

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN  
EXISTING DWELLING INCLUDING A NEW CARPORT**

**LOCATED AT**

**77A MYOLA ROAD, NEWPORT**

**FOR**

**JON MILLIGAN**



**Prepared  
December 2019**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Network Design, Project No. 09-16-MYO, Sheets No's. 1-12 dated November 2018 to detail the proposed construction of alterations and additions to an existing dwelling including a new detached carport at **77A Myola Road, Newport**.

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.

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 77A Myola Road, Newport being Lot 1 within Deposited Plan 715601 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site does not contain any heritage items, nor is it within a conservation area. However, the site is within the vicinity of a number of heritage items, including the heritage-listed dwelling known as “Bungania” at No. 77 Myola Road (Item No. 2270017).

The site is identified within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within this statement.

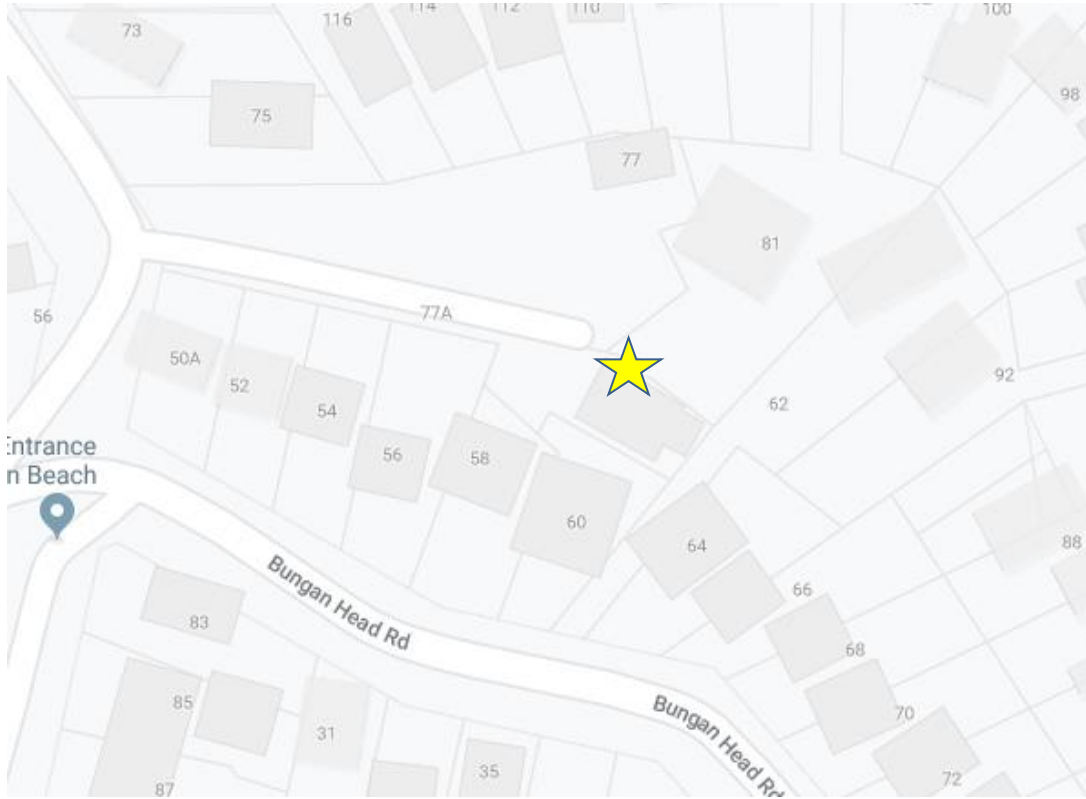
The site has been identified on the Geotechnical Hazard Map as ‘W Hazard H1’, and accordingly a Geotechnical Investigation has been prepared by White Geotechnical Group and accompanies this submission.

No further hazards have been identified.

## 3.0 Site Description

The battle-axe shaped site is located on the eastern side of Myola Road and the site is currently developed with a single storey dwelling. Vehicular access to the site is currently provided via a right of way and shared driveway access from Myola Road.

The details of the lot are contained within the survey report prepared by Adam Clerke Surveyors, Reference No. 4012C, dated 10 May 2012 which accompanies the DA submission.



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



**Fig 2: View of subject dwelling, looking south-east**



**Fig 3: View looking east along the existing southern elevation of the dwelling**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles.

The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The surrounding dwellings comprise a mix of single and two storey dwellings.



**Fig 4: Aerial Photograph**  
(Source: Google maps)

## 5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the construction of alterations and additions to an existing dwelling including a new double carport.

The works will comprise:

### Basement Level

- Removal of internal stairs and conversion of window opening into new doorway to cellar

### Ground Floor Level

- Alterations to existing dwelling to provide for new kitchen, new breakfast room with new door openings, new bedroom, new bathroom, minor reconfiguration of existing internal doors and walls, new joinery to living room, renovate robe and ensuite to southern bedroom
- New covered verandah to the southern elevation, which is primarily to provide weather protection to the exposed southern façade of the dwelling

### External Works

- New double carport and turning apron within existing hardstand area
- Re-construction of existing retaining wall within front yard
- Removal of existing south-western external stairs

The new portion of roof over the proposed verandah will comprise metal roofing to match the existing dwelling. The proposed new carport will be of timber construction with metal roofing.

The development indices for the site are:

Site Area	851.8m <sup>2</sup>
Required Landscape Area	60% or 511.08m <sup>2</sup>
Proposed Landscape Area	44.5% or 379.3m <sup>2</sup> (see DCP discussion)

## 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 is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

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

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

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

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

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

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



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

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

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

The relevant provisions of this clause are addressed as follows:

***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 the construction of additions and alterations to an existing dwelling. The proposed works will be carried out in accordance with the recommendations of the consulting Structural & Geotechnical Engineers, which will ensure that appropriate structural integrity for the site will be maintained.

The collected stormwater will be directed to the existing system which directs stormwater to the street gutter in Bungan Head Road via a drainage easement which benefits the site. The proposed stormwater management system will be designed to 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 headland.

The proposed new development is modest in height and scale and will not result in any loss of views to the headland area. By presenting a modest single storey height that respects the sloping topography of the site, the proposal will protect the visual amenity of the locality.

The site itself 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.

**Division 5 General**

**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 detached secondary dwelling. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

**16 Development in coastal zone generally—coastal management programs to be considered**  
*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

**Comment:** No coastal management programs have been identified.

**17 Other development controls not affected**  
*Subject to clause 7, for the avoidance of doubt, nothing in this Part:*  
*(a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*  
*(b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

**18 Hierarchy of development controls if overlapping**  
*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*  
*(a) the coastal wetlands and littoral rainforests area,*

- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

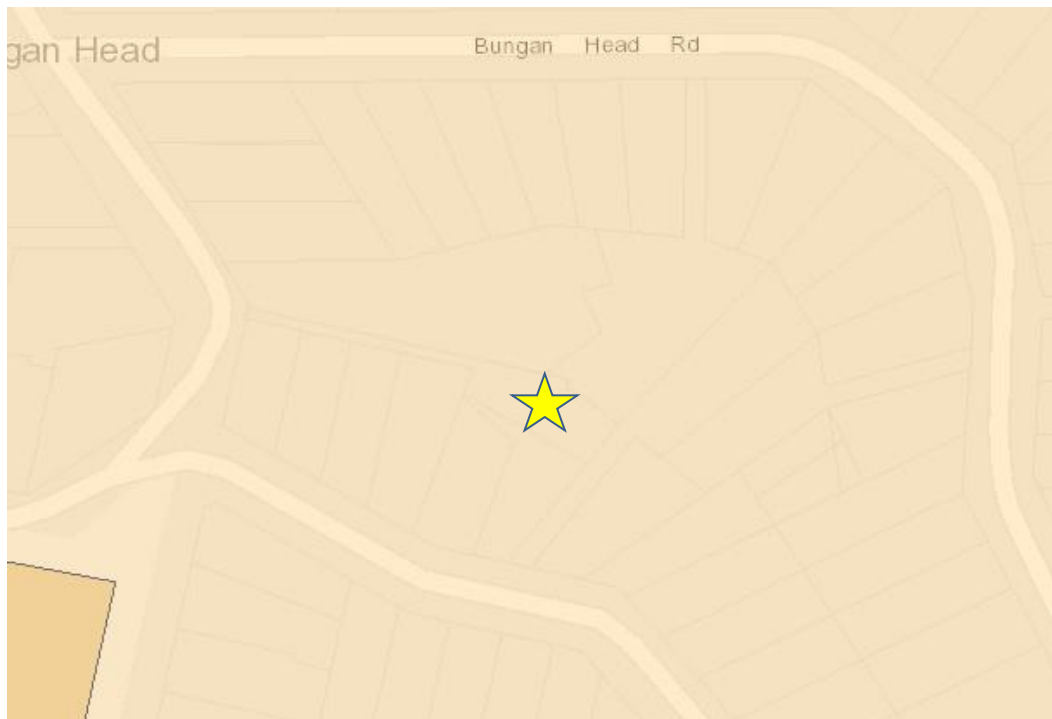
**Comment**

Noted

**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 5: Extract of Pittwater Local Environmental Plan 2014 Zoning Map**

The proposed alterations and additions are 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 alterations and additions to an existing dwelling 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 proposal provides for construction of modest alterations and additions to the existing dwelling including a new carport, which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

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

The maximum building height in this portion of Newport is 8.5m. The proposed new works to the dwelling are up to 5m in height, and the carport is up to 4.85m in height. The new works will therefore readily comply with Council's maximum 8.5m control.

#### **Clause 5.10 – Heritage conservation**

The site does not contain any heritage items, nor is it within a conservation area. However, the site is within the vicinity of a number of heritage items, including the heritage-listed dwelling known as "Bungania" at No. 77 Myola Road (Item No. 2270017).

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposal provides for modest alterations and additions to an existing dwelling which will not see any change to the existing ridge height and will maintain the single storey scale of the dwelling.

The new works will not detract from views to or from the heritage item heritage item and in this regard, no further formal heritage investigation is considered to be necessary. A heritage impact statement is provided as an Appendix to this statement.

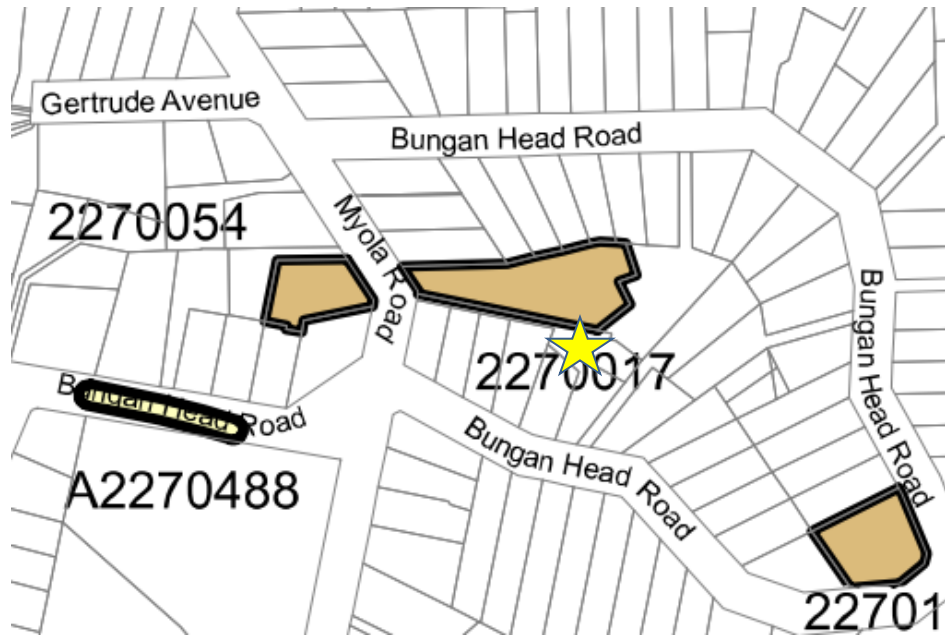


Fig 6: Extract of Pittwater Local Environmental Plan 2014 Heritage Map

The selected colours and finishes will complement the existing dwelling, and blend with the natural landscape of the locality.

The modest alterations and additions will not detract from the significance of the adjoining heritage items, and therefore maintain consistency with the provisions of this clause.

#### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within the Class 5 Acid Sulfate Soils area. The proposal will not require any significant excavation of the site. As the proposal sees minimal disturbance to the site, it is not anticipated that acid sulfate soils will be encountered.

#### **Clause 7.2 – Earthworks**

The proposal will not require any significant excavation of the site. All works will be supervised by a suitably qualified structural engineer, to ensure that the proposal maintains compliance with the provisions of this clause.

#### **Clause 7.7 – Geotechnical hazards**

A Geotechnical Investigation has been prepared by White Geotechnical Group, under Report No J1182 dated 13 March 2017 and as reviewed under J1182BH dated 20 December 2019 and is provided to address the provisions of this Clause.

The report concludes that *“The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice”*

The Geotechnical Investigation provided recommendations to be observed to ensure the stability of the site is maintained and these recommendations will be adopted.

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 Section B (General Controls), Section C (Development Type Controls) and **Section D10 Newport Locality** Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

### 6.5.1 Section A Introduction

Desired Character

The desired character of the Newport Locality is summarised as:

*"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 multi-unit 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 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."*

It is considered that the proposal is consistent with the desired character of the locality by providing for modest alterations and additions to an existing dwelling which maintain consistency with the low density scale of the area.

The proposal has been designed to reflect the predominant setbacks provided to the property boundaries in the immediate area.

The materials and colours of the new works will harmonise with the natural environment and will not detract from the existing locality.

#### **6.4.2 Section B General Controls**

The General Controls applicable to the proposed applicable to the proposed additions and alterations to the existing dwelling and associated structures are summarised as:

##### **B3.1 Landslip Hazard**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

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

A Geotechnical Investigation has been prepared by White Geotechnical Group, under Report No J1182 dated 13 March 2017 and as reviewed under J1182BH dated 20 December 2019 and is provided to address the provisions of this Clause.

The report concludes that *"The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice"*.

The Geotechnical Investigation provided recommendations to be observed to ensure the stability of the site is maintained and these recommendations will be adopted.

##### **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The controls seek to achieve the outcomes:

*The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

The proposal will not see the loss of any significant vegetation, and other than the inclusion of the southern covered verandah and carport and will otherwise largely maintain the existing

area of soft landscaping.

The proposal is therefore considered to be in keeping with the provisions of this clause.

**B5.8 Stormwater Management – Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)*  
*Development is compatible with Water Sensitive Urban Design principles. (En)*

This clause is applicable where development results in a new hard surface area of 50m<sup>2</sup> or greater. The proposal will not introduce new hard site cover in excess of 50m<sup>2</sup>, and the new roof areas will be connected to the existing stormwater system, which directs stormwater run-off to Bungan Head Road via a drainage easement which benefits the site.

**B6.1 Access driveways and works on the public road reserve – Low Density Residential**

The controls seek 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 construction of a new carport and turning area, accessed via the existing shared driveway from Myola Road.

**B6.2 Internal Driveways**

The controls seek to achieve the outcomes:

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

The proposal will provide a new turning area, which is contained within the site's boundaries and has been designed to meet Council's requirements and the relevant Australian Standards.

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

This control seeks to achieve the outcome:

*An adequate number of parking and service spaces that meets the demands generated by the development.*

*Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

*Safe and convenient parking.*

This clause stipulates that 2 car spaces are to be provided for the dwelling. The proposal provides for a new double carport which complies with this control.

#### **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 proposed designs to be endorsed by the Consulting Structural Engineer.

#### **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. Erosion and sediment control measures will be carried out to minimise the impacts of construction on surrounding properties and have been detailed in Sheet 7.

### 6.4.3 Section C Development Type Controls

The Development Controls applicable to the proposed additions and alterations to the existing dwelling and associated structures 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 works will not see the removal of any protected trees. Suitable area surrounding the dwelling and particularly along the southern elevation of the new covered verandah is available for further supplementary screen planting.

As detailed in Sheet 1, additional hedge planting of *Syzygium Australe* –“Southern Aussie” is provided which will attain a height of 2-3m and assist in screening the built form.

#### **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 works to the secondary dwelling will not impact on the existing safety or security of the site. Views from within the dwelling to the site's entry will be maintained.

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

The controls seek to achieve the outcomes:

*A reasonable sharing of views amongst dwellings. (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 subject and adjoining properties currently enjoy expansive views to the south. Given the modest scale of the new works, the proposal will allow for appropriate view corridors to be retained for the properties surrounding the site and the predominant views will be retained over the structure.

### **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.

Notwithstanding the works are largely single storey in height, shadow diagrams have been provided which identify the extent of the new shadows cast by the works.

Given the modest height and scale of the proposed new works, the proposal is not considered to unreasonably remove solar access to the primary living spaces of any neighbouring properties.

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

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)*  
*A sense of territory and safety is provided for residents. (S)*

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

The proposal provides for the construction of a new verandah which is orientated towards the south-west.

Due to the substantial difference in levels between the proposed verandah and the neighbouring property to the south, together with the fact that the southern façade currently has large windows with some degree of overlooking of the southern neighbour, no unreasonable or adverse privacy impacts are anticipated. The siting of the remainder of the dwelling remains unchanged, and the existing levels of privacy enjoyed by the adjoining neighbours will be maintained.

The dwelling enjoys substantial views to the south and south-east towards Bungan Beach, and the proposed verandah will maximise opportunities for views for the subject dwelling without resulting in any problematic overlooking to the southern neighbour.

The separation and the inclusion of the new Lillypilly hedge to be provided to supplement the existing landscaping between the subject dwelling and southern neighbour will assist with maximising privacy for the subject dwelling and southern neighbour.

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

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or recreation 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 recreation 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 works will maintain appropriate rear yard open space areas whilst providing additional functional recreation areas for the enjoyment of occupants of the secondary dwelling.

### **C1.9 Adaptable Housing and Accessibility**

The controls seek to achieve the outcomes:

*The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)*

*All members of the community enjoy equitable access to buildings to which the general public have access. (S)*

*Housing for older people and people with a disability are accessible, adaptable and safe. (S)*

*Equitable access in the public domain. (S)*

Single dwellings are not required to provide access in accordance with AS4299-1995.

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

The controls seek to achieve the outcomes:

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

*Waste facilities are located such that they do not adversely impact upon amenity of the land 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. Sufficient area is maintained within the site 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 **D10 Newport 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 proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- 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 **D10 Newport Locality** is provided below:

##### **D10.1 Character As Viewed From A Public Place**

The control seeks to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*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. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

*Parking structures are minimised and secondary to the built form, landscaping and vegetation. (S)*

*Access to public places and spaces is clear and defined. (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 elevations provided with the DA submission demonstrate that the proposed new works will be complementary in terms of bulk and scale to the existing surrounding development.

The modest single storey scale of the new works will ensure that the proposal will not be prominently visible from the public domain.

##### **D10.4 Building Colours, Materials and Construction**

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 the visual character of 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 use of materials with low embodied energy is encouraged. (En)*  
*New buildings are robust and durable with low maintenance requirements. (S)*  
*In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)*

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.

It is considered that the development is appropriate as the works will complement the existing dwelling.

#### **D10.7 Front building line**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*  
*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 enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*  
*To encourage attractive street frontages and improve pedestrian amenity.*  
*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage. As the site is a battle-axe allotment, the proposed new carport presents a substantial setback from Myola Road (>70m). The proposed carport will stand a minimum of 4.1m from the internal front boundary.

As the proposed carport is a modest, single storey structure, with an open design which will not result in any adverse impacts for neighbouring properties in terms of visual appearance, privacy or solar access, the siting of the carport is considered appropriate in this instance.

The minimum front setback of the dwelling remains unchanged, and will maintain compliance with the provisions of this clause.

### **D10.8 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 established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side, and min 6.5m from the rear boundary.

The north-eastern side setback of the dwelling remains unchanged. The south-eastern side elevation remains unchanged, however the proposal provides for a new verandah along the south-eastern elevation of the dwelling which stands 900mm from the south-eastern side boundary and therefore does not comply with this control.

Compliance with the side setback control is constrained by the siting of the existing dwelling.

The portion of the development where it does not comply with the side setback control will not result in any adverse impacts for neighbouring properties in terms of solar access, privacy or general amenity.

The works to accommodate the proposed verandah will not require the removal of any soft landscaping or vegetation.

The proposed verandah is a covered, open structure, and will not see any substantial increase in bulk and scale for the dwelling as viewed from neighbouring properties or the public domain.

The proposed carport will stand 800mm from the south-western side boundary and is well separated from the north-eastern side boundary. The proposed south-western setback therefore presents a minor variation to this clause. The proposed location of the carport is considered to maximise safety for the site's occupants by facilitating forward entry and exit.

As the carport is a partly open structure, with no adverse impacts for neighbouring properties anticipated, the siting of the carport is considered acceptable on merit.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

### **D10.11 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 residential properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

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

The dwelling will maintain compliance with the building envelope control. The proposed carport will present a minor variation as noted within the submitted West Elevation (Sheet No. 4).

The portion of the development where it does not comply with the building envelope control will not result in any adverse impacts for neighbouring properties in terms of solar access, privacy or general amenity.

The modest single storey scale of the new works will maintain consistency with the character of development in the locality.

Compliance with the building envelope control is constrained by the sloping topography of the site. The proposal is considered to be in keeping with the desired outcomes of this clause and is worthy of support on merit.

### **D10.13 Landscaped Area – General**

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 limit residential development in order to

maintain a minimum landscaped area of 60% of the site area.

The proposal will retain up to 44.5% or 379.3m<sup>2</sup> of the site as landscaped area without the application of the 6% concession for functional outdoor recreation space, which includes the significant access handle which contributes to a sense of openness in the area. This presents a minor variation to the landscaped area control.

The existing landscaped area does not comply with this control, and the proposal results in a minor reduction in soft landscaping of only 19.2m<sup>2</sup>.

As the variation is existing, and the landscaped area will only undergo a minor reduction, the proposed variation is therefore considered to be worthy of support on merit.

***D10.16 Construction, Retaining walls, terracing and undercroft areas***

The controls seek to achieve the outcomes:

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

*To protect and minimise disturbance to natural landforms.*

*To encourage building design to respond sensitively to natural topography.*

The proposal satisfactorily responds to the topography of the site. The works incorporate new retaining walls due to the sloping topography of the site. The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and will therefore satisfy the provisions of this clause.

## **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.

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 variation to the setback, building envelope and landscape area controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the setbacks.

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**

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 construction of alterations and additions to an existing dwelling including a new detached carport, which 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 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 and the Newport 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 and is permissible under the provisions of the LEP.

**7.8 Any 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 proposed construction of alterations and additions to an existing dwelling including a new detached carport to enhance the amenity of the property without impacting on the adjoining properties.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

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.

### **VAUGHAN MILLIGAN**

Town Planner

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Appendix: Heritage Impact Statement

**STATEMENT OF HERITAGE IMPACT FOR:**  
**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING INCLUDING**  
**A NEW DETACHED CARPORT**  
**77A MYOLA ROAD, NEWPORT**

This Statement relates to the proposal for construction of additions and alterations to the existing dwelling including a new detached carport at **77a Myola Road, Newport** for Mr Jon Milligan.

The subject allotment is described as **77a Myola Road, Newport** being Lot 1 in Deposited Plan 538888 and is zoned E4 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, However, the site is within the vicinity of a number of heritage items, including the heritage-listed dwelling known as “Bungania” at No. 77 Myola Road (Item No. 2270017).

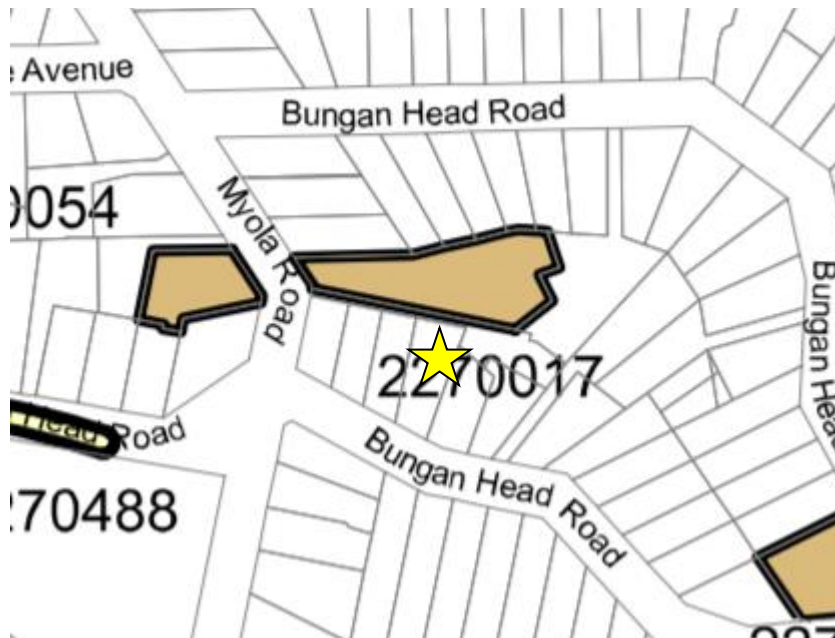


Fig 7: Extract of Pittwater Local Environmental Plan 2014 Heritage Map



Accordingly, this Statement has been prepared to assess the impact of new works on the heritage item.

The proposal seeks to provide for construction of alterations and additions to an existing dwelling including a new detached carport.

The proposed additions to the dwelling are modest in bulk and scale, and readily complies with Council's statutory height limit.

The external finishes of the new dwelling comprise a mix of sandstone and painted weatherboard lightweight cladding with metal roofing to match the existing profile. The design of the development is in keeping with the design of newer dwellings and additions in the locality and will complement the adjoining heritage item.

Given the modest bulk and scale of the new works, the development is not anticipated to have any substantial impact on the significance of the adjacent heritage item conservation area.

The proposal is accompanied by shadow diagrams which demonstrate that the proposed development will not result in any unreasonable impacts to the solar access enjoyed by neighbouring properties.

The new works will not require the removal of any significant vegetation, and will maintain the landscaped setting of the site.

The proposal does not present a competing element that would detract from the significance of the conservation area or nearby heritage items. When considered in the context of the existing surrounding contemporary additions, the design of the proposed additions to the existing dwelling is appropriate for the site.

The following comments are provided to address the heritage considerations.

*The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:*

- The style and form of the proposed additions to the existing dwelling present a low scale, visually recessive design that reflects elements of the adjacent heritage item in terms of pitched roof form, sandstone elements and painted lightweight cladding. The predominantly single storey form presents a consistent appearance and scale to the existing and newer surrounding development and contributes to the character of the locality.
- In this instance, the structures will maintain an appropriate scale and through the use of complimentary materials and finishes, the proposal will not detract from the heritage significance of the nearby heritage item and its curtilage.

*The following aspects of the proposal could detrimentally impact on the heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts.*

- The views to and from the heritage listed dwelling at No 77 Myola Road have been identified as significant considerations for new development in the vicinity of the Item.

In this instance, the location of the site and the building platform, by being to the south and south--west of the Item do not unreasonably impact on these views. The primary views for the item from Myola Road will remain available.

- Particular regard has been given to presenting a design for the site that will enhance the architectural quality of the locality by providing for minor additions to the existing dwelling which presents a style and form, with external finishes which will complement the adjacent Item and the nearby heritage items.

*The following sympathetic solutions have been considered and discounted for the following reasons.*

- The proposal provides for a finishes schedule which presents a range of complimentary and recessive colours and materials that will respect the adjacent heritage item and its setting.
- The additions to the dwelling present appropriate side and front setbacks to further enhance the residential setting of the development.
- The design incorporates a landscape plan that will ensure that the built form of the dwelling will be further enhanced through the new planting regime for the site.

The design is recommended to Council as worthy of a favourable determination.

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