, the proposed works are not likely to be highly visible when viewed from the street as it will be screened by vegetation.</p> <p>Due to the topography of the area the carport located forward of the building line is necessary to achieve vehicular access and is consistent with the character of the area.</p> <p>The proposal complies with the outcomes of D10.7 as outlined below:</p> <ul style="list-style-type: none"> <li>• The proposal retains vegetation where possible and maintains the landscape character of the area.</li> <li>• The proposal includes an attractive street frontage and will provide improved</li> </ul>	<p>Merit assessment</p>

	pedestrian access to the site.	
<p><b>D10.8 Side and rear building line</b></p> <p><i>Controls</i>  <i>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:</i></p> <p><i>Land zoned R2 Low Density Residential or E4 Environmental Living</i>  <i>2.5 to at least one side; 1.0 for other side</i>  <i>6.5 (rear) unless Foreshore Building Line applies</i></p> <p><i>Variations</i>  <i>For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:</i></p> <ul style="list-style-type: none"> <li><i>satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and</i></li> <li><i>Council is satisfied that the adjoining properties will not be adversely affected, and</i></li> <li><i>the pool or spa is not more than 1 metre above ground level (existing), and</i></li> <li><i>that the outcomes of this clause are achieved without strict adherence to the standards, and</i></li> <li><i>where the site constraints make strict adherence to the setback impractical, and</i></li> <li><i>where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.</i></li> </ul>	<p>The proposed storage area on the southern elevation is within the 1m prescribed setback.</p> <p>It is noted that the existing dwelling associated structures, such as stairs, encroach into the northern side setback. The proposed replacement stairs and planter boxes will encroach within 2.5 of the northern boundary, noting that the replacement stairs have a greater side setback than that of the existing, thus improving amenity to the adjoining property to the north.</p> <p>The proposed pergola and deck will encroach into the rear setback. A variation to this control is sought to create a functional outdoor area, which is limited due to the steep topography of the site.</p> <p>The proposed deck will maintain a reasonable level of privacy, amenity and solar access to surrounding properties, as it is adequately separated from property boundaries and will be screened by existing vegetation.</p>	<p>Yes</p> <p>Merit assessment.</p> <p>Merit assessment.</p>
<p><b>D10.11 Building envelope</b></p> <p><i>Controls</i>  <i>Buildings are to be sited within the following envelope:</i></p>	<p>The existing dwelling encroaches into the building envelope.</p>	<p>Complies</p>



 <p style="text-align: center;"><b>STREET FRONTAGE</b></p> <p><i>Development other than residential flat buildings and multi dwelling housing:</i></p> <p><i>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</i></p> <p><i>Variations</i>  <i>Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.</i>  <i>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</i></p>	<p>The proposed works will not further encroach into the building envelope.</p>	
<p><b>D10.13 Landscaped Area - Environmentally Sensitive Land</b></p> <p><i>Controls</i>  <i>The total landscaped area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.</i></p> <p><i>The use of porous materials and finishes is encouraged where appropriate.</i></p> <p><i>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</i></p> <p><i>Variations</i>  <i>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</i></p> <ol style="list-style-type: none"> <li><i>1. impervious areas less than 1 metre in width (e.g. pathways and the like);</i></li> </ol>	<p>The current total landscaped area within the site is 66.87% (346.02sqm)</p> <p>A variation of 3.75% (11.65sqm is proposed).</p> <p>The proposed works will result in a minor decrease in the provision of landscaped area, with total landscaped area of 57.74% (298.78sqm) proposed.</p> <p>The proposal has been designed to create a functional and usable dwelling noting the steep topography of the site. As a result, numerous stairs and the implementation of parking is required on the</p>	<p>Merit assessment</p>

<p>2. <i>for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).</i></p>	<p>site. The minor decrease to the control will not be noticeable with the majority of trees to be retained.</p>	
<p><b>D10.14 Fences - General</b>  <b>Controls</b>  <u>a. Front fences and side fences (within the front building setback)</u>  <i>Front fences and side fences (within the front building setback) shall:</i></p> <ul style="list-style-type: none"> <li>• <i>not exceed a maximum height of 1 metre above existing ground level,</i></li> <li>• <i>be compatible with the streetscape character, and</i></li> <li>• <i>not obstruct views available from the road.</i></li> </ul> <p><i>Fences are to be constructed of open, see-through, dark-coloured materials.</i></p> <p><i>Landscaping is to screen the fence on the road side. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.</i></p> <p><i>Original stone fences or stone fence posts shall be conserved.</i></p> <p><u>b. Rear fences and side fences (to the front building line)</u>  <i>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</i></p> <p><u>e. Fencing in Category 1 and 2 areas</u>  <i>No front fences will be permitted.</i></p> <p><i>Vegetation is preferred to any fencing</i></p>	<p>Not applicable – the proposal does not include new boundary fencing.</p>	<p>N/A</p>

<p><i>Side and rear fences where necessary are to be constructed of dark coloured materials and shall not obstruct the passage of wildlife and shall have opening(s) with minimum dimension of 150mm accessible to ground dwelling animals.</i></p> <p><i>Fencing required for the containment of companion animals should be minimised.</i></p>		
<p><b>D10.16 Construction, Retaining walls, terracing and undercroft areas</b>  <i>Controls</i>  <i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i></p> <p><i>Retaining walls and terracing shall be kept to a minimum. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</i></p> <p><i>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</i></p> <p><i>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</i></p>	<p>The proposed retaining walls will be constructed as required by a structural engineer and geotechnical consultant at CC stage.</p>	<p>Yes</p>
<p><b>D10.18 Scenic Protection Category One Areas</b>  <i>Controls</i>  <i>Screen planting shall be located between structures and boundaries facing waterways.</i>  <i>Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.</i>  <i>Development is to minimise the impact on existing significant vegetation.</i>  <i>The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</i>  <i>The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the</i></p>	<p>The proposed development will maintain native vegetation where possible.</p> <p>The proposal has been designed to maintain and enhance the natural environment of Pittwater by respecting the natural topography of the site.</p>	<p>Yes</p>

*development.*

*The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.*

*The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.*

*Applicants are to demonstrate that proposed colours and materials will be dark and earthy.*

## 5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

### **(a) The provisions of:**

#### *(i) The provision of any Environmental Planning Instrument*

**Comment:** The proposal is permissible and consistent with the intent of the Pittwater Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works given the constraints imposed by the site's location, topography and environmental constraints.

#### *(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*

**Comment:** Not applicable.

#### *(iii) Any development control plan*

**Comment:** The proposal has been reviewed and assessed under Pittwater Development Control Plan 21.

#### *(iia) 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*

**Comment:** Not applicable.

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

**Comment:** Not applicable.

#### *(v) (repealed)*

### **(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,**

#### **Context and Setting:**

*i. What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

**Comment:** The proposed alterations and additions are consistent with the development in the immediate area and will not likely result in adverse amenity impacts in terms of views, privacy and overshadowing.

*ii. What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

**Comment:** These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

***Access, transport and traffic:***

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

**Comment:** The proposal development retains the existing crossover and utilizes the existing hard stand car parking area.

***Public Domain***

**Comment:** The proposed development will have no adverse impact on the public domain. A thorough analysis has been provided throughout this report.

***Utilities***

**Comment:** Existing utility services will connect to service the dwellings.

***Flora and Fauna***

**Comment:** The proposal does not have an adverse impact to flora or fauna. The proposal will enhance the site with works located to maintain existing trees where possible.

### **Waste Collection**

**Comment:** Normal domestic waste collection applies for residential dwelling with adequate bin storage provided for both lots.

### **Natural hazards**

**Comment:** The site is located within a Geotechnical Risk Area. The proposal has been designed and supported by the relevant expert consultants.

### **Economic Impact in the locality**

**Comment:** The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

### **Site Design and Internal Design**

*i) Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

**Comment:** These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

**Comment:** The proposed development can comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

### **Construction**

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

**Comment:** The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

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

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

**Comment:** The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand and maintains existing parking within the site.

***(d) Any submissions received in accordance with this act or regulations***

**Comment:** No submissions are available at this time.

***(e) The public interest***

**Comment:** The proposed works are permissible and consistent with the intent of PLEP2014 and PDCP21 controls as they are reasonably applied to the proposed alterations and additions. Development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.



## 6. Summary and Conclusion

The proposal for alterations and additions to the existing dwelling house and detached carport at 23 Grandview Drive, Newport, is permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of PLEP 2014 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, constraints and adjoining land uses.

Accordingly, the proposal for alterations and additions to the existing dwelling house and detached carport at 23 Grandview Drive, Newport, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Northern Beaches Council.