

STATEMENT OF ENVIRONMENTAL EFFECTS

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

LOCATED AT

32 RAYNER ROAD, WHALE BEACH

FOR

MALCOLM & SUZANNE STEINGOLD



**Prepared
July 2024**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	The Surrounding Environment.....	7
5.0	Proposed Development	10
6.0	Zoning and Development Controls	11
6.1	State Environmental Planning Policy (Resilience and Hazards) 2021	11
6.2	State Environmental Planning Policy (Sustainable Buildings) 2022	11
6.3	Pittwater Local Environmental Plan 2014	14
6.5	Pittwater 21 Development Control Plan	18
6.5.1	Section A Introduction	18
6.5.2	Section B General Controls	19
6.5.3	Section C Development Type Controls for Residential Development	23
6.5.4	Section D Locality Specific Development Controls	27
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	34
7.1	The provisions of any environmental planning instrument	34
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	34
7.3	Any development control plan.....	34
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	34
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	34
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.	34
7.7	The suitability of the site for the development.....	35
7.8	Any submissions made in accordance with this Act or the regulations	35
8.0	Conclusion.....	35

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Malcolm and Suzanne Steingold by Greg Jones Architecture, Sheets No. DA-001 – DA-003, DA-101 – DA-105, DA-201 – DA-204, DA-301 & DA-401-DA-402 & DA-501 dated 27 June 2024 to detail the proposed construction of additions and alterations to the existing dwelling including a new swimming pool at **32 Rayner Road, Whale Beach**.

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 (Sustainable Buildings) 2022*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 32 Rayner Road, Whale Beach, being Lot 119A within Deposited Plan 11933 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site falls within the Class 5 Acid Sulfate Soils area in this issue will be discussed further within the statement.

The site is identified as being within the Coastal Use Area under the provisions of the SEPP (Coastal Management) 2018. This will be discussed further within this submission.

The site is nominated within a 'Biodiversity' area on the Biodiversity Map of PLEP 2014. This matter will be discussed further within this statement.

The site is also identified within 'Geotechnical Hazard H1' on the Geotechnical Hazard Map and as 'Bluff/Cliff Instability' on the Coastal Risk Planning Map of PLEP 2014. These matters will be discussed further within this statement.

The site is not identified as being affected by any other hazards.

3.0 Site Description

The property is located on the north-eastern side of Rayner Road and located at the eastern extremity of Rayner Road. The site is irregular in shape, with a front boundary measuring 28.73m to Whale Beach Road, north-eastern and north-western side boundaries measuring 53.385m and 54.62m respectively. The total site area is 747.6m².

The site slopes towards the north-eastern boundary, with a total fall in excess of 17m over its length.

Currently the site is developed with a two-storey rendered and weatherboard dwelling with a metal roof. Driveway access is available to the site via an existing concrete driveway from Rayner Road, with parking available in a detached double carport forward of the dwelling.

The details of the site are identified in the accompanying survey report prepared by Adam Clerke Surveyors Pty Ltd, Reference No 224, dated 19 January 2024, which accompanies the DA submission.

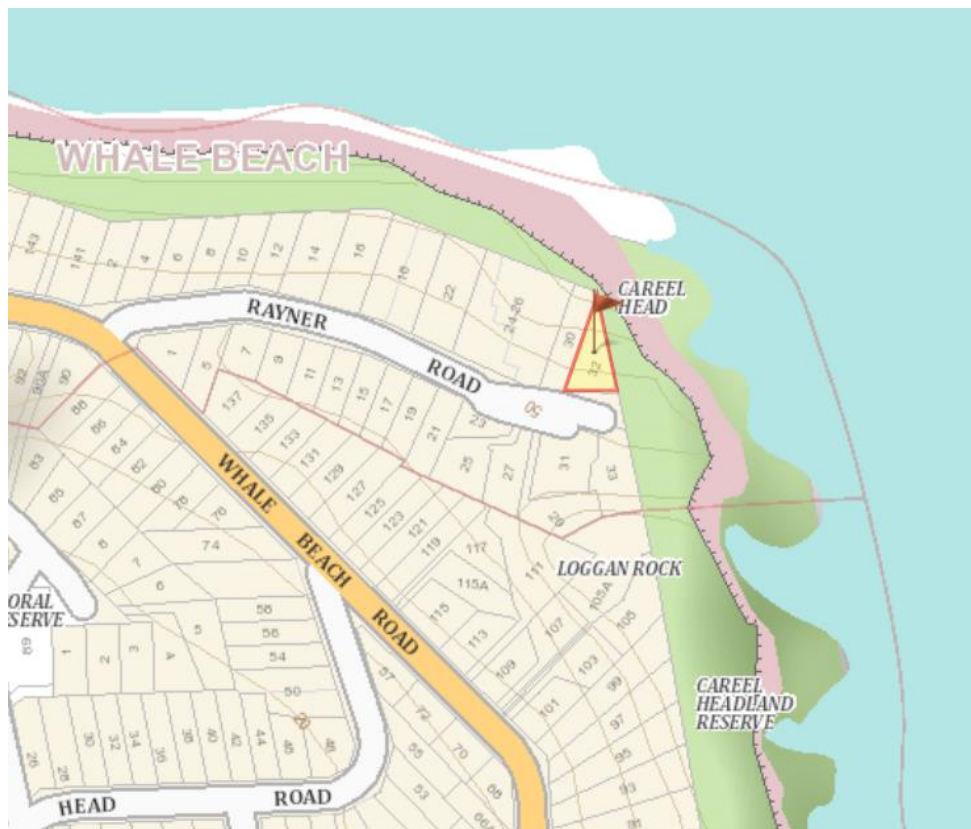


Fig 1: Location of the subject site
(Source: Six Maps)



Fig 2: View of the subject dwelling (and existing driveway to be increased in width), looking north-east from Rayner Road



Fig 3: View of the existing driveway and dwelling entry forecourt (to be reconfigured), looking north-west



Fig 4: View of the existing undercroft area to the rear elevated decks, looking south-east



Fig 5: View of the existing undercroft area to the rear elevated decks, looking north-west



Fig 6: View of the rear yard and location of proposed pool – indicating the significant slope of the rear yard



**Fig 7: View of the rear yard and location of proposed pool at existing ground floor level, looking north-west
(Source: Greg Jones Architecture)**



**Fig 8: Architect's montage of the proposed swimming pool and stone façade treatment
(Source: Greg Jones Architecture)**

4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments characterised by the natural landscaped setting with a mix of low-density residential developments.

The design of development in this locality reflects the sloping terrain and significant views over Whale Beach, Palm Beach and the Pacific Ocean, and retains a dominance of natural features and vegetation.

The adjoining property to the west is developed with a two and three storey dwelling, with the foreshore area to the north and east.



Fig 9: Aerial Photograph
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans prepared by Greg Jones Architecture, the proposal seeks approval for the construction of alterations and additions to the existing dwelling.

The new works will comprise the following works:

External Works

- Extension of existing driveway width, new driveway and turn table
- Extension of existing roof over the entry area to provide for improved weatherproof access
- New external stairs on level 1 and level 2
- New curved wall to driveway with adjoining steps
- New swimming pool with paved surround and glass pool fence, together with stone façade treatment to the pool undercroft

The proposed additions and alterations to the dwelling maintain a modest bulk and scale, with the overall ridge height and floor levels of the dwelling to remain unchanged.

The proposed external finishes comprise stone, textured render & weatherboard cladding and metal roofing, with the proposed external finishes detailed within the Rendered Images in Drawing No. DA-501.

The proposal will not require the removal of any significant planting, and results in a minor reduction in the available landscaped area of 75m².

The development indices for the development are summarised as:

Site Area	747.6m ²
Required Landscape Area	60% or 448.56m ²
Proposed Landscape Area	40% or 299m ² (See DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Sustainable Buildings) 2022

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

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

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 SEPP (Coastal Management) 2018 are addressed as follows:

Division 4 Coastal Use Area

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.*

Comment:

The proposal provides for alterations and additions to an existing dwelling. The modest extent of the new works ensures that the proposal will not result in any unreasonable adverse impacts within the foreshore area in terms of the public's opportunity to access the area or will the proposal

present an unreasonable or excessive visual impact, primarily due to the rear use of natural stone material to screen the pool undercroft.

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 alterations and additions to an existing 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

Chapter 4 – 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.

6.4 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

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

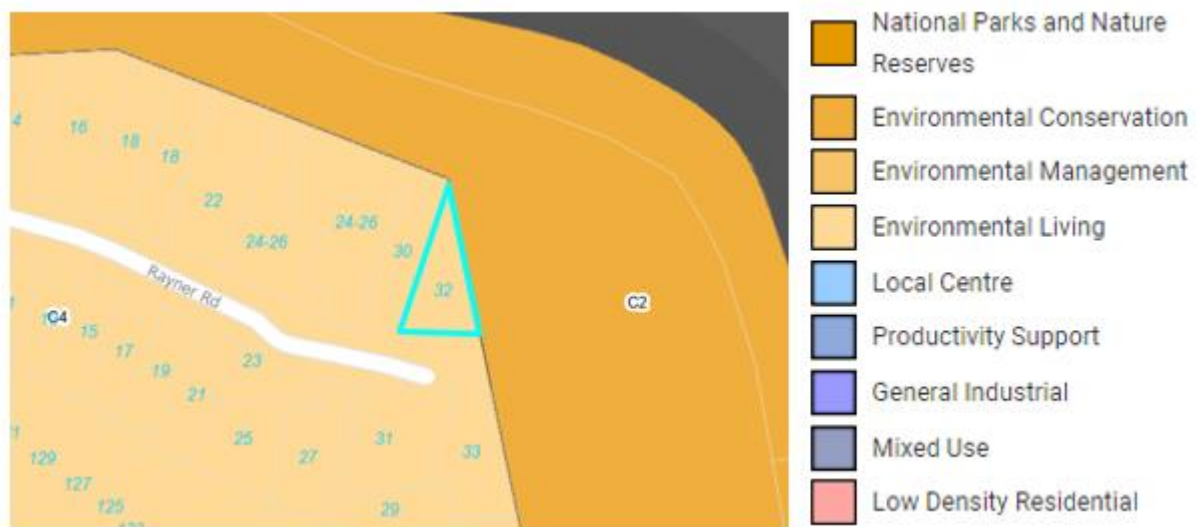


Fig 10: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The proposal for alterations and additions is considered to be permissible with the consent of Council.

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 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 works will be compatible with surrounding residential development without resulting in any significant negative amenity impacts for surrounding dwellings, or nearby development. The proposed stone façade treatment to the pool undercroft will ensure that the building presents a natural appearance when viewed from surrounding public areas and away.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views, with suitable view corridors to be retained to allow views to and from the public domain

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Whale Beach is 8.5m. The proposal will provide for a height of up to 6.3m to the top of the pool fencing at the northern extremity of the proposed pool and therefore complies with the 8.5m building height control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). The new works will not involve any substantial site disturbance and it is not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.

Clause 7.5 – Coastal Risk Planning

The site is identified as Bluff/Cliff Instability on Council's Map.

The objective of this clause is to:

1. *to avoid significant adverse impacts from coastal hazards,*
2. *to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
3. *to enable the evacuation of land identified as coastal risk in an emergency,*
4. *to avoid development that increases the severity of coastal hazards.*

A Coastal Engineering Advice has been prepared by Horton Coastal Engineering dated 12 July 2024. The assessment considers the proposed works and the swimming pool together with its relationship to the escarpment.

The conclusion to the Advice notes:

“Coastal inundation is not a significant risk for the proposed development over a planning period of well over 100 years. Given this, and assuming that the geotechnical engineer will find that the development is at an acceptably low risk of damage from erosion/recession, and other processes, over a 100 year design life, the proposed development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 (Clauses 2.10 to 2.13), the Coastal Management Act 2016, Clause 7.5 of Pittwater Local Environmental Plan 2014, and all Chapter B.4 of the Pittwater 21 DCP for the matters considered herein.”

On the basis of the supporting Coastal Engineering Advice and the Geotechnical Investigation prepared by White Geotechnical Group, dated 15 July 2024, the proposal is considered to be acceptable on merit.

Clause 7.6 – Biodiversity protection

The site is identified as Biodiversity on Council’s Map.

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

- 5. protecting native fauna and flora, and*
- 6. protecting the ecological processes necessary for their continued existence, and*
- 7. encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal will not require the removal of any trees to accommodate the new works. The proposed works will not have an unreasonable impact on any surrounding trees that exist near the site.

A generous area of soft landscaping will be maintained within the site.

As the works will maintain a generous landscaped area and will not have an adverse impact on the terrain of the site Council can be satisfied that the proposed development is consistent with the objectives of this clause.

Clause 7.7 – Geotechnical hazards

The site is noted as being subject to Council’s landslip risk mapping.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Report Reference J5476 dated 15 July 2024.

The report assesses the stability of this site as it exists, together with the potential impacts resulting from new works. The report notes:

“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 proposed works will be carried out in accordance with the recommendations of the geotechnical risk assessment in order to ensure the site stability is maintained.

Clause 7.10 – Essential Services

All essential services will be maintained to the site.

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

6.5 Pittwater 21 Development Control Plan

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

6.5.1 Section A Introduction

A4.12 Palm Beach Locality

Desired Character

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

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

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

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

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

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of additions and alterations to an existing dwelling, which present an appropriate bulk and scale to Rayner Road.

The proposed works will not introduce any significant visual impact from the public areas in the vicinity.

The development will be compatible with the low-density scale of the area and with the low profile roof form and recessive colours and finishes will not be visually prominent within the Whale Beach/Palm Beach locality.

The proposal does not require the removal of any significant or protected plantings, with the existing trees and natural plantings to be retained and additional landscaping to be provided.

6.5.2 Section B General Controls

The General Controls 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)

The site is noted as being subject to Council's landslip risk mapping.

A Geotechnical Investigation has been prepared by White Geotechnical Group, Report Reference J5476 dated 15 July 2024.

The report assesses the stability of this site as it exists, together with the potential impacts resulting from new works. The report notes:

"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 proposed works will be carried out in accordance with the recommendations of the geotechnical risk assessment in order to ensure the site stability is maintained.

B3.4 Coastline (Bluff) 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 Coastal Engineering Advice has been prepared by Horton Coastal Engineering dated 12 July 2024. The assessment considers the proposed works and the swimming pool together with its relationship to the escarpment.

The conclusion to the Advice notes:

“Coastal inundation is not a significant risk for the proposed development over a planning period of well over 100 years. Given this, and assuming that the geotechnical engineer will find that the development is at an acceptably low risk of damage from erosion/recession, and other processes, over a 100 year design life, the proposed development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 (Clauses 2.10 to 2.13), the Coastal Management Act 2016, Clause 7.5 of Pittwater Local Environmental Plan 2014, and all Chapter B.4 of the Pittwater 21 DCP for the matters considered herein.”

On the basis of the supporting Coastal Engineering Advice and the Geotechnical Investigation prepared by White Geotechnical Group, dated 15 July 2024, the proposal is considered to be acceptable on merit.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. (En)

The proposal will not require the removal of any significant or protected plantings with the existing trees and screening planting to be retained.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts

of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

Stormwater will drain to the existing stormwater management system which disperses stormwater within the site and as there is no substantial change to the runoff characteristics of the site, the retention of the existing arrangements is reasonable in this instance.

Suitable sediment control measures will be implemented in order to minimise potential impacts on surrounding sites and the adjacent waterway. The proposal will therefore comply with this control.

B6.1 Access Driveways and Works on the Public Road Reserve

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The proposal includes alterations and additions to the existing driveway from Rayner Road. The widening of the driveway will improve the existing access arrangement and provide for a safe and convenient method of access for vehicles that will not present an unreasonable degree of visual impact to the streetscape.

A turn table and has been provided forward of the existing garage to allow for vehicles to enter and leave the site in a forward direction, which is currently not available within the site with the existing driveway arrangement. The forward entry and exit will result in a safer alternative for vehicles entering and leaving the site.

B6.2 Internal Driveways

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Reduce visual impact of driveways. (S)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

The proposal includes an extension of the driveway and provision of a portion of new driveway that leads into a new vehicle turntable forward of the existing garage. The driveway provides an improved access arrangement that is safe and convenient for pedestrians and vehicles. The driveway will be constructed in accordance with Council's engineering requirements.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The proposal retains the existing double car garage, therefore satisfying Council's minimum off-street vehicle parking requirements. The provision of a turntable forward of the garage to allow vehicles to enter and exit the site in a forward direction which given the narrow, congested nature of Rayner Road in this locality, is an important safety inclusion for the site.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

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

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

The proposal will see some excavation to accommodate the proposed footings.

Accordingly, the proposal will be designed and supervised by an appropriately qualified Structural Engineer.

Appropriate soil and sedimentation measures will be implemented during the construction phase.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the outcomes:

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

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

6.5.3 Section C Development Type Controls

The Development Controls for the proposed additions and alterations to the existing dwelling 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 landscaping, with the current plantings within the site to be retained.

The submission is accompanied by a conference of landscape plan prepared by Melissa Wilson Landscape Architects which provides for the managed replanting of the site including the provision of 5 new *Banksia integrifolia* with a mature height of up to 6 m, together with an understorey planting of locally occurring native species.

The proposal results in a minor reduction in the available landscaped area, which largely provides for the new swimming pool and associated deck. The new works will however substantially improve the function and amenity of the yard areas of the site by providing for elevated and/or recreation space, managing the existing substantial slope of the rear yard. Increase the amenity of the site for the dwellings occupants, and therefore satisfy the desired outcomes of this clause.

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 dwelling's entry will continue to allow for casual surveillance of persons entering the site from Rayner Road.

The ability to turn vehicles within the site and leave in a forward direction will also be a safety improvement for vehicle entry to the public roadway.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (S)

Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)

Canopy trees take priority over views (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The site and the adjacent dwellings enjoy a view to the north-west towards Whale Beach and the south-east towards the Pacific Ocean.

The siting of the additions do not exceed the maximum height of the current dwelling and therefore will retain views past and over for properties uphill of the site.

Accordingly, equitable access to the available views and outlook for the neighbouring dwellings and from public areas is maintained.

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.

As a result of the modest extent of the proposed works, it is not anticipated that the new works will see a substantial change to the existing solar access arrangements to the 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 proposed pool provides ample separation to the western neighbour with the north-western elevation to include a 1.2m high feature wall to further restrict overlooking towards the north-west. There is no trafficable coping to the western side of the pool which limits circulation around the pool to the eastern end, assisting in maintaining privacy for the adjacent neighbour. In addition new wall plantings are to be provided along the western side boundary.

The new works therefore minimise opportunities for overlooking.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

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

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

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources. The proposed pool filter equipment will be located under the pool and contained within a soundproof enclosure.

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 which are further supplemented by the proposed decking from the swimming pool area.

The site will retain the existing rear yard for private recreation, with the proposed works to provide for the improve the quality and function of the outdoor recreational opportunities for the owners.

The proposed development provides sufficient private open space with high levels of amenity for future occupants of the dwelling.

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 proposed works retain extensive areas of private open space. The functionality of the private open space area is improved through the addition of the proposed swimming pool, and useability of the areas acting as an extension of the internal living areas.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

Adequate area will be provided for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety.

Compliance with Swimming Pools Act 1992 and Regulations

The proposed pool has been designed in accordance with the *Swimming Pools Act* and regulations. The proposal will provide for a perimeter fence to the swimming pool, which maintains an effective barrier between the dwelling and the pool.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The dwelling entry area will provide eave overhangs which provide for weather protection and add visual interest to the dwelling.

The majority of the existing roof of the dwelling remains unchanged.

All 6.5.4 Section D Locality Specific Development Controls

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

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

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

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

D12.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

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

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

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

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

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

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

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

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

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

The proposal will provide for the construction of additions and alterations to the existing dwelling which will supplement the retained areas to provide for improved amenity for the property owners.

Views will be retained for the surrounding properties due to the considered siting of the new works.

The proposed works are considered to be consistent in terms of bulk and scale to the existing surrounding development, which generally comprises two and three storey dwellings. The setbacks provided reflect the setbacks of the adjoining properties.

The proposed front elevation is well articulated to provide visual interest and maintain a compatible bulk and scale when viewed from Whale Beach Road. In addition, the existing and proposed landscaping will ensure that the proposed works will be interspersed with the natural landscape setting.

D12.3 Building colours and materials

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

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

The proposal will comply with these controls and through the use of natural stone finishes to the façade of the pool undercroft, will ensure that the built form is not dominant and complements the streetscape.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the existing dwelling and the surrounding development. The proposed external finishes and materials are detailed within the submitted elevations and the external finishes schedule prepared by Greg Jones Architecture, including photographic imagery of the proposed materials and product information.

D12.5 Front Building Line

The controls seek to achieve the outcomes:

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

The control to achieve this outcome is to provide a setback of 6.5m setback for land zoned C4 Environmental Living, or the established building line to the street frontage, whichever is the greater.

As detailed in the architectural plans, the proposed new works will not see any change to the minimum front setback of the dwelling, and therefore readily comply with this control.

D12.6 Side and rear building line

The controls seek to achieve the outcomes:

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

To ensure a landscaped buffer between commercial and residential zones is achieved.

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The proposal satisfies the minimum 1m side setback control to the eastern and western boundary (1.05 side setback proposed).

The siting of the new swimming pool readily complies with the rear setback control.

D12.8 Building Envelope

The controls seek to achieve the outcomes:

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

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

The 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 existing building envelope of the dwelling remains unchanged.

D12.10 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

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

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

To preserve and enhance the rural and bushland character of the area. (En, S)

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

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

747.6m² and the required minimum landscaped area for the site is 448.56m².

The proposal results in a reduction in landscaped area of 75.1m² to accommodate the new works, largely comprising the proposed swimming pool and associated decking. The development proposes a total landscaped area of 299m² or 40%, excluding the 6% concession for functional landscaped area, which includes the pool and surrounds.

The existing landscaped area is 50% of the site area and presents an existing variation to the control. Including allowable functional landscaped area, such as the pool and surrounds, the proposal provides for a total of 46% of the site area.

Notwithstanding the variation, the proposal includes a comprehensive landscape treatment as detailed in the Landscape Plan prepared by Melissa Wilson Landscape Architects which details a high-quality landscape outcome through supplementary planting to hands the existing landscape plantings.

As discussed, the existing trees and screening landscaping with the site will be largely retained with no further impacts presented to the neighbouring properties.

The proposal addresses the objectives of this clause in the following manner:

- The bulk and scale of the proposed dwelling is compatible with the scale of the extent of the existing surrounding development. This is further demonstrated through compliance with the statutory height control and setback controls.
- The proposal will maintain suitable views, solar access and privacy for neighbouring properties.
- The proposed stormwater design will minimise the impact of runoff within the locality.

Notwithstanding the minor variation to the landscaped area control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D12.11 Fences

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)

*An area of private open space is provided for properties that front the Pittwater Waterway.
(S)*

The proposal will not see any change to the existing boundary fencing.

D12.13 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 proposed works will be carried out in accordance with the directions of the Structural and Geotechnical Engineers, and are therefore considered to satisfy the provisions of this clause.

Given the elevated nature of the pool to sure that is accessible from the existing lower level deck area, the façade of the bill undercroft will be treated with sandstone facing to present a natural appearance and blend with the proposed additional planting's surrounding the pool.

D12.14 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.
To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront. (En,S)
Maintenance and enhancement of the tree canopy. (En,S)
Colours and materials recede into a well vegetated natural environment. (En,S)
To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component. (En, S)
To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.
To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.
To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.
Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

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

The proposed works will see modest alterations and additions relative to surrounding dwellings.

The new works are not considered to be bulky or overbearing when viewed from the adjoining public areas or neighbouring properties.

The proposed modifications to the dwelling will retain the existing views available for the surrounding properties and from the public areas.

The compatible bulk and scale of the dwelling will ensure that it is not a dominant feature within the locality and will not adversely affect the natural environment.

The recessive tones and external finishes that have been selected to further minimise the bulk and scale of the built form. The proposed external finishes have been detailed in the external finishes schedule prepared by Greg Jones Architecture and which accompanies the DA submission.

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

7.1 The provisions of any environmental planning instrument

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

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

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

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

It is considered that the proposed design respects the 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 the construction of additions and alterations to the existing dwelling including a new swimming pool, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

7.7 The suitability of the site for the development

The subject land is currently C4 Environmental Living under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

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 unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

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

It is considered that the proposed works satisfy the stated objectives of PLEP 2014, P21 DCP and other relevant plans and policies. The proposal seeks to upgrade the existing driveway to meet contemporary design standards, together with providing a new swimming pool. The proposed development is a high quality design solution which seeks to maximise recreational amenity for occupants of the subject site whilst minimising impacts to adjoining properties.

As the proposed development will not have any significant adverse impacts on the environment, scenic quality of the area or the amenity of the adjoining allotments, there is no statutory impediment or meritorious reason as to why Council should not grant consent to the proposed development.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)