

STATEMENT OF ENVIRONMENTAL EFFECTS

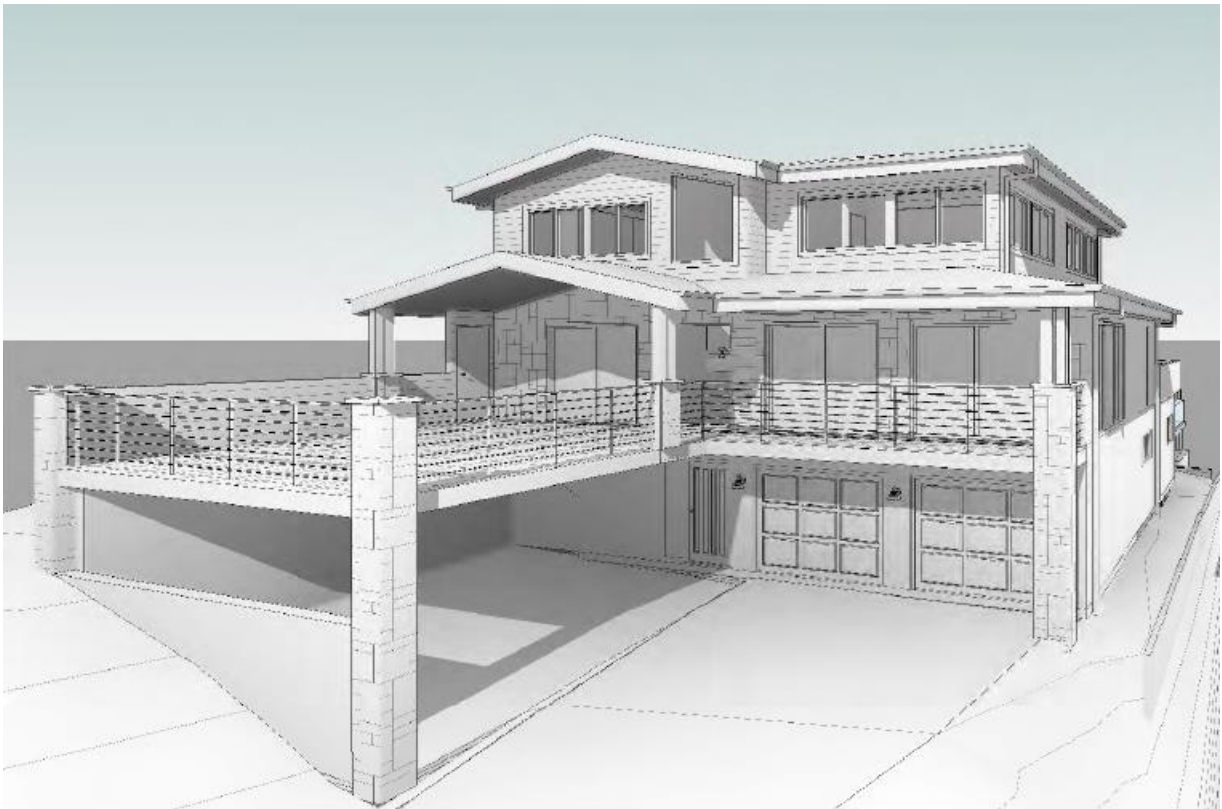
**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN
EXISTING DWELLING INCLUDING A NEW SWIMMING POOL
AND LANDSCAPING**

LOCATED AT

29 WANDEEN ROAD, CLAREVILLE

FOR

PATRICIA CLARE QUIRK



**Prepared
October 2022**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Background	4
3.0	Property Description	5
4.0	Site Description	5
5.0	The Surrounding Environment	9
6.0	Proposed Development	10
7.0	Zoning and Development Controls	12
7.1	State Environmental Planning Policy (Resilience and Hazards) 2021.....	12
7.3	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	13
7.4	Pittwater Local Environmental Plan 2014	14
7.5	Pittwater 21 Development Control Plan	17
7.5.1	Shaping Development – Desired Character	17
7.5.2	Section B General Controls	19
7.5.3	Section C Development Type Controls.....	24
7.5.4	Section D Design Criteria.....	28
8.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act	34
8.1	The provisions of any environmental planning instrument	34
8.2	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	34
8.3	Any development control plan.....	34
8.4	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.....	34
8.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	34
8.6	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.	34
8.7	The suitability of the site for the development.....	35
8.8	Any submissions made in accordance with this Act or the regulations	35
8.9	The public interest.....	35
9.0	Conclusion	35

Appendix: Clause 4.6 – Building Height

1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Patricia Clare Quirk by Vanessa Miles Design and Draft, Project Number 2013, to detail the construction of alterations and additions to an existing dwelling including new swimming pool and landscaping on land at **29 Wandeen Road, Clareville**.

The list of drawings which accompany the submission are as follows:

No.	Name	Date
A00	Cover Sheet	9/11/2021
A01	BASIX Commitments	9/11/2021
A01a	BASIX Commitments	9/11/2021
A02	Site Plan	9/11/2021
A03	Compliance Plan	9/11/2021
A04	Existing and Demolition	9/11/2021
A05	Ground Floor - Proposed	9/11/2021
A06	First Floor - Proposed	9/11/2021
A07	Second Floor - Proposed	9/11/2021
A08	Roof Plan - Proposed	9/11/2021
A09	Pool Plans	9/11/2021
A10	Elevations - Demolition	9/11/2021
A11	Elevations - North & South	9/11/2021
A12	Elevations - West	9/11/2021
A13	Elevations - East	9/11/2021
A14	Sections - Demolition	9/11/2021
A15	Cross Sections	9/11/2021
A16	Long Sections	9/11/2021
A17	Sediment, Erosion & Waste Mgmt. Plan	9/11/2021
A18	Shadow Diagrams	9/11/2021
A19	Excavation & Fill Plan	9/11/2021
A20	Window & Door Schedule	9/11/2021
A21	Materials Schedule	9/11/2021
A22	3D Perspectives	9/11/2021
A24	Proposed Landscape Plan	11/23/21

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 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan (P21 DCP)*

2.0 Background

On 30 December 2020, Development Application DA2020/1726 was lodged with Council, seeking consent for alterations and additions to the existing dwelling and the construction of a swimming pool. The works were similar to those proposed in the current application.

On 23 March 2021, Council wrote to the applicant and advised of the following issues with the proposed development:

1. Landscaping and Biodiversity
 - a. Removal of 5 trees (Tree 3 can be reasonably retained)
 - b. Inconsistent information relating to Tree 3
 - c. Inconsistency between the Landscape Plan and the Flora and Fauna Report
2. Bulk and Scale
 - a. Width of street wall
 - b. Non-recessive colours
 - c. Front setback and excavation
 - d. Height of retaining wall in rear yard
 - e. Building envelope non-compliance
 - f. Building height non-compliance

On 7 April 2021, the application was voluntarily withdrawn by the applicant.

In response to the concerns raised by Council in relation to the previous proposal, the application has been amended as follows:

- Further information has been provided to clarify the location of Tree 3.
- The design of the swimming pool and first floor rear terrace have been amended to ensure the safe retention of Tree 3
- A new Landscape Plan has been prepared to ensure consistency with the recommendations of the Flora and Fauna Report.
- With respect to bulk and scale, the plans have been amended to:
 - The width of the second floor has been reduced from 13.24m to 11.46m,
 - The overall ridge height has been reduced by 382mm from RL 71.560 to RL 71.178
 - A setback has been introduced along the width of the front façade, and the associated roof forms to provide further articulation to the front façade,
 - The size of the first floor rear terrace and roof has been reduced,
 - Further terracing has been introduced at the rear to reduce the height of retaining walls
 - Increased side setbacks to elevated pool, with more significant landscaping proposed around the perimeter.

3.0 Property Description

The subject allotment is described as 29 Wandeen Road, Clareville, being Lot 89 within Deposited Plan 13760 and is zoned C4 Environmental Living under the provisions of PLEP 2014.

The site is identified as being within the Hazard H1 area on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2597B, dated 6 July 2022 and will be discussed in further detail within this submission.

The site has been identified as being within an area identified as 'Biodiversity' of the Biodiversity Map of PLEP 2014 and as having Biodiversity Values, on the Biodiversity Values Map. The application is supported by a Flora and Fauna Assessment Report by Kingfisher Urban Ecology and Wetlands, dated July 2022, and this will be address in further detail within this submission.

The site is also identified as being within Area 5 on the Acid Sulfate Soils Map of PLEP 2014 and this will be discussed in further detail within the report.

There are no other identified hazards affecting the land.

4.0 Site Description

The property is located on the southern side of Wandeen Road.

The site has a width of 15.24m to Wandeen Road and a depth of 54.865m. The total site area is 836.1m².

The site rises from the street to the central part of the site, where the existing dwelling is located, and then falls towards the rear of the site. Stormwater from the site is directed to the street gutter in Wandeen Road.

The land is currently developed with an existing multi storey cement rendered dwelling. The site is accessed via an existing concrete driveway from Wandeen Road.

The details of the existing site levels are indicated within the Survey Plan prepared by C-Side Surveyors, Project No. 140802-DET, dated 12 December 2020.



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



Fig 2: View of subject dwelling, looking south from Wandeen Road



Fig 3: View of subject dwelling, looking south-east from Wandeen Road



Fig 4: View of the neighbouring dwelling to the east at No 31 Wandeen Road, looking south-east



Fig 5: View looking towards the subject site and the neighbouring dwelling at No 31 Wandeen Road, looking south-west from Wandeen Road



Fig 6: View of adjoining dwellings the west of the subject site, looking south

5.0 The Surrounding Environment

The general vicinity of the site is characterised by residential developments between one and three storeys in height within landscaped settings. The surrounding dwellings enjoy views towards Pittwater.

Surrounding the site are single residences, with a variety of styles and scales of development. As indicated on the aerial photograph, a number of properties in the locality have similar footprints and recreational structures such as pools in their rear yards.

The development in the area is heavily influenced by the sloping topography, with dwelling stepped to follow the slope of the land.

The subject site faces Wandeen Road which provides a vehicular link between Bilgola Plateau and Clareville/Avalon and is therefore subject to heavy traffic flows. The proposal intends to provide for the turning area to allow vehicles to turn and exit the site in a forward direction, given the steep nature of the road and difficulty for vehicles to safely enter and exit site.



Fig 7: Aerial Photograph
(Source: Google Maps)

6.0 Proposed Development

As detailed within the accompanying plans, the application proposes to provide for the construction of alterations and additions to an existing dwelling.

The proposal will comprise the following:

Ground Floor Level

- Alterations and additions to existing ground floor level to provide for new laundry, store, WC, pool pump and water tank room, internal access stairs and lift

First Floor Level

- Alterations and additions to existing first floor level to provide for new family room, butlers pantry, extension to front balcony, internal access stairs and lift

Second Floor Level

- Alterations and additions to existing second floor level to provide for master bedroom with ensuite and WIR, 3 other bedrooms, one with an ensuite, bathroom, linen press, internal access stairs and lift

External Works

- Proposed landscaping
- New swimming pool and deck
- New turning area / visitor parking

The proposed additions comprise of a low profile pitched roof form that complements the architectural expression of the existing dwelling and the character of built form within the locality. It is notable that the proposed additions to the existing second floor level will result in a reduction to the level/height of the upper level ridgeline of approximately 382mm.

The external finishes of the new works comprise weatherboard cladding and metal roofing, with earthy tones which will effectively integrate into the bushland character of the locality.

The proposal seeks to remove a number of trees to accommodate the new works. Accordingly, an Arborist Report prepared by Growing My Way Tree Consultancy, dated January 2022 accompanies this application.

The Arborist Report confirms that four trees will be removed to facilitate the construction of the turning area and the swimming pool, two of which are located within the portion of the site that is identified on the Biodiversity Values Map. As such, a Flora and Fauna Assessment Report has been prepared by Kingfisher Urban Ecology and Wetlands and dated July 2022 to accompany this application. The report confirms:

- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Four trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while is resulted in a ‘not significant’ impact for this community recommendations have been made to assists the long-term sustainability of this community.*

A Landscape Plan has been prepared by Vanessa Miles Design and Draft, dated 22 March 2022, to accompany this application. The Landscape Plan provides compensatory trees to offset those proposed for removal and screen plantings along the perimeter of key areas of open space in order to manage any issues in relation to overlooking and visual impact.

The development indices for the proposal are summarised over as:

Site Area:	836.1m²
Required soft landscaped area:	60% or 501.66m ²
Existing soft landscaped area:	60.4% or 505.1m ²
Proposed soft landscaped area:	54% or 449.1m ² (inclusive of all variations)

7.0 Zoning and Development Controls

7.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

7.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development seeks consent for the removal of existing trees, as outlined in the accompanying Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated January 2022.

A portion of the site is identified as having high biodiversity value, as shown on the Biodiversity Values Map of the Biodiversity Conservation Regulation 2017 (Figure 8). Two of the trees proposed for removal, being Trees 4 and 5, are located within this portion of the site.

A Flora and Fauna Assessment Report has been prepared by Kingfisher Urban Ecology and Wetlands and dated July 2022 to accompany this application. The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*
- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*
- *The proposal does impact native vegetation on the BV Map.*
- *Tree protection will be consistent with the Arborist report (Growing My Way, 2022). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *The building area is small, and the design has considered the trees and maximises their retention.*

- *Four trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while is resulted in a ‘not significant’ impact for this community recommendations have been made to assists the long-term sustainability of this community.*

A Landscape Plan has been prepared by Vanessa Miles Design and Draft, dated 22 March 2022, to accompany this application. The Landscape Plan provides compensatory trees to offset those proposed for removal.

It is noted that the proposed extent of tree removal is now consistent with that identified as being reasonable by Council’s Landscape and Biodiversity Officers with respect to the previous application made at the subject site (DA2020/1726).

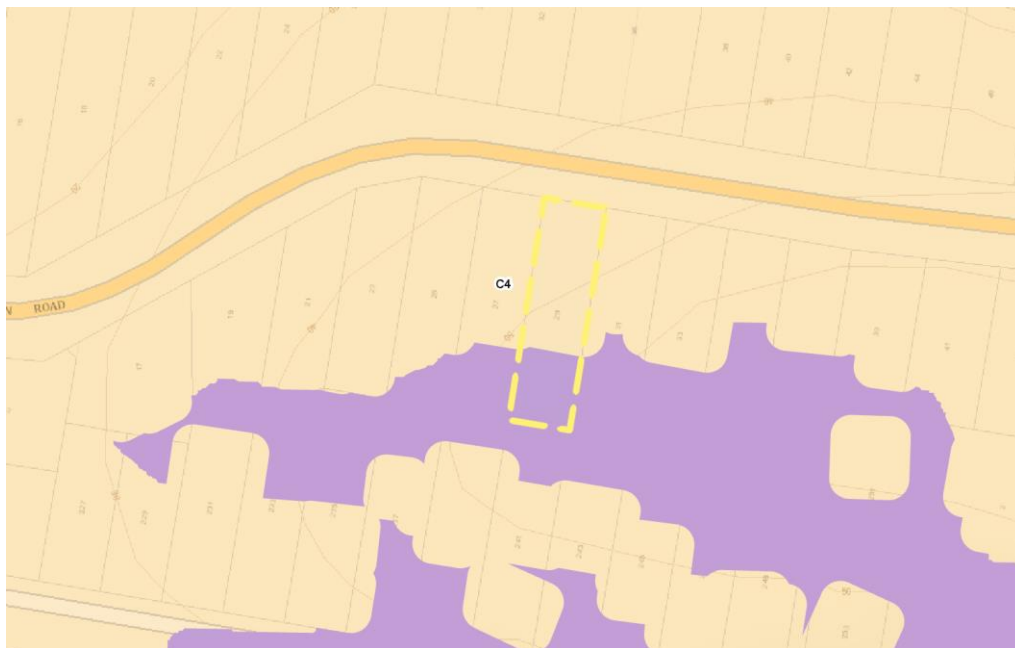


Fig 8: Extract of Biodiversity Values Map

The proposed tree removal is considered to be reasonable and consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

7.3 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.

7.4 Pittwater Local Environmental Plan 2014

The site is zoned C4 Environmental Living under the provisions of the PLEP 2014.



Fig 9: Extract of Zoning Map of PLEP 2014

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted over as:

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

It is considered that the proposed alterations and additions to the 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 the construction of alterations and additions to an existing dwelling, which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 relates to building height.

The maximum building height for development at the subject site is 8.5m.

Whilst resulting in an overall reduction to the maximum height of the dwelling, the proposed works reach a maximum height of 9.178m above existing ground level, representative of a 0.678m or 7.9% variation to the maximum height development standard.

Accordingly, a Clause 4.6 Submission has been prepared and accompanies this statement.

Clause 7.1 relates to acid sulfate soils. The site has been identified as Class 5. The proposed works necessitate excavation but will not result in the disruption of acid sulfate soils.

Clause 7.2 relates to earthworks. The works to the ground floor and the proposed swimming pool necessitate excavation.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2597B, dated 6 July 2022 has been provided to support the application. Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

Clause 7.6 relates to biodiversity protection.

The land is noted within Council's Biodiversity mapped area.

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal seeks to remove four trees to accommodate the new works. Accordingly, an Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated January 2022, accompanies this application.

As discussed, the tree assessment confirms that four trees will be removed to facilitate the construction of the turning area and the swimming pool. The trees are identified as mature Spotted Gum species and are in good health. The site and the immediate vicinity also supports a number of other trees of similar form and health which will not be affected by the work. The Arborist Report provides recommendations to ensure the safe retention of other trees in the vicinity of the proposed works, with recommendations for replacement planting.

The application is also supported by a Flora and Fauna Assessment Report prepared by Kingfisher Urban Ecology and Wetlands and dated July 2022. The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*
- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*

- *The proposal does impact native vegetation on the BV Map.*
- *Tree protection will be consistent with the Arborist report (Growing My Way, 2022). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Four trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while is resulted in a ‘not significant’ impact for this community recommendations have been made to assists the long-term sustainability of this community.*

The Landscape Plan prepared by Vanessa Miles Design and Draft, dated 22 March 2022, details the replacement planting referred to in both the Arborist Report and the Flora and Fauna Assessment Report.

It is noted that the proposed extent of tree removal is now consistent with that identified as being reasonable by Council’s Landscape and Biodiversity Officers with respect to the previous application made at the subject site (DA2020/1726).

It is considered that the development will achieve the Objectives of Clause 7.6.

Clause 7.7 relates to geotechnical hazards. The works to the ground floor and the proposed swimming pool necessitate excavation.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2597B, dated 6 July 2022 has been provided to support the application.

The Geotechnical Investigation concludes:

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.

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

There are no other provisions of the PLEP 2014 that are relevant to the proposed works.

7.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Avalon Beach Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

7.5.1 Shaping Development – Desired Character

The desired outcomes for the Avalon Beach Locality, in which this site falls, are as follows:

A4.1 Avalon Beach Locality

The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a 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 occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, 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. Vehicular and pedestrian access into and through the locality is good. Pedestrian links, joining the major areas of open space (Angophora Reserve, Stapleton Park and Hitchcock Park) and along the foreshores, should be enhanced and upgraded. Similarly, cycle routes need to be provided through the locality. Carparking should be provided on site and where possible integrally designed into the building.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

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.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. 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. The natural landscape of Careel Bay, including seagrasses and mangroves, will be conserved. Heritage items and conservation areas indicative of early settlement in the locality will be conserved, including the early subdivision pattern of Ruskin Rowe.

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.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of alterations and additions to an existing dwelling including a new swimming pool, which are consistent with the scale and style of the newer development in the vicinity.

The proposal will require the removal of a number of trees, with replacement plantings provided throughout the site. An appropriate level of soft landscaping will be provided throughout the site.

The proposal has been designed to reflect the existing setbacks provided to all boundaries existing in the immediate area.

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

The proposal includes a new vehicle turning area within the front yard of the site, which will allow for vehicles to enter and exit the site in a forward direction, enhancing safety for vehicles exiting the site and pedestrians moving along the roadway.

7.5.2 Section B General Controls

The General Controls applicable to the proposed construction of additions and alterations to the existing dwelling 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)

The site is identified as being within the Hazard H1 area on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2597B, dated 6 July 2022 has been provided to support the application.

The Geotechnical Investigation concludes:

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.

Subject to compliance with the recommendations contained within this report, the proposal is considered to satisfy the provisions of this clause.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

Protection of public health. (S)

Protection of the natural environment. (En)

Successful remediation of contaminated land. (En, S)

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.

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)

Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)

Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)

Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The proposed development seeks consent for the removal of existing trees, as outlined in the accompanying Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated 22 January 2022.

A portion of the site is identified as having high biodiversity value, as shown on the Biodiversity Values Map of the Biodiversity Conservation Regulation 2017 (Figure 8). Two of the trees proposed for removal, being Trees 4 and 5, are located within this portion of the site.

A Flora and Fauna Assessment Report has been prepared by Kingfisher Urban Ecology and Wetlands and dated July 2022 to accompany this application. The report confirms:

- *No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.*
- *No significant habitat features, values or landscape corridors will be impacted by the proposed development.*
- *The proposal does not impact native vegetation on the BV Map.*
- *Tree protection will be consistent with the Arborist report (Growing My Way, 2022). Main trees to be managed are trees within close proximity to building works. NB: see final arborist report for details of works and tree numbers.*
- *Vegetation onsite is mapped within the PWSGF EEC. Whilst the community is not in benchmark condition, it is consistent with the occurrence of PWSGF within a residential property.*
- *The building area is small, and the design has considered the trees and maximises their retention.*
- *Four trees have been proposed to be removed as the development encroaches on the SRZ. Native landscaping post development will offset their removal from the site.*
- *Test of significance has been conducted for PWSG Forest – while it resulted in a ‘not significant’ impact for this community recommendations have been made to assist the long-term sustainability of this community.*

A Landscape Plan has been prepared by Vanessa Miles Design and Draft, dated 22 March 2022, to accompany this application. The Landscape Plan provides compensatory trees to offset those proposed for removal.

It is noted that the proposed extent of tree removal is now consistent with that identified as being reasonable by Council’s Landscape and Biodiversity Officers with respect to the previous application made at the subject site (DA2020/1726).

The proposal is not considered to unreasonably impact on the Pittwater Spotted Gum Forest Ecological Community and meets the objectives of this clause.

B5.15 Stormwater Management

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 proposed works do not result in a significant increase to hard surfaces on the site, and as such, the provision of on-site detention is not required.

A Stormwater Management Plan has been prepared by Vanessa Miles Design and Draft, to demonstrate that all roof water is to be directed to the proposed water tank in the basement or directed to the public stormwater infrastructure in the street via the existing stormwater system.

This is consistent with that proposed in the previous application for a similar development at the site, which was supported by Council's Development Engineers.

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 site will provide for the construction of alterations and additions to an existing dwelling. The current driveway crossing arrangements will be retained.

B6.2 Internal Driveways – Low Density Residential

The controls seek 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 existing driveway will remain unchanged, with a new turning circle provided for forward entry and exit.

Given the challenges of safely entering or leaving the site associated with the busy nature and steepness of the road, the inclusion of the vehicle turning area will significantly enhance safety for both the owners of the subject property and the public, in that safe egress and ingress to the site can be provided to maximise vehicular and pedestrian safety.

B6.3 Off-street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

Safe and convenient parking (En,S)

The controls require a minimum of 2 parking spaces for a dwelling with 2 bedrooms or more. The proposal will maintain the existing double garage and will therefore comply with the parking requirement.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation and construction not to have an adverse impact. (En)

Excavation operations not to cause damage on the development or adjoining property. (S)

Minor excavation is required for the construction of the new swimming pool.

All new works will be carried out in accordance with the recommendations of qualified Structural and Geotechnical Engineers.

B8.2 Construction & 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)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

B8.3 Construction & 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)

As required, appropriate waste management controls will be implemented throughout construction. A Waste Management Plan accompanies this application.

7.5.3 Section C Development Type Controls

The Development Controls applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- 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. (End, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal seeks to remove a number of trees to accommodate the new works. Accordingly, an Arborist Construction Impact & Management Statement prepared by Growing My Way Tree Consultancy, dated 22 January 2022. The application is also accompanied by a Flora and Fauna by Kingfisher Urban Ecology and Wetlands, dated July 2022.

The development is supported by a Landscape Plan prepared by Vanessa Miles Design and Draft, which will provide for compensatory and additional plantings throughout the site, consistent with the recommendations of the Arborist Report and the Flora and Fauna Report.

The proposal will retain a suitable area of soft landscaping on site and will maintain its contribution to the landscaped character of the locality.

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 site will retain and enhance opportunities for casual surveillance of the driveway and streetscape.

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 proposal provides for the construction of alterations and additions to an existing dwelling.

The subject site and neighbouring properties on the high side of Wandeen Road enjoy views to the north and north-west towards Pittwater.

The proposed alterations and additions are largely contained within the building footprint, with the new works to the second floor level to be positioned to the western side of the current floor plate.

The new roof form over the upper floor additions will see a reduction in the overall ridge height of 362mm, which combined with the massing of the new floor areas towards the western side of the site, will ensure that properties above the property to the east should maintain their primary outlooks.

Additionally, the retention of the existing front setback ensures that the views currently enjoyed by neighbouring properties past the front elevation of the building will be maintained.

It is therefore considered that the proposal will not adversely impact the views of neighbouring properties and that view sharing is achieved.

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.

Given the orientation of the subject and neighbouring properties, the proposed dwelling will not unreasonably impact upon solar access to the primary living spaces or private open space areas of any neighbouring properties.

Shadow diagrams have been prepared which confirm that the adjoining neighbours will continue to receive access to at least three hours of solar access between 9.00am – 3.00pm. The majority

of the additional shadows are noticeable at 12.00pm and 3.00pm, however the additional shadows fall mainly within the site.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise 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 retains the existing window openings to the side elevations and is not considered to result in any additional unreasonable overlooking to neighbouring properties.

The proposal provides for an extension to the front balcony, with the proposed solid balustrading and landscape plantings along the eastern side boundary to assist with minimising opportunities to the eastern neighbour. The proposed balcony extension is well separated from the western side boundary.

Plantings are provided to the perimeter of the proposed swimming pool in order to maximise privacy for the adjoining neighbours. In addition, limited coping is provided to the northern, eastern and western boundaries, which minimises opportunities for overlooking.

The new works to the dwelling will not unreasonably overlook the neighbours, with the existing levels of amenity enjoyed by the neighbours to be largely maintained.

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, there will not be any significant Impact on the surrounding locality in terms of acoustic privacy. The works will maintain the current ample separation to living areas of adjoining properties, thereby maintaining existing levels of acoustic privacy. The proposed pool equipment will be contained in a sound attenuating enclosure.

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 facilitates outdoor private recreation. The proposal retains the existing areas of private open space which enjoy good solar access.

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. There is sufficient area surrounding and inside the garage for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C 1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

Swimming pool fencing and warning notices are to be provided in accordance with the *Swimming Pools Act 1992* and regulations. The proposed swimming pool fencing will comply with this control.

7.5.4 Section D Design Criteria

The **D1 Avalon 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.

A summary of the DCP controls for the **D1 Avalon Beach Locality** is provided below:

D1.1 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 keeping 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.

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 of wall and roof planes, spatial separation, landscaping etc.

The proposal will provide for the construction of alterations and additions which will maintain a bulk and scale which is in keeping with existing surrounding development.

View sharing corridors forward of the dwelling will be retained for the neighbouring dwellings to the east and west of the subject site.

The setbacks provided reflect the setbacks of the adjoining properties.

The proposed additions to the dwelling are well articulated to provide visual interest and reduce bulk when viewed from Wandeen Road. The front façade of the dwelling has been refined to ensure appropriate modulation, with no new walls exceeding 8m in width presenting to the street.

The visual impact of the dwelling will be further reduced by the enhancement of landscaping proposed, ensuring that the proposed works will be secondary to landscaping as seen from Wandeen Road.

D1.5 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 and enhances the visual character and 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)

An informal beachside appearance of the Clareville Village. (S, Ec)

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 materials and finishes include weatherboard cladding and colourbond roofing, which will complement the external finishes of the existing dwelling.

It is considered that the development is appropriate as the proposal will utilise finishes and colours which are compatible with the DCP, existing building finish and the surrounding properties.

D1.8 Front Building Line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (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 maneuvering in a forward direction is facilitated. (S)

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.

The proposed works are setback 6.5m from the street, consistent with the minimum setback prescribed and the setback of adjoining and nearby development. The proposal therefore readily complies with the front building line control.

D1.9 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 a minimum of 1.0m setback for the other side.

All new works are sited in a manner that is consistent with these requirements, with a 1m minimum setback to the eastern side boundary and a 2.5m setback to the western side boundary.

Clause D1.9 also prescribes a minimum rear boundary setback of 6.5m. Whilst the swimming pool is setback in accordance with this control, the adjacent deck extends within 4.5m from the rear boundary, resulting in non-compliance with the minimum setback prescribed.

The visual impact of the swimming pool is softened/screened by proposed landscaping, and the non-compliant setback of the swimming pool does not attribute to any unreasonable impacts upon the amenity of adjoining properties. Further, whilst tree removal is proposed, it does not arise as a consequence of the rear setback non-compliance. Rather, the non-compliance can be attributed to the need to shift of the siting of the pool to safely retain Tree 3.

Despite non-compliance with the 6.5m rear setback prescribed, the proposed development is considered to be consistent with the outcomes of this control.

D1.11 Building Envelope

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (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°.

As noted on the submitted northern and southern elevations, the proposal will present a variation to the building envelope control to the eastern and western side boundaries, as a result of the siting of existing development and sloping topography of the site.

The proposed breach of the building envelope to the eastern and western elevations is considered to be reasonable as it does not result in any unreasonable impacts for neighbouring properties in terms of solar access, privacy or general amenity. The extent of non-compliance has been reduced compared to the previous scheme presented to Council, with further articulation proposed to the front façade to ensure that the bulk and scale of the development is minimized.

Notwithstanding the variation to the building envelope control, the proposal is considered to be in keeping with the desired outcomes and is worthy of support on merit.

D1.14 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 limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The proposed development achieves a landscaped area calculation of 449.1m² or 54% of the total site area, inclusive of permitted variations.

The proposed development has been designed to ensure that the visual impact is appropriately minimized, and second to landscaping as seen from the public domain. Whilst tree removal is required to facilitate the proposed works, compensatory plantings are proposed to ensure an enhancement to the quality and quantity of landscaping across the site.

Despite the landscaped area non-compliance, the proposal does not result in a significant increase in impervious surfaces, noting that the majority of the additional non-landscaped area proposed is associated with the swimming pool.

The proposed landscaped area non-compliance does not result in any adverse impacts upon the amenity of adjoining properties and overall, the proposal is considered to be consistent with the outcomes of the clause, and acceptable on merit.

D1.15 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

No change to existing site fencing.

A new sliding front gate with a height of 1 m will be provided which will match the existing front fence. Given the open nature of the gate fence and its limited height, it is not considered to be presenting a prominent feature within the streetscape.

D1.20 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

Achieve the desired future character of the Locality. (En, S)

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 visual impacts on the natural environment when viewed from any waterway, road or public reserve.

The retention of earthy colours and finishes, together with the proposed new landscaping, will ensure the development integrates with the existing building, thereby minimising the visual impact of the dwelling as viewed from the foreshore area.

The bulk and scale of the development is generally in keeping with the extent of development in the immediate locality.

The proposal will not see any unreasonable view loss for neighbouring properties, and will maintain suitable privacy, amenity and solar access for neighbouring dwelling. The proposal is therefore considered to be in keeping with the provisions of this clause.

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

8.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of PLEP 2014. 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 objectives.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

8.2 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.

8.3 Any development control plan

The development has been designed to meet the outcomes of P21 DCP.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, 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 rear setback, building envelope control and landscaped area controls to be reasonable, in circumstances where the proposal is otherwise consistent with the outcomes of these controls.

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

8.4 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.

8.5 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.

8.6 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 swimming pool and associated landscaping, 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.

8.7 The suitability of the site for the development

The subject land is zoned C4 Environmental Living under the provisions of PLEP 2014 and is considered suitable for the proposed development.

8.8 Any submissions made in accordance with this Act or the regulations

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

8.9 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.

9.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to existing dwelling, including a new swimming pool and associated landscaping, which respects and complements the site's location.

The proposal has been amended to appropriately respond to the relevant provisions of PLEP 2014, P21 DCP and the concerns raised by Council in relation to DA2020/1726.

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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