

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS  
TO AN EXISTING OUTBUILDING TO PROVIDE FOR A DETACHED SECONDARY DWELLING**

**LOCATED AT**

**25 THE CIRCLE, BILGOLA PLATEAU**

**FOR**

**C. KAUFFMAN**



**Prepared  
December 2020**

## **Table of Contents**

1.0	Introduction .....	3
2.0	Property Description .....	3
3.0	Site Description .....	4
4.0	The Surrounding Environment .....	6
5.0	Proposed Development .....	7
6.0	Zoning and Development Controls .....	8
6.1	State Environmental Planning Policy No. 55 – Remediation of Land .....	8
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....	8
6.3	State Environmental Planning Policy (Coastal Management) 2018 .....	8
6.4	Pittwater Local Environmental Plan 2014 .....	13
6.5	Pittwater 21 Development Control Plan 2014 .....	16
6.5.1	Shaping Development – Desired Character .....	16
6.5.2	Section B General Controls .....	17
6.5.3	Section C Development Type Criteria .....	20
6.5.4	Section D Design Criteria.....	23
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .....	27
7.1	The provisions of any environmental planning instrument .....	27
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 .....	27
7.3	Any development control plan.....	27
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and .....	28
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), .....	28
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.....	28
7.7	The suitability of the site for the development.....	28
7.8	Submissions made in accordance with this Act or the regulations .....	28
7.9	The public interest.....	28
8.0	Conclusion .....	29

## 1.0 Introduction

This Statement of Environmental Effects accompanies plans prepared by Atelier Haefeli Architects on behalf of Christine Kauffman, Job No. 2024, Sheets A/01, A/02 & E/01, Issue A dated 10 December 2020 detailing the conversion of an existing detached studio to a detached secondary dwelling at **25 The Circle, Bilgola Plateau.**

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

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

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

## 2.0 Property Description

The subject allotment is described as No. 25 The Circle, Bilgola Plateau, being Lot 6 in DP 28801. The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is identified with the Class 5 Acid Sulfate Soils area. This matter will be discussed in further detail within this report.

The site does not contain any heritage items, nor is it within a conservation area.

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Risk Assessment has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Reference No. 210422 dated 3 November 2020.

In addition, the site is identified as being partly within the SEPP Coastal Management and this issue is addressed further within this statement.

The site is also identified as Biodiversity, however as no significant planting is to be removed, no further formal investigation is considered necessary and this is discussed further within this statement.

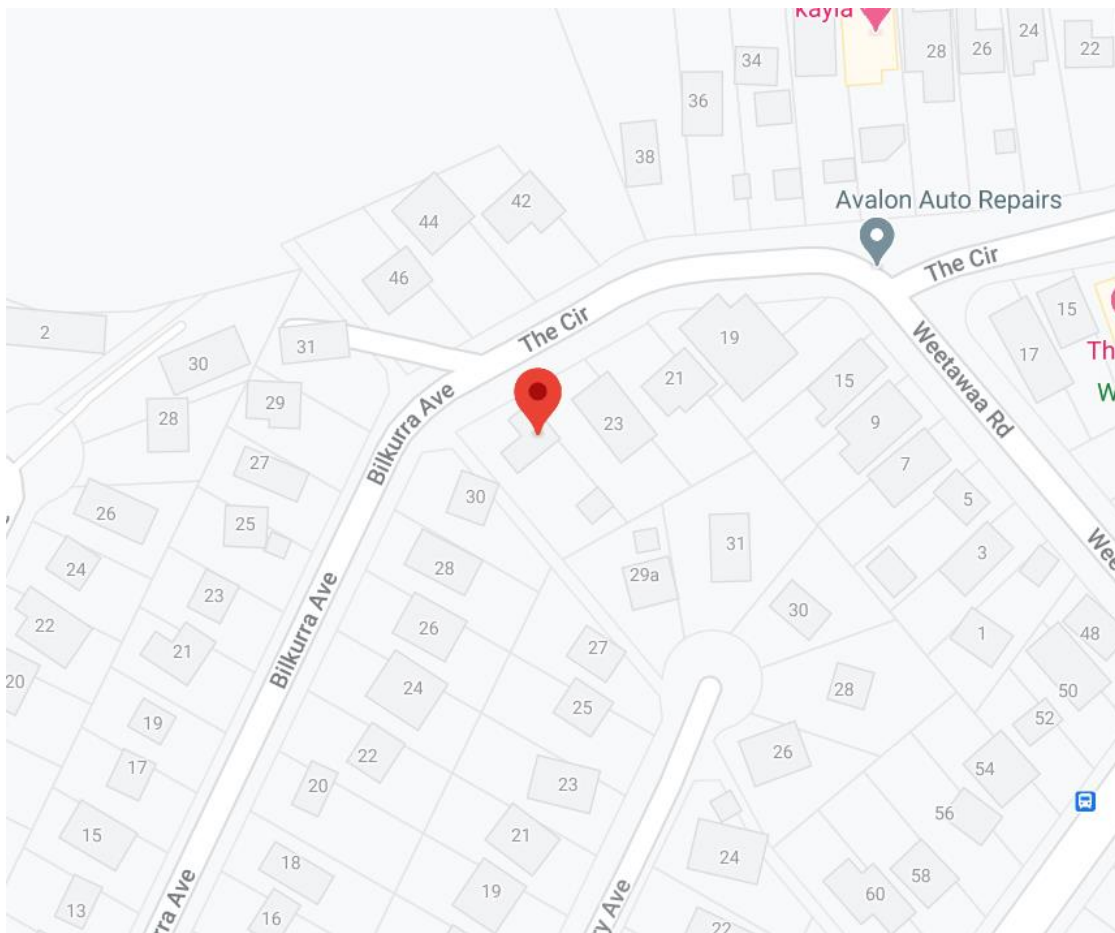
### 3.0 Site Description

The property is generally rectangular in shape with an angled front and rear boundary of 20.06m, with a site depth of up to 45.72m. The total site area is 925.30m<sup>2</sup>.

The land slopes gradually towards the rear, south- eastern boundary. Stormwater from the roof areas within the site is directed to the street gutter.

The site is developed with a one and two storey brick house with tiled roof. Vehicular access to the site is currently available via a concrete driveway from The Circle, with parking provided within an attached garage. A detached studio and shed are located at the rear of the site.

The details of the site are included on the survey prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 6520, dated 22 July 2020, which accompanies the DA submission.



**Fig 1: Location of subject site**  
(Source: Google Maps)





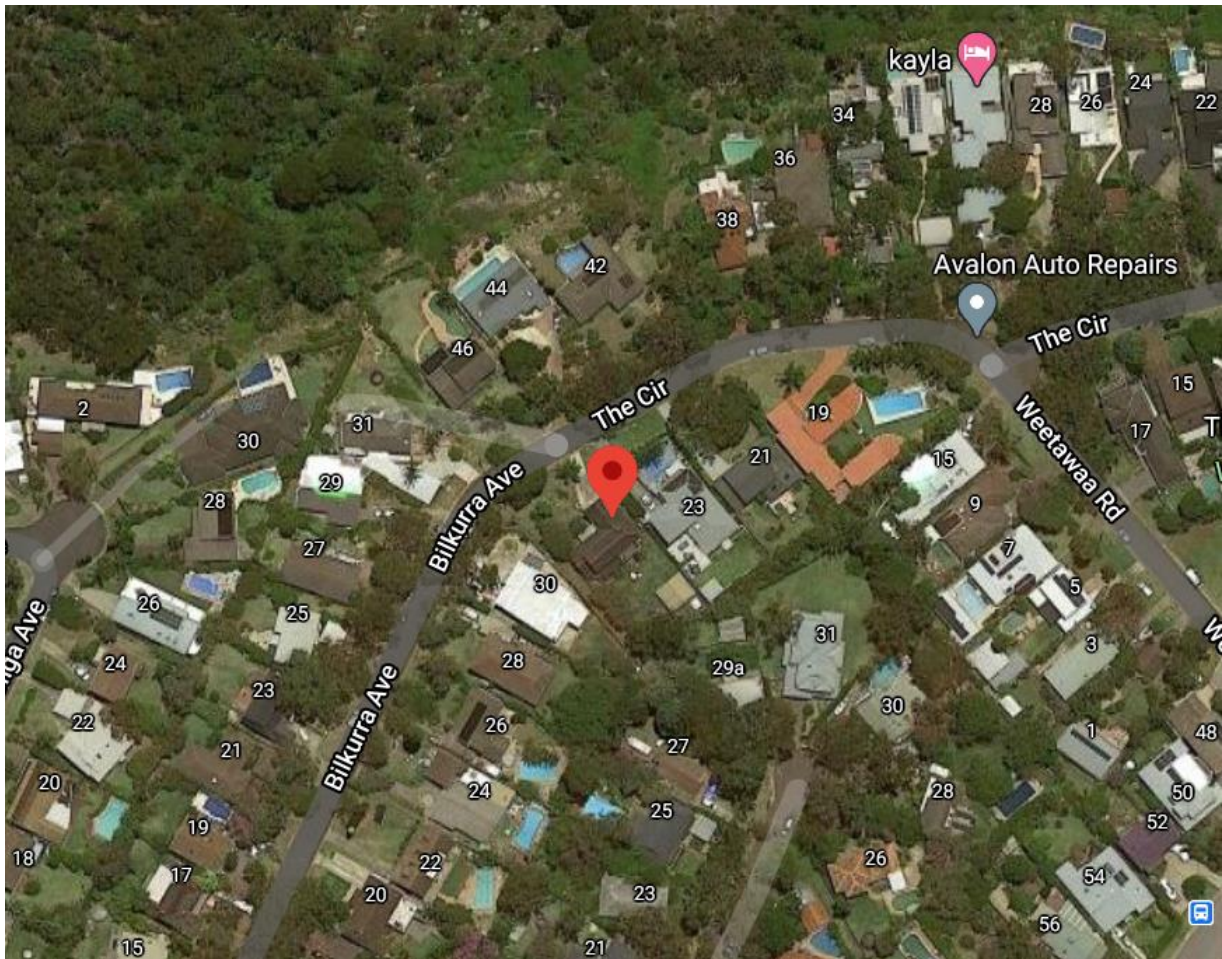
**Fig 2: View of subject site, looking south-east from The Circle**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically between one and two storeys.

The area is undergoing change and renewal, with additions and new dwellings being constructed in the immediate vicinity.

The form of the dwellings and associated structures is influenced by the sloping terrain and existing tree cover within the vicinity. The neighbouring sites on the low side of The Circle are surrounded by dense bushland to the rear.



**Fig 3 Aerial view of locality**  
(Source: Google Maps)



## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the conversion of an existing studio to a secondary dwelling, together with the inclusion of a small slab with pergola over, which will face north and provide for pleasant outdoor recreation space, which will enjoy good amenity.

The proposed secondary dwelling will provide for a bedsit area, bathroom and kitchenette. Laundry facilities will be provided within the kitchenette area.

Other than the inclusion of the small north facing slab with pergola over, the works are contained within the existing building footprint. The bulk and scale of the existing dwelling remains unchanged, and the proposal will not see any change to the existing ridge height of the dwelling or of the existing detached outbuilding.

The existing external finishes of the dwelling maintains unchanged.

The property is noted as being potentially subject to bushfire attack and a Bush Fire Assessment Report has been prepared by Building Code and Bushfire Hazard Solutions Pty Ltd, dated 3 November 2020.

The report concludes that the highest Bushfire Attack Level to the proposed works is BAL 12.5 and provides recommendations in relation to bushfire safety measures to be observed.

The proposed works will be carried out in accordance with the Bushfire Assessment and the regulations of the Bushfire Consultant.

The existing development indices for the site are:

<b>Site Area</b>	925.30m <sup>2</sup>
<b>Required Landscaped Area</b>	60% or 555.18m <sup>2</sup>
<b>Proposed Landscaped Area</b>	65% or 602.3m <sup>2</sup> (see DCP discussion)

## **6.0 Zoning and Development Controls**

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

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

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

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. The proposal is therefore accompanied by a BASIX Certificate (No: A401145).

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

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

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

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

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

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

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

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



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

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

The matters for consideration under Division 1 of SEPP (Coastal Management) 2018 are:

**10 Development on certain land within coastal wetlands and littoral rainforests area**

*(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following:*
  - (i) earthworks (including the depositing of material on land),*
  - (ii) constructing a levee,*
  - (iii) draining the land,*
  - (iv) environmental protection works,*
- (d) any other development.*

**Comment:** The proposed new works are wholly contained within a developed area of the site, and will therefore not impact on any nearby coastal wetlands or littoral rainforest.

The matters for consideration under Division 2 of SEPP (Coastal Management) 2018 are:

**12 Development on land within the coastal vulnerability area**

*Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:*

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) the proposed development:*
  - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
  - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
  - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

**Comment:** The proposal will be carried out in accordance with the recommendations of the consulting Structural Engineers and will therefore satisfy the provisions of this clause.

The matters for consideration under Division 3 of SEPP (Coastal Management) 2018 are:

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

*(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

*(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Comment:** The proposal will not result in any loss of access to the foreshore area.

Stormwater from the approved development will continue to be directed to the street gutter and by being clean run off from the roof areas, will not unreasonably affect the adjacent public reserve.

The matters for consideration under Division 4 of SEPP (Coastal Management) 2018 are:

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

*(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

*(b) is satisfied that:*

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

*(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

**Comment:** The proposal will continue to be wholly contained within the site and will not affect any public access to any foreshore area. Furthermore, the new works will not result in any overshadowing to the foreshore area.

The proposal provides for additions and alterations to an existing outbuilding to facilitate its use as a detached secondary dwelling, together with a small external slab addition with pergola over, which are modest in bulk and scale and will not adversely affect the visual amenity of the locality.

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

**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 seeks to provide for additions and alterations to an existing outbuilding to facilitate its use as a detached secondary dwelling. The proposed new works are largely contained within the footprint of the approved development and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

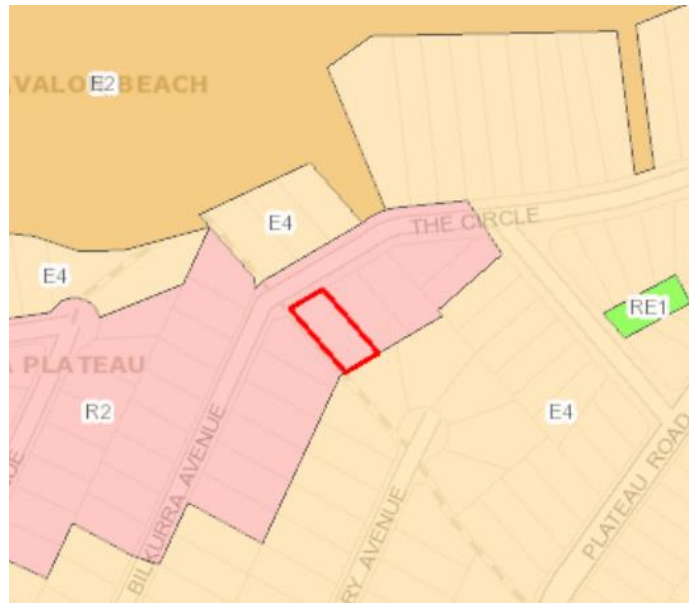
The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.



## 6.4 Pittwater Local Environmental Plan 2014

### Clause 2.3 Zone Objectives and land Use Table

The subject site is zoned R2 Low Density Residential under the Pittwater LEP 2014.



**Fig 4: Extract of Pittwater Local Environmental Plan 2014 Zoning Map**

The development of and use of the land for residential purposes within the R2 Low Density Residential is consistent with the zone objectives, which are noted 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 outbuilding and its use as a detached secondary 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 alterations and additions to an existing outbuilding which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.

- As discussed in this submission, it is considered that the proposal does not have any unreasonable impact on long distance views for the nearby properties.

#### Clause 4.3 – Height of Buildings

Development in this locality is subject to a maximum height of up to 8.5m. The maximum height of the existing outbuilding will be retained, which is up to 3.7 m above ground level and therefore readily complies with this control.



Fig 5: Extract of Pittwater Local Environmental Plan 2014 Height of Buildings Map

**Clause 7.1** relates to acid sulfate soils. The site has been identified in the Class 5 Acid Sulfate Soils areas. As no significant excavation is proposed, the proposed works are not anticipated to lower the water table, and therefore no further investigation is required in this instance.

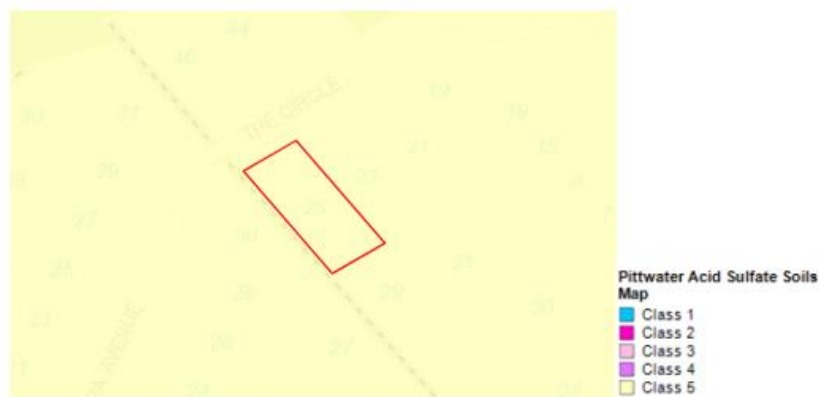


Fig 6: Extract of Pittwater Local Environmental Plan 2014 Acid Sulfate Soils Map

**Clause 7.2** relates to earthworks. The proposal will not require any significant excavation of the site, as the works are largely contained within the confines of the existing building. 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 7.6** relates to Biodiversity Protection. The land is noted within Council's Biodiversity mapped area.



**Fig 7: Extract of Pittwater Local Environmental Plan 2014 Biodiversity Map**

- (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 will not require the removal of any significant vegetation to accommodate the works in the site is largely cleared of natural vegetation and is managed.

The proposal will not see any substantial change to the existing available area of soft landscaping. In this instance, the Objectives of Clause 7.6 will be achieved no further investigation is considered to be necessary.

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

## **6.5 Pittwater 21 Development Control Plan 2014**

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

### **6.5.1 Shaping Development – Desired Character**

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

#### **A4.3 Bilgola Locality**

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

*The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:*

*The Plateau Area: Will provide for some dual occupancies, on land that does not have tree canopy coverage, species and habitat diversity, or 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 will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*

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

*Natural scenic views from the Bicentennial Walkway will be preserved.*

*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.*

The proposal provides for minor alterations and additions to an existing outbuilding, to facilitate its use as a detached single-storey secondary dwelling.

The existing outbuilding is within the rear yard of the site and is not visible from The Circle. As the works will not see any substantial change to the existing form, other being the inclusion of a small external slab with pergola over, to provide for north facing private open space, the development will not have any significant or adverse effects on the neighbouring properties or the surrounding locality.

The proposal will not see the removal of any significant vegetation, and will not see any substantial change to the available area of soft landscaping.

It is therefore considered that the proposal will achieve the desired future character of the locality.

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

The General Controls applicable to the proposed new works are summarised as:

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

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

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

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Risk Assessment has been prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Reference No. 210422 dated 3 November 2020.

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

##### **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 proposed alterations and additions are largely contained within the existing building footprint and will not see the removal of any significant trees or vegetation. The existing vegetation on site will be retained and protected.

Accordingly, the proposal is not considered to detract from any Wildlife Corridors, and is

considered to be in keeping with the provisions of this clause.

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

The controls seek to achieve the outcomes:

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

The proposed alterations and additions are largely contained within the existing building footprint, and the existing stormwater arrangements will therefore remain unchanged.

In accordance with the existing arrangements, the roof water from the outbuilding will continue to be directed to the street gutter in The Circle.

The proposal will therefore satisfy the provisions of this clause.

**B6.2 Internal Driveways**

The controls seek to achieve the outcomes:

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

The proposal will not see any change to the existing driveway.

**B6.3 Off-Street Vehicle Parking Requirements**

The controls seek to achieve the outcomes:

*An adequate number of parking and service spaces that meets the demands generated by the development.*  
*Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*  
*Safe and convenient parking.*

The proposal maintains the double garage which provides off street parking for two vehicles. Given the existing driveway with, there is limited opportunity for an additional car within the front setback. The existing car parking arrangements are considered appropriate for the main dwelling, with the quiet nature of the street being such that on street parking for an additional vehicle, as necessary, is available.

**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)*

The proposal will not require any significant excavation of the site or disturbance to the exterior ground levels. 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.

**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 and Demolition – Waste Minimisation**

The controls seek to achieve the following 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)*

The construction works will seek to minimise waste by re-using material where possible or recycling appropriate materials. All construction waste will be removed from the site to an approved waste facility.

### 6.5.3 Section C Development Type Criteria

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

The proposal see only a minor reduction in the existing landscape area, resulting from the inclusion of the small north facing slab for the use of the proposed secondary dwelling. The majority of the works are within the existing disturbed footprint and will not see the removal of any significant vegetation, with the majority of the current soft landscaping to be retained.

The site maintains boundaries which are capable of accommodating future plantings.

The existing plantings assist with softening and screening the built form of the development and maximising privacy for occupants of the subject dwelling and neighbouring properties. The proposal will maintain consistency with the landscaped character of the locality.

#### **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 properties along The Circle enjoy views towards the north and north-west towards Avalon & Pittwater.

As the works will not see any significant change to the existing configuration of the outbuilding, other than the inclusion of the low-level pergola, views for the neighbouring property should be generally unchanged.

The existing dwelling within the site will also be unchanged.



The proposal is therefore not considered to result in any unreasonable view loss for neighbouring properties and will satisfy the provisions of this clause.

#### **C1.4      Solar Access**

The controls seek to achieve the outcomes:

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

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

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

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

The proposal is contained within the existing building form, with the exception of the new small paved area with pergola over and therefore will not result in any adverse impacts on the solar access received by neighbouring properties.

The adjoining properties will maintain suitable solar access throughout the day in accordance with Council's provisions.

#### **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 primary living areas are maintained at the ground floor level, with limited window openings provided to side boundaries to minimise overlooking.

The proposal will therefore not result in any privacy impacts for neighbouring properties.

#### **C1.6      Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or 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 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. No unreasonable noise impacts are anticipated given the residential nature of the proposed works.

#### **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 with suitable private open space with an area and grade which will facilitate outdoor private recreation.

The proposal will retain the existing private open space areas within the rear yard.

#### **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.

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

#### 6.5.4 Section D Design Criteria

The **D3 Bilgola Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D3 Bilgola Locality** is provided below:

##### **D3.1 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'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

*To preserve and enhance district and local views which reinforce and protect 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 form maintains a compatibility with the locality through appropriate design relief and is secondary to the landscaping of the site.

The proposal provides for minor alterations and additions to an existing outbuilding to facilitate its use as a detached secondary dwelling, with the works to be largely contained within the confines of the existing outbuilding.

It is therefore considered that the proposal will achieve the desired future character of the locality.

### **D3.3 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 proposed new works will be finished in earthy tones which are recessive and will harmonise with the natural environment.

### **D3.6 Front Building Line**

The controls seek to achieve the outcomes:

- Achieves 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 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 existing front setback of the development remains unchanged and will therefore readily comply with the 6.5m minimum front setback requirements.

### **D3.7 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.*

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

The existing side setbacks of the dwelling and outbuilding remain unchanged.

The current outbuilding and shed stand partially within the rear setback, however these structures are largely unchanged and therefore there will be no material alteration to the view of the site from the properties to the rear or the public walkway adjoining to the west.

### **D3.9 Building Envelope**

The controls seek to achieve the outcomes:

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

The proposal is contained within the existing built form, and will not alter the compliance of the existing dwelling with the building envelope control.

### **D3.11 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 proposal will retain a soft landscaped area of 601.3m<sup>2</sup> or 65% of the site area and therefore readily complies with this control.

The proposal will not see the removal of any significant trees or vegetation and will maintain the existing generous plantings throughout the site.

### **D3.2 Scenic Protection – General**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*

*Scenic bushland and geographical landforms are the predominant features of Bilgola with the built form being the secondary component of the visual catchment. (En, S)*

*Preserve scenic quality as part of the recreational amenity. (S)*

The proposal will not require the removal of any significant vegetation, with the existing trees on site to be retained.

The proposal, which is largely within the confines of the existing outbuilding, complies with Council's statutory height limit, presents a modest bulk and scale, which is consistent with the extent of surrounding development and by being within the rear yard of the site, will not be visible from the public domain.

The existing landscaping assists with softening and screening the built form of the development when viewed from the neighbours.

The proposal is considered suitable in the scenic protection area, and will achieve the desired outcomes of this clause.

### **D3.16 Construction, retaining walls, terracing and undercroft areas**

The controls seek to achieve the outcomes:

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

*To protect and minimise disturbance to natural landforms.*

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

The proposal satisfactorily responds to the topography of the site. The works will not see any significant excavation.

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

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

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

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

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

There are no draft instruments applying to the land.

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

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

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

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

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

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

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

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

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



We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the rear setback control is a reasonable alternative solution to compliance where the existing building form is to be retained and the site conditions and location of existing development results in a challenge to designing for new development which fully respects the criteria.

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

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

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

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

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

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

It is considered that the proposal, which seeks consent for minor alterations and additions to the existing outbuilding, to facilitate its use as a detached secondary dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

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

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

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

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

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

**7.9 The public interest**

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

## **8.0 Conclusion**

The principal objective of this development is to provide for minor alterations and additions to an existing detached outbuilding to facilitate its use as a detached secondary dwelling. The works will see the inclusion of a new low level north facing slab with pergola over to provide for outdoor recreation space, at ground level which will enjoy good northern light and amenity.

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

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

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