

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE DEMOLITION OF AN EXISTING GARAGE AND DWELLING AND CONSTRUCTION OF A  
NEW DWELLING, GARAGE AND STUDIO**

**LOCATED AT**

**102 ILUKA ROAD, PALM BEACH**

**FOR**

**SANDI & JOHN SZANGOLIES**



**Prepared  
September 2021**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans detailing the demolition of an existing dwelling and the construction of a new two-storey dwelling with excavated basement level, garage and studio at **102 Iluka Road, Palm Beach** prepared by Fearon Hay Architects prepared on behalf of Sandi & John Szangolies.

The submission comprises plans prepared by Fearon Hay Architects Reference No. 17(03) dated 1 October 2021:

➤ Cover Sheet & Location Plan	DA 0.01
➤ Existing Site Plan	DA 0.11
➤ Proposed Site Plan	DA 0.12
➤ Floor Plan – Ground Floor	DA 1.01
➤ Floor Plan – Level 1	DA 1.02
➤ Floor Plan – Level B	DA 1.03
➤ North Elevation	DA 2.01
➤ East Elevation	DA 2.02
➤ South Elevation	DA 2.03
➤ West Elevation	DA 2.04
➤ Garage Elevation	DA 2.05
➤ Section - AA	DA 2.11
➤ Section - BB	DA 2.12
➤ Section – CC	DA 2.13
➤ Section – DD	DA 2.14
➤ Section – EE	DA 2.15

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

Development Application No. DA2017/1370 for “*Demolition of existing dwelling and construction of a new dwelling house*” was approved by Northern Beaches Council on 7 June 2018. The approved works have not commenced and the consent remains operable.

Development Application No. DA2018/1929 for “*Demolition works and construction of a garage and studio*” was approved by Northern Beaches Council on 23 July 2019. The approved works have not commenced and the consent remains operable.

A pre-lodgement meeting (PLM2021/0093) was held for the subject DA with Council on 11 May 2021. The main concerns raised by Council at the time of the meeting, include the driveway and its relationship to the existing planting within the road reserve and the southern setback and its impact on the public laneway to Snapperman Beach Reserve.

The comments and recommendations provided by Council at this meeting have been taking into account in the design of the proposed dwelling, garage and studio.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## **2.0 Property Description**

The subject allotment is described as 102 Iluka Road, Palm Beach, being Lot 15 within Deposited Plan 12979 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is identified as being subject to Tidal Inundation and Flood Risk (Low Risk). Additionally, the site is within the Class 3 and Class 5 Acid Sulfate Soils areas, and is affected by the Foreshore Building Line. These issues will be discussed further within this submission. There are no other hazards affecting this site.

## **3.0 Site Description**

The site is located on the north-western side of Iluka Road and falls gradually towards the rear boundary, facing Snapperman Beach.

The site is regular in shape and has a width of 13.715m to Iluka Road and a depth of 50.65m. The total site area is 617.5m<sup>2</sup>.

Stormwater from the roof areas is to be directed to the existing public stormwater drainage line located within the adjacent public reserve.

The site is currently occupied by a two-storey rendered residence.

Vehicular access to a site is provided from Iluka Road to an existing detached garage.

The details of the lots which comprise the parcel are contained within the survey report prepared by TSS Total Surveying Solutions, Reference No. 211447, dated 8 September 2021, which accompanies the DA submission.



**Fig 1: Location of Subject Site**  
(Source: Google Maps)



**Fig 2: View of the subject site, looking west from Iluka Road**





**Fig 3: View of the existing garage with driveway access to the site, looking north-west from Iluka Road**



**Fig 4: View of the adjoining development to the north of the site, looking north-west from Iluka Road**





**Fig 5: View of the adjoining development to the south of the site, looking west from Iluka Road**



**Fig 6: View of the southern frontage of the site to the public access way to Snapperman Beach, looking west from Iluka Road**





**Fig 7: View of the southern frontage of the site to the public access way to Snapperman Beach, looking north-east**



**Fig 8: View of the adjoining dwelling to the south at No 100 Iluka Road, looking south-east from the beach reserve to the west of the site**





**Fig's 9 & 10: Views of the subject dwelling, looking from the Snapperman Beach Reserve to the west of the site**





**Fig 11: View of the adjoining development to the north of the site, looking west**



#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a natural setting, with a mix of low density residential developments which are oriented to enjoy the waterfront location and significant Pittwater vistas.

Development in Iluka Road is typically two storey development with a range of detached garages and ancillary outbuildings which, given the relatively modest size of the lots facing Snapperman Beach, have a higher than average footprint, with the building form screened by smaller trees and screening shrubs.



**Fig 12: Aerial Photograph**  
(Source: Google Maps)

## **5.0 Proposed Development**

As detailed within the accompanying plans, the proposal seeks to provide for the demolition of an existing two storey dwelling, boatshed and garage and the construction of a new two storey, contemporary style residence, with a detached garage and studio over.

The existing garage will be demolished, while the boatshed will be partially demolished with the southern exterior wall being retained. A new double garage will be constructed with a new studio above, adjacent to the front boundary of the site..

The new works will comprise:

### **Basement**

- Proposed basement level to provide for a plant and services room

### **Ground Floor**

- Proposed ground floor level to provide for entry, bunk room, laundry, powder room, two bedrooms with ensuites, uncovered courtyard, open plan living and kitchen
- Internal access stairs and lift.

### **First Floor**

- Proposed first floor level to provide for two bedrooms including master with ensuite, living room

### **External Works**

- Proposed new double garage and covered entry path and foyer
- New studio containing a bedroom, living area and bathroom
- New landscape treatment in accordance with the Landscape Plan prepared by Taylor Brammer Landscape Architects

The proposed studio is to be used in conjunction with the proposed dwelling and is not to be utilised for any form of separate accommodation.

The proposed new dwelling, in addition to the garage and studio provide a contemporary form, with articulated wall lines and modulated elements which provide visual interest and reduce the bulk and scale of the development.

The external colours and finishes of the new works will comprise a sandblasted concrete/plaster finish with perforated mesh screens for privacy and design relief to the building's facades. The earthy tones of the proposed dwelling will ensure the development is in keeping with the landscaped character of the locality.

A Landscape Plan has been prepared by Taylor Brammer Landscape Architects, which details the proposed landscaping works throughout the site. The landscape plan will allow for the retention and



protection of the more significant plantings within the site, with the only species to be removed being directly affected by the new works.

The proposed external finishes have been detailed within the submission.

Other than the partial demolition of the existing boatshed, there are no new works are proposed within the foreshore area.

The development indices for the development are summarised as:

Site Area	617.5m <sup>2</sup>
Required landscaped area	60% or 370.5m <sup>2</sup>
Proposed landscaped area	41.9% or 259m <sup>2</sup> <i>(exclusive of 6% functional open space allowance - See DCP discussion)</i>

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

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

### **6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

### **6.3 State Environmental Planning Policy (Coastal Management) 2018**

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

The stated Aim of the Policy under Clause 3 is to:

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

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

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

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*



- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

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

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

### **Division 3 Coastal environment area**

#### **13 Development on land within the coastal environment area**

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) coastal environmental values and natural coastal processes,*
  - (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) Aboriginal cultural heritage, practices and places,*
  - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

**Comment:**

The proposal provides for construction of a new dwelling, garage and studio. The proposed works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the Pittwater waterway. The proposed stormwater management system is noted in the supporting civil drawing set, prepared by Aidan Hogan, dated August 2021 and will comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

**Division 4 Coastal use area**

**14 Development on land within the coastal use area**

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
  - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) Aboriginal cultural heritage, practices and places,*
    - (v) cultural and built environment heritage, and*
  - (b) is satisfied that:*
    - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
    - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
    - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
  - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

**Comment**

The proposal will not result in the removal of any existing public access along the foreshore.

Shadow diagrams have been prepared by Cad Draft Pty Ltd (A100 – A102) which demonstrate that the proposal will not result in any significant increase in overshadowing to the foreshore area.

The proposed new development is compatible with its surrounding development in terms of its height and scale, and will not impact on the reasonable sharing of views to the foreshore area. The proposal will also protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

**15    *Development in coastal zone generally—development not to increase risk of coastal hazards***

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

**Comment**

The proposal provides for the construction of a new dwelling, garage and studio. The proposed new works are sufficiently separate from the lower, waterfront portion of the site, are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

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



## 6.4 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.



**Fig 13: Extract of Pittwater Local Environmental Plan 2014 Zoning Map**

The proposal for the demolition of an existing dwelling and associated structures and construction of a new dwelling with basement level, garage and studio is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

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

It is considered that the proposed new dwelling including the basement level, garage and studio will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views, with suitable view corridors to retained to allow views to and from the public domain.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Palm Beach is 8.5m above existing ground level.

In accordance with Clause 4.3 (2A), as the site is affected Coastal Erosion/Wave Inundation, the maximum building height can be up to 8m above the flood planning level (estuarine planning level) of RL 2.81.

The proposed new works will provide a maximum overall ridge height of height of RL 8.760, which is up to 7.25m above the floor planning level, and therefore complies with this control.

#### **Clause 5.5 – Development within the coastal zone**

The site is noted as being within the coastal zone. The proposal will see the objectives of the clause being met, which read as follows:

- a) *to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,*
- b) *to implement the principles in the NSW Coastal Policy, and in particular to:*
  - i) *protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and*
  - ii) *protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and*
  - iii) *provide opportunities for pedestrian public access to and along the coastal foreshore, and*
  - iv) *recognise and accommodate coastal processes and climate change, and*
  - v) *protect amenity and scenic quality, and*
  - vi) *protect and preserve rock platforms, beach environments and beach amenity, and*
  - vii) *protect and preserve native coastal vegetation, and*
  - viii) *protect and preserve the marine environment, and*
  - ix) *ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
  - x) *ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and*
  - xi) *protect Aboriginal cultural places, values and customs, and*
  - xii) *protect and preserve items of heritage, archaeological or historical significance.*

### Clause 5.9 – Preservation of trees or vegetation

The proposal will not require the removal of any significant trees or vegetation. A Landscape Plan has been prepared by Taylor Brammar Landscape Architects which provides for the comprehensive landscape treatment of the site.

Council's determination of DA 2018/1929 sort the retention of an existing Jacaranda sp. (T1 in the cabinetry Removal and the Retention Plan prepared by Taylor Brammar Landscape Architects), which is to be retained in the proposed scheme. The proposal will provide for the inclusion of additional tree planting with mature heights of up to 8m together with additional Palms, shrubs and ground covers to allow for screening of the new built form and for amenity and privacy for the building's occupants and neighbours.

The proposal is also supported by an Arboricultural Impact Assessment Report prepared by Urban Arbor Pty Ltd, Reference 210914-102, Revision D dated 14 September 2021.

### Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 3 & 5). The works involve the construction of a new basement level and accordingly a Report on Preliminary Geotechnical and Hydrogeological Investigation has been prepared by Douglas Partners, Project No 2077720.00 dated September 2021.

The report confirms that testing of the marine sands below the groundwater table of the site have not identified the presence of Acid Sulphate Soils and suggests recommendations to treat any acid sulphate soils if encountered during the excavation works.



Fig 14: Extract of Pittwater Local Environmental Plan 2014 Acid Sulfate Soil Map



#### Clause 7.4 – Floodplain Risk Management

The subject site is identified as being affected by flooding along the southern boundary.

The objectives of this clause are as follows:

- (a) in relation to development with particular evacuation or emergency response issues—to enable evacuation of land subject to flooding in events exceeding the flood planning level,
- (b) to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.

The proposed works are located wholly outside extent of flood affectation with only a minor portion extending into the south. Due to the minor risk, there are no applicable controls and requirements for the proposed development.



Fig 15: Extract of Pittwater Local Environmental Plan 2014 Flood Hazard Map

#### Clause 7.8 – Limited development on foreshore area

The site is noted as being affected by Council's Foreshore Building Line.

The foreshore area is defined as:

*foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.*



**Fig 16: Extract of Pittwater Local Environmental Plan 2014 Foreshore Building Line Map**

The objectives of this clause are as follows:

- (a) *to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
- (b) *to ensure continuous public access along the foreshore area and to the waterway.*

Clause 7.8 (2) notes that development consent can only be granted for certain development within the foreshore area, including:

- a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*

In this instance, the works involve the construction of a new dwelling, garage and studio which will be entirely located outside of the foreshore building line area and will therefore comply with this clause.

Clause 7.8 (3) notes the following matters to be addressed to the satisfaction of the consent authority to permit the issue of development consent:

- (3) *Development consent must not be granted under this clause unless the consent authority is satisfied that:*
  - (a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*

**Comment:**

As discussed in this Statement, new dwelling, garage and studio will achieve the Objectives of the E4 Environmental Living Zone.

- (b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

**Comment:**

The proposal will see the demolition of an existing structures and construction of a new dwelling with excavated basement level, garage and studio, which will be compatible with the scale and height of the surrounding development.

The works will observe the prevailing setback pattern and therefore will not be prominently visible from the waterway and foreshore.

The proposed works are complementary in scale and form and therefore considered compatible with the locality.

- (c) *the development will not cause environmental harm such as:*
- (i) *pollution or siltation of the waterway, or*
  - (ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
  - (iii) *an adverse effect on drainage patterns, or*
  - (iv) *the removal or disturbance of remnant riparian vegetation, and*

**Comment:**

Roofwater from the new roof areas will be directed to a proposed 10kL rainwater tank in the basement in accordance with the Stormwater Management Plans prepared by Aidan Hogan, Job No 021007 dated August 2021 , with overflow to be piped to the existing public stormwater drainage line within the adjacent public reserve and ultimately to the waterway, in accordance with the existing stormwater drainage system. As the stormwater is direct runoff from the roof, there will not be any significant issue in terms of water quality.

- (d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

**Comment:**

The proposal will not see any change to the public's opportunity to access the waterfront.

- (e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

**Comment:**

The proposed works will not provide any constraint to future access to the public foreshore area.

- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

**Comment:**

There are no specific historical, cultural, social, archaeological or architectural or aesthetic features of significance in the vicinity.



The waterfront locality and the natural setting are considered to be significant contributors to the local character and as the works are wholly within the private land, these features are adequately protected.

Given the modest nature of the works, the proposal is considered to achieve these specific objectives.

- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*

**Comment:**

The proposed new works will not see any substantial impact on the amenity and aesthetic appearance of the foreshore.

- (h) sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*

**Comment:**

The potential impacts of coastal forces have been considered in this submission, where they have relevance to the proposal.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

## **6.5 Pittwater 21 Development Control Plan**

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

### **6.5.1 Section A Introduction**

#### **A4.12 Palm Beach Locality**

##### **Desired Character**

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

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

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

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

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.*

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the demolition of an existing dwelling, garage and part of the boatshed, and construction of a new dwelling.

The proposed new two storey dwelling provides a contemporary form, with articulated wall lines and modulated elements which provide visual interest and reduce the bulk and scale of the development.

The external colours and finishes of the new works will comprise a concrete/plaster finish with vertical louvered screens. The earthy tones of the proposed dwelling will ensure the development is in keeping with the landscaped character of the locality.

The proposal will seek to remove a number of trees to accommodate the proposed development. Accordingly, an Arboricultural Impact Assessment Report has been prepared by Urban Arbor, dated 14 September 2021, and accompanies this submission.

A Landscape Plan has been prepared by Taylor Brammer Landscape Architects, dated 1 September 2021, which details the proposed landscaping works throughout the site.

The proposal is also supported by an Arboricultural Impact Assessment Report prepared by Urban Arbor Pty Ltd, Reference 210914-102, Revision D dated 14 September 2021.

No new works are proposed within the foreshore area.

### **6.5.2 Section B General Controls**

The General Controls applicable to the proposed development are summarised as:

#### **B3.2 Bushfire Hazard**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (Ec)*

The site is not identified as being Bushfire Prone Land.

#### **B3.7 Estuarine Hazard – Low density residential**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*



*Protection of private and public infrastructure and assets. (S)*

Council's Principal Officer – Coast & Estuary provided the following advice with regard to the proposed development:

*The property at 102 Iluka Road Palm Beach, has been identified as affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. As such, the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.*

*Based upon the survey plan provided by Rygate Surveyors, the foreshore edge treatment type appears to be a grassed or sandy slope with a crest height at about RL 2.0m AHD. As such, in accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), an **estuarine planning level (EPL) of RL 2.81m AHD** has been adopted by Council for the subject site. A reduction factor (RF) based upon the distance from the foreshore edge of the proposed development may also apply at a rate of 0.08m reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 35.0m (0.56m RF) beyond which no further reduction will apply.*

*The EPL provided is indicative only and may be subject to revision based upon any additional information lodged in support of a development application for the site.*

**Please note:** *If development for a 'vulnerable use' purpose as defined in clause 7.4 (3) of Pittwater LEP 2014 is proposed, an EPL based upon the 2100 sea level rise scenario may be applied.*

The minimum Finished Floor Level is 2.88m AHD and therefore complies with the provisions of this clause.

**B3.11 Flood Prone Land**

*The control seeks to achieve the outcomes:*

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets*

The subject land is identified as being located within a 'Low Risk' flood zone; therefore, no controls are applicable to the site.

**B4.15 Saltmarsh Endangered Ecological Community**

The controls seek to achieve the outcomes:

*To conserve and enhance saltmarsh vegetation. (En)*

The works are wholly within the property boundaries. The works will not encroach on the foreshore building line and are therefore not considered to have any implications on saltmarsh

vegetation.

#### **B4.16 Seagrass Conservation**

The controls seek to achieve the outcomes:

*The conservation of seagrass beds in Pittwater. (En)*  
*The replacement of lost/damaged seagrass beds. (En)*

The works are wholly within the property boundaries. The works will not encroach on the foreshore building line and are therefore not considered to have any implications on any seagrass beds.

#### **B4.19 Estuarine Habitat**

The controls seek to achieve the outcomes:

*To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater. (En)*  
*Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)*  
*The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)*  
*The social and cultural values of estuarine habitats are conserved and enhanced. (S)*  
*Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)*

The works are wholly within the property boundaries. The works will not encroach on the foreshore building line and are not considered to have any implications on the estuarine habitat within Pittwater.

#### **B4.20 Protection of Estuarine Water Quality**

The controls seek to achieve the outcomes:

*To ensure that water quality is not adversely affected by pollutants including increased nutrient levels, pathogens, and siltation. (En)*  
*To protect the mangroves, seagrasses, intertidal sand/mud flats and other habitats that comprise the estuarine habitat of Pittwater. (En)*  
*Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)*  
*The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)*  
*The social and cultural values of estuarine habitats are conserved and enhanced. (S)*  
*Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)*

Roofwater from the new roof areas will be directed to a rainwater tank, with overflow to be piped to the existing public stormwater drainage line within the adjacent public reserve and ultimately to the waterway. As the stormwater is direct runoff from the roof, there will not be any significant issue in terms of water quality.

**B5.13 Development on Waterfront Land**

The controls seek to achieve the outcomes:

*Protection of waterways and improved riparian health (En)*  
*Stormwater and creek flows are safely managed. (S)*  
*Appropriate setback between waterways and development (En)*

The proposed development will maintain the stability and stormwater flows of the site. The proposal will therefore comply with this control.

**B5.15 Stormwater**

The controls seek to achieve the outcomes:

*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;*  
*Minimise the risk to public health and safety;*  
*Reduce the risk to life and property from any flooding and groundwater damage;*  
*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.*  
*Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*  
*Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*  
*Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

The collected stormwater will be directed to the public drainage line within the adjacent reserve and which disperses stormwater within Snapperman Reserve. As the stormwater is direct runoff from the roof, there will not be any significant issue in terms of water quality.

Given the depth of the predominantly sandy foundation layer within the site and the surrounding reserve, no issues are anticipated with stormwater infiltration.

As such, there will not be any substantial change to the existing stormwater discharge arrangements.

**B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential**

This control seeks to achieve the outcomes:

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



The proposal will see the demolition of an existing garage and construction of a new double garage that will provide safe and convenient access.

#### **B6.2 Internal Driveways – Low Density Residential**

This control seeks to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will see the construction of a new double garage driveway, which provides direct access from the street.

#### **B6.3 Off-Street Vehicle Parking Requirements – Low Density Residential**

This control seeks to achieve the outcome (over):

- Safe and convenient parking. (S)*

The construction of a new double garage will meet Council's parking requirement for large dwellings which suggests two off-street car spaces should be provided to meet the parking demands of the residents.

#### **B8.1 Construction & Demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation, landfill and construction not to have an adverse impact. (En)*
- Excavation and landfill operations not to cause damage on the development or adjoining property. (S)*

The proposal will require excavation for the proposed basement. The application is supported by a Report on Preliminary Geotechnical and Hydrogeological Investigation has been prepared by Douglas Partners, Project No 2077720.00 dated September 2021.

The report concludes that the basement and associated excavation will not give rise to any adverse impacts on the land or adjoining property.

#### **B8.2 Construction and Demolition – Erosion and Sediment Management**

The controls seek to achieve the outcomes:

- Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)*

*Reduction of waste throughout all phases of development. (En)*

*Public safety is ensured. (S)*

*Protection of the public domain. (S, En)*

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Appropriate erosion and sedimentation controls shall be implemented throughout all stages of the construction process.

### **B8.3 Construction and Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

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

Any demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

## **6.4.3 Section C Development Type Criteria**

The Design Criteria applicable to the proposed new two store good y dwelling with basement level, garage and studio over are summarised as:

### **C1.1 Landscaping**

The controls seek to achieve the outcomes:

*A built form softened and complemented by landscaping. (En)*

*Landscaping reflects the scale and form of development. (En)*

*Retention of canopy trees by encouraging the use of pier and beam footings. (En)*

*Development results in retention of existing native vegetation. (En)*

*Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*

*Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*

*Landscaping enhances habitat and amenity value. (En, S)*

*Landscaping results in reduced risk of landslip. (En, Ec)*

*Landscaping results in low watering requirement. (En)*

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

The proposal will seek to remove a number of trees/palms to accommodate the proposed development. Accordingly, an Arboricultural Impact Assessment Report has been prepared by Urban Arbor, dated 14 September 2021, and accompanies this submission.

The yard areas of the site will be supplemented with additional screen planting in accordance with the Landscape Plan prepared by Taylor Brammer Landscape Architects, dated 1 September

2021.

The site enjoys the benefit of a substantial reserve area forward of the mean high-water mark and which contributes to the open landscaped character of the Pittwater frontage of properties in this portion of Iluka Road.

### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

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

The proposed development provides a clear distinction between the public and private domain. Views to the public domain are available from all three public frontages which enhances security in the area.

### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views from public places and living areas. (S)*  
*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*  
*Canopy trees take priority over views (En, S)*

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. Due to the relatively flat nature of the land, the properties opposite the site on the north-eastern side of Iluka Road currently receive limited views to Pittwater.

Given the proposal provides a low scale roof form which complies with the statutory height limit, the proposal will not result in any unreasonable view loss for the surrounding properties. Views towards the property are currently affected by the first-floor level form of the existing dwelling and the new works will not significantly alter the views through or over the site.

The new dwelling achieves the objectives of Council's setback controls which allows for view corridors to be maintained past the dwelling, towards Pittwater.

#### **the C1.4 Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*

*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*

*Reduce usage and/dependence for artificial lighting. (En)*

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

The proposal is accompanied by shadow diagrams, including elevational shadow diagrams, which demonstrate that the subject and neighbouring dwellings will therefore continue to enjoy suitable solar access to their internal living areas and private open space areas during the day.

The shadow analysis includes an elevational shadow analysis of the shadows cast on 21 June on the adjoining dwelling at No 100 Iluka Avenue, which is separated from the site by the public footway access to the beach reserve.

The elevational shadow diagrams indicate the extent of the additional shadows beyond the current dwellings' shadow lines.

The additional shadows presented by the new development are minimal, with minor additional shadows affecting the northern boundary wall and a part of the upper floor northern deck of No 100 Iluka Road at 9.00am, with no additional shadows cast for the remainder of the day.

#### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)*

*A sense of territory and safety is provided for residents. (S)*

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

Due to the considered location of habitable room windows, the proposal is not considered to result in any privacy impacts on neighbouring properties. The northern and southern elevations have limited window openings to preserve privacy to the adjacent neighbours, with the use of vertical louvred screens to further assist in reducing direct overlooking of the neighbours.

The primary outlook from the main living spaces is directly forward of the dwellings and over its own yard areas which enhances the amenity and privacy of the neighbours.



Additionally, the existing and proposed perimeter planting will provide for privacy for the occupants of the subject site and neighbouring properties.

#### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

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

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

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

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

#### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy (En, S).*

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The new design provides for a good mix of private courtyard space which is well screened from public view and the continued use of the existing private open space area within the foreshore area. In addition, the proposal includes the partial demolition of the existing boatshed to provide for an expanded area of private open space within the foreshore area for the benefit of the residents.

Ancillary terrace areas are provided at each level of the building, facing Pittwater which enhance the use of the indoor spaces by allowing the rooms to open onto the adjacent terrace areas.

#### **C 1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

*Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)*

*Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The curtilage to the garage will maintain adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

#### **6.5.4 Section D Locality Specific Development Controls**

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

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

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

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

##### **D12.1 Character as Viewed From a Public Place**

The control seeks to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)*

*To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at 'human scale'.*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

*To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component.*

*To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

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

The proposal will provide for the demolition of the existing dwelling, including garage and boatshed.

The proposed new dwelling, as well as garage and studio present a contemporary form, which complements the style and scale of other new development in the area and observes the prevailing setbacks of the surrounding development.

The development will see a flat roof form to minimise the visual impact of the development on the Iluka Road streetscape.

The proposal complies with the statutory height limit, and views over and to the side of the dwelling will be retained for the neighbouring dwellings.

The proposed new landscape plantings will ensure that the proposed works will be interspersed with the natural landscaped setting.

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

As discussed, the proposal responds to Council's streetscape objectives by introducing appropriate design relief through articulation and varying materials and finishes between the two levels.

The external colours and finishes of the new works have been selected to complement the existing development on site, together with the surrounding locality.

The proposed works follow the established building line and height within Iluka Road as it is not uncommon for garages to have a studio at the first-floor level over the garage (see below).

The proposal will see a modest height, with some views over and to the side of the new dwelling, garage and studio to be retained for the neighbouring dwellings which are located opposite or uphill of the proposal.

The setbacks provided reflect the setbacks of the adjoining properties.

The existing landscape plantings will ensure that the proposed works will be interspersed with proposed planting.

The proposal complies with the statutory height limit, and views over and to the side of the dwelling will be retained for the neighbouring dwellings.

### **D12.3 Building colours and materials**

The controls seek to achieve the outcomes:

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

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

The external finishes have been detailed within the submission and will provide for sandblasted concrete external walls with plaster finish. The roof form will be a contemporary curved form with a membrane roof finish.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to complement the surrounding development.

### **D12.5 Front Building Line**

The controls seek to achieve the outcomes:

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

The clause requires that for development along the western side of Iluka Road and zoned E4 Environmental Living, garage structures may be permitted to the front boundary with a nil setback, while all other structures must be setback 3m.

The proposed new garage will be setback 2.16m to the masonry elements with a setback of 1.96m to the sliding carport screen door screen, presenting a minor variation to the thereby readily achieving the minimum requirement.



The proposed studio the above will observe a similar 2.16m setback as the level below which whilst presenting a technical non-compliance, it is not inconsistent with other similar examples in the knee if vicinity where structures above garages are set less than 3m to the street boundary.

Additionally, the location of the garage with the proposed studio above is consistent with the location of the structure can previously considered the determination of DA2018/1929.



**Fig 17: Example of first floor level over garage at No 98 Iluka Road, looking from street**



**Fig 18: Example of first floor level over garage at No 94 Iluka Road, looking from street**

Notwithstanding the numerical non-compliance, the proposed studio is not uncharacteristic of the predominant streetscape character along Iluka Road with many examples of similar structures above garages. Therefore, the streetscape amenity will not be adversely affected, but positively impacted by the proposal. Any apparent visual impact from the perceived bulk and scale of the studio is mitigated through the use of suitable materiality that is sympathetic to the established built form along Iluka Road.

The proposed setback represents a minor non-compliance with sufficient separation still provided to the front boundary, so not to adversely impact the street frontage and pedestrian amenity. The non-compliance will not give rise to any impact on available views and vistas to and/or from public or private places.

Landscaping within the road verge will be retained and provided to assist in screening the built form from Iluka Road.

The proposed studio has been able to satisfactorily address the outcomes of the control, therefore a variation is considered to be supportable.

#### ***D12.6 Side and rear building line***

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*  
*The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*  
*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*  
*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*  
*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*  
*Flexibility in the siting of buildings and access. (En, S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*To ensure a landscaped buffer between commercial and residential zones is achieved.*

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side. A Foreshore Building Line is required under the PLEP 2014 and the development observes the LEP control.

The proposed development will stand a minimum of 1.05m and 0m (nil) from the northern and southern side boundaries respectively, and therefore encroaching into the side setback control. The access stairway to the studio level intends to stand on a nil setback to the adjacent public walkway and given the limited length of the area which encroaches with the 1.0m side setback, will not adversely affect the amenity of the public areas or nearby residential property.

Notwithstanding the above, the proposed ground floor to the southern boundary provides a varying side setback up to 2.84m along the entry way, therefore providing a generous setback to the southern boundary adjoining the public accessway to Snapperman Beach. This also includes to the first floor which also provides for a 2.84m setback to the southern boundary. The reduced setback does not give rise to adverse impacts on privacy, amenity or solar access to the property on the southern side of the public accessway. While the bulk and scale of the built form is consistent the predominant character of the area, including dwellings within close proximity of the subject site.

In light of the above, it is considered that a variation to the minimum side setback control is warranted and supportable.

A Foreshore Building Line setback is required under the PLEP 2014 and the development observes the LEP control.

#### **D12.8 Building Envelope**

The controls seek to achieve the outcomes:

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

The proposal results in a breach to the prescribed building envelope control. While technically non-compliant, the breach is not unreasonable within the context of the surrounding area noting the narrow lot widths when measured perpendicular to the side boundaries (12.2m).

The non-compliance does not unreasonably impact on the amenity of adjoining properties with no unreasonable impact on solar access, privacy or solar access. Overall, the bulk and scale are consistent with the existing and desired character of the locality remaining two storeys. Therefore, the proposal and building envelope breach should be supported on merit.

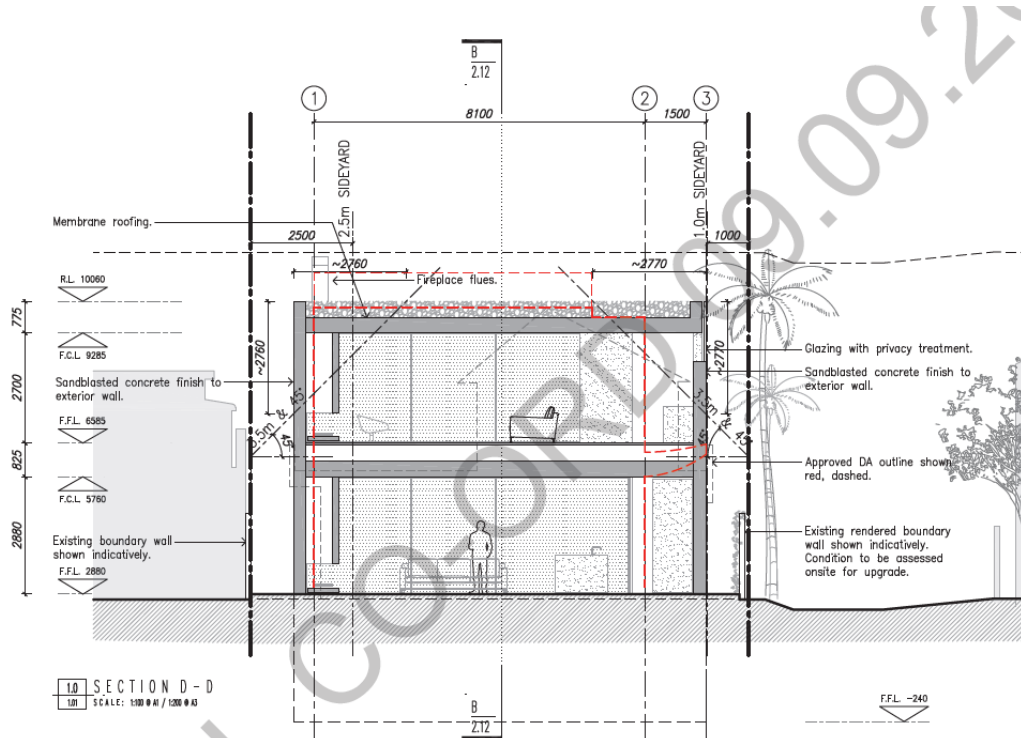


Fig 19: Extract of Section D-D prepared by Fearon Hay Architects

#### D12.10 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

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



The required controls to achieve the outcomes are to ensure that residential development maintains a minimum of 60% of the site as landscaped area.

The site will retain 259m<sup>2</sup> or 41.9% of the site as landscaped area and therefore will not comply with this clause.

The proposed landscaped area is not considered to be unreasonable. Adequate landscaping within the context of the site and wider area will remain with sufficient space for planting, which is proposed in the revised landscape plan. Furthermore, the proposal will result in additional soft landscaping compared to the existing landscaping, which equals 23.7%. The landscaped area will remain consistent with the soft landscaping of nearby properties, including the wider area along Iluka Road, particularly those along the western side adjoining the Pittwater waterway.

The development is not an unreasonable sized dwelling within the context of the surrounding area, particularly accounting for the narrow lot width (11.8m, when measured perpendicular to the side boundary). The proposal is largely compliant with relevant built form controls, including building height with the building envelope breach addressed under the relevant control.

Council's DCP does allow for an additional paved area of up to 6% of the site to be considered as landscaped area, where the development is considered to achieve the Objectives of Councils Built Form controls.

In this instance, the dwelling will observe Council's building height and setback controls and presents a contemporary form which observes the predominant bulk and scale of the surrounding development.

The proposal provides for new landscape plantings throughout the site to soften the built form of the development and maintain privacy and amenity for occupants of the subject site and adjoining properties.

As previously discussed, the site enjoys the benefit of a substantial reserve area forward of the mean high-water mark and which contributes to the open landscaped character of the Pittwater frontage of properties in this portion of Iluka Road.

The proposal is therefore in keeping with the desired outcomes of Clause D12.10 and is deemed worthy of support on merit.

#### **D12.14 Scenic Protection Category One Areas**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.*

*To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En, S).*

*Maintenance and enhancement of the tree canopy. (En, S)*

*Colours and materials recede into a well vegetated natural environment. (En, S)*

*To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*

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

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

As discussed, the proposal provides for a low scale dwelling which complies with the statutory height limit. The proposed works are not considered to be bulky or overbearing when viewed from the foreshore area.

The recessive tones of the new works will further minimise the visual bulk of the building.

The proposed landscaping on the site will appropriately screen the new works.

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

### **7.1 The provisions of any environmental planning instrument**

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

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

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

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that

the variations to the side setback, front setback and building envelope controls are a reasonable alternative solution where there will not be any significant impact to adjoining public and private areas.

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

**7.4 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**

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

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

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

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

It is considered that the proposal, which seeks consent for proposed demolition of an existing dwelling, garage and boatshed and the construction of a new dwelling, garage and studio, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

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

**7.7 The suitability of the site for the development**

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

**7.8 Submissions made in accordance with this Act or the regulations**

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

**7.9 The public interest**

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



## **8.0 Conclusion**

The principal objective of this development is to provide for demolition of the existing dwelling, garage and boatshed. A new dwelling with basement level, garage and studio will be constructed as detailed within the Development Application plans prepared by Fearon Hay Architects.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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