

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED DWELLING HOUSE +
SECONDARY DWELLING

2033 PITTWATER ROAD, BAYVIEW



1.0 INTRODUCTION

This statement has been prepared on behalf of the applicant in support of a development application to Northern Beaches Council (the "Council") for the demolition of the existing dwelling and construction of a new dwelling with attached secondary dwelling and swimming pool upon land at 2033 Pittwater Road, Bayview.

The subject and surrounding properties are zoned E4 Environmental Living. Dwelling houses (including ancillary development) and secondary dwellings are permissible in land zoned E4 with the consent of Council.

The subject site comprises a single parcel of land located on the south-western side of Pittwater Road. The site currently comprises a two storey brick dwelling with metal roof and attached carport located towards the rear of the site. An inground pool is located forward of the dwelling. Vehicular access is provided to the site via a concrete driveway located adjacent to the northwest side boundary. The surrounding locality comprises predominantly detached dwelling houses on varied allotment sizes.

The proposal has been assessed in terms of Environmental Planning & Assessment Act, the Pittwater LEP and the Pittwater 21 DCP.

This statement has been prepared pursuant to Section 4.12 of the *EP&A Act 1979*, and cl 47 and Schedule 1, Part 1, Clause 2(c) of the Environmental Planning and Assessment Regulation 2000, and reviews the applicable environmental planning instruments, development controls and related guidelines that apply to the subject property as well as the natural and built environmental impacts of the proposal.

The proposal is acceptable and is worthy of approval on its merits having regard to the provisions of the *EP&A Act 1979*, and the PLEP 2014.

2.0 SITE AND SURROUNDS

The development site comprises a single parcel of land which is identified as Lot 1 in DP 562577. The site has an area of 1,002m² with a front boundary to Pittwater Road having a total length of 27.885m, rear boundary of 25.38m and northwest and southeast boundaries having lengths of 33.2m and 42.67m, respectively. The sites southeast boundary adjoins a public footpath/accessway which provides access for the public from Kananook Avenue and Noolinga Road to Pittwater Road

The site has a gradual fall from the rear (west) boundary towards the street frontage.



Figure 1: Location of subject site



Figure 2: Aerial of development site

The site currently comprises a part single and part two storey brick dwelling with a flat metal roof. An attached carport is located towards the western corner of the site. Vehicular access to this carport is via a concrete driveway. An inground pool is located immediately forward of the dwelling. A low stone wall is erected along the front boundary of the site, with screen planting adjacent. (See Figure 3 below).

The site is not heritage listed, it is not located within a heritage conservation area and there are no locally listed heritage items in proximity to the site.



Figure 3: Front of development site from 2033 Pittwater Road

The subdivision pattern comprises a variety of lot sizes and shapes within proximity to the site. Existing surrounding development comprises a mixture of single and two storey dwellings with more recent constructions comprising large modern multi storey dwellings designed and orientated to maximise views.

The following are photos of adjoining development (Figure 4).



Fig 4 View of Access Handle and No. 2035 Pittwater Road



Figure 5: Adjoining development at No. 2031 Pittwater Road

3.0 DESCRIPTION OF PROPOSAL

3.1 The Proposal

The proposal seeks approval for the demolition of the existing structures and construction of a new two storey dwelling with attached upper level secondary dwelling and swimming pool. The proposed development will be constructed of a mixture of sandstone cladding, off form concrete and glazed wall tiles with flat metal roof. The proposal also incorporates landscaping and stormwater management.

The proposed dwelling is to be located to the rear of the site. A setback of at least 10m is provided from the development to the street frontage. Setbacks of at least 1.0m and 2.5m are provided to the sites southeast and northwest side boundaries. The upper level (secondary dwelling) is provided with increased setbacks to the side boundaries. The development provides for a setback of 6.5m is provided to the rear boundary of the site.

The proposed dwelling comprises:

Lower Ground Floor: Parking for 4 cars, gym, plant room, cellar, laundry and entertaining area.

Upper Ground Floor: Entry, sitting room, WC, lounge/dining, kitchen, three bedrooms (each with ensuite) and study.

First Floor: Secondary dwelling comprising entry, kitchen, living/dining, laundry, two bedrooms and bathroom.

The proposal also provides for the construction of a swimming pool. The pool is to be located at upper ground level. The pool is provided with a setback of 2.5m from the northwest boundary and does not encroach the 10m front setback.

It is proposed to discharge all collected stormwater to the street gutter in Pittwater Road.

The proposal is shown on the design plans prepared by Aaron Vumbaca Pty Ltd, Issue A and dated 8.08.2019.

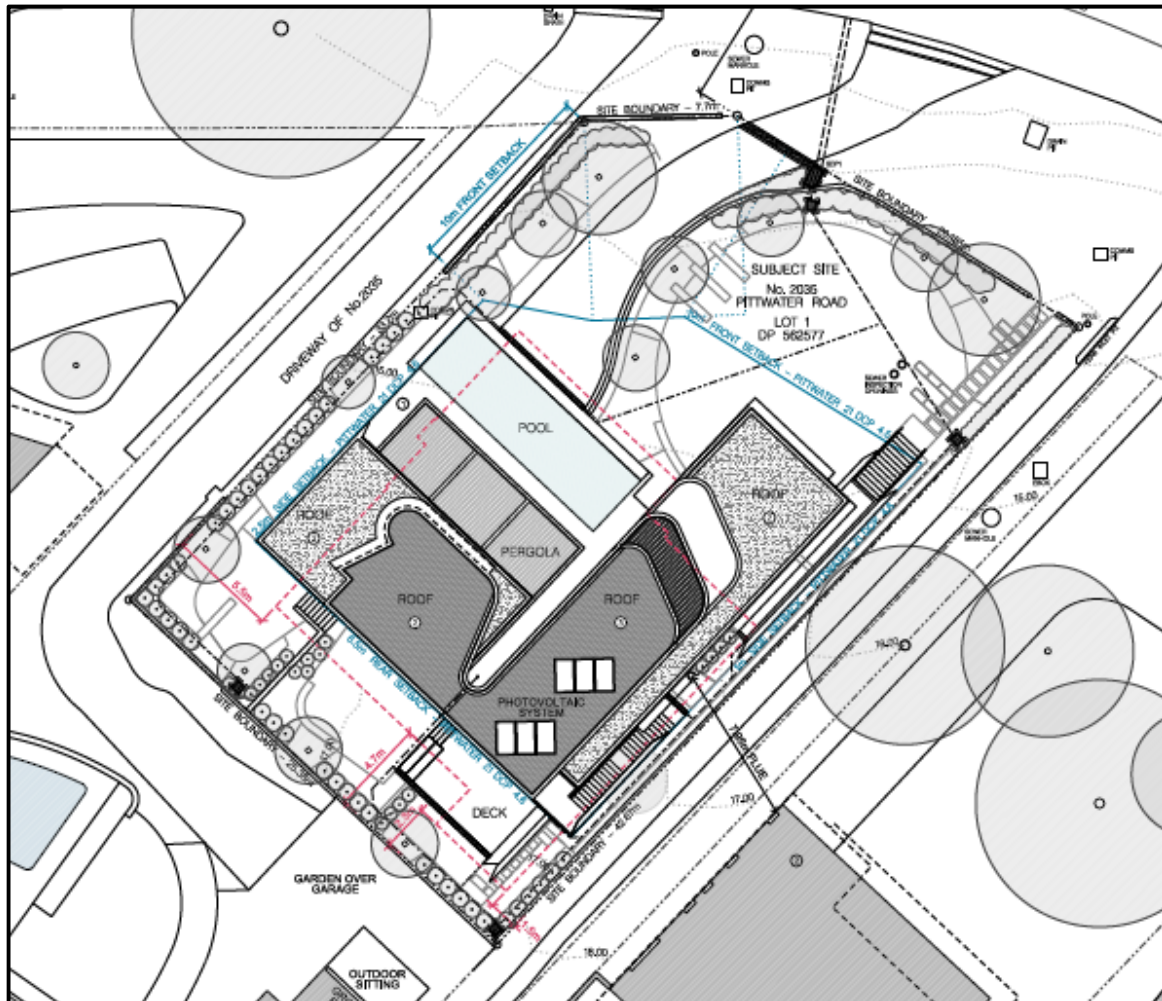


Figure 6: Site Plan (Source: Aaron Vumbaca Pty Ltd, Drawing No. DA-1002)

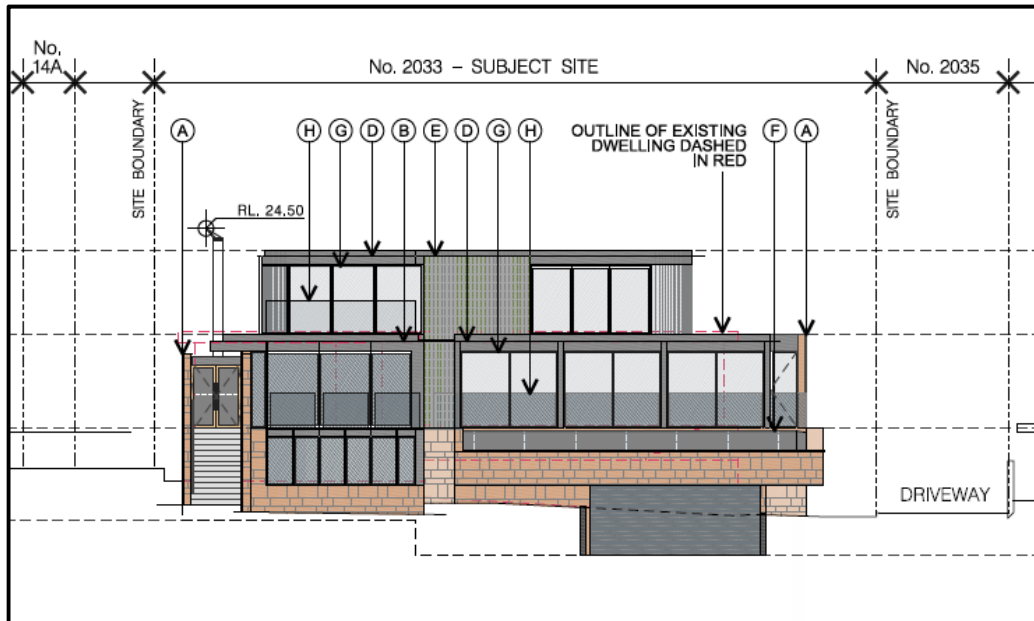


Figure 7: North East Elevation (facing Pittwater Road)

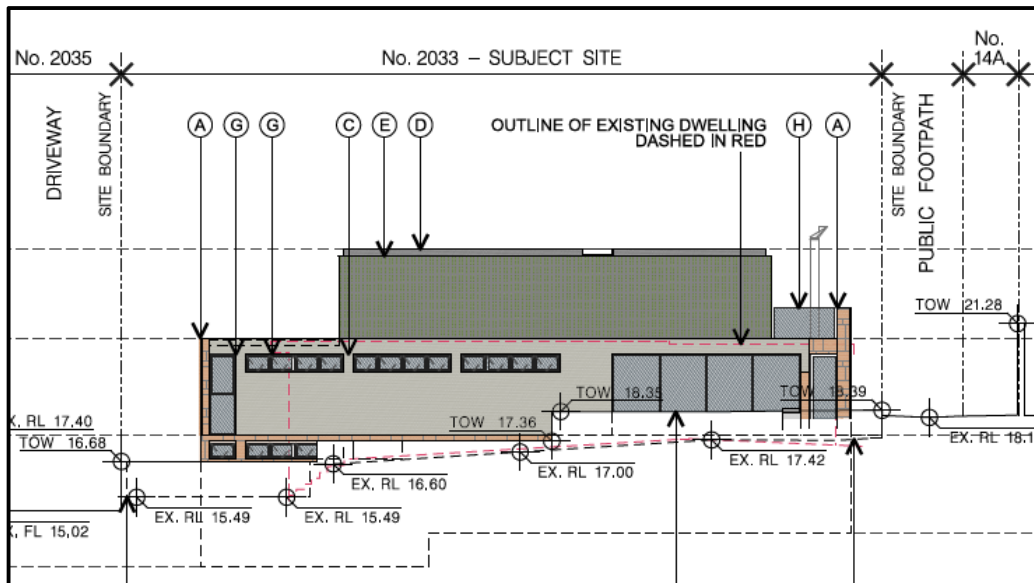


Figure 8: South West Elevation (rear elevation)

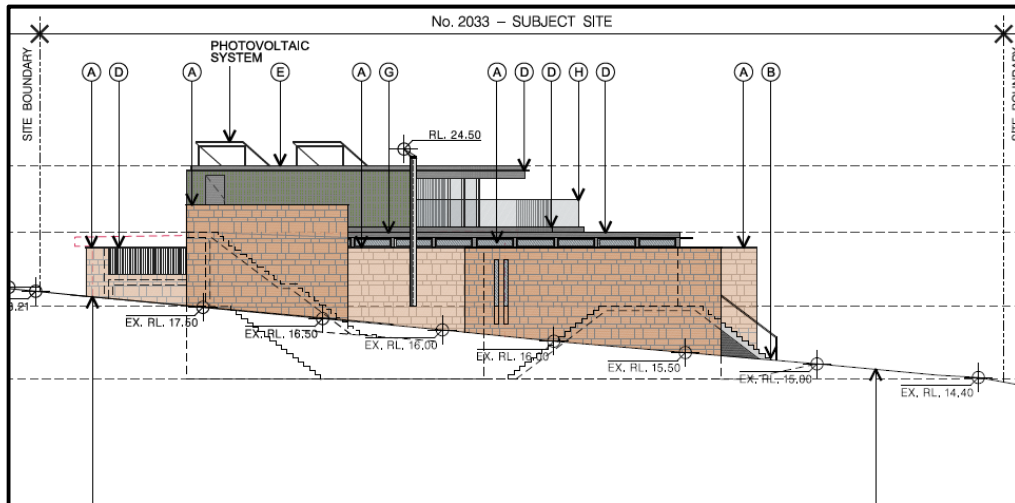


Figure 9: South East Elevation

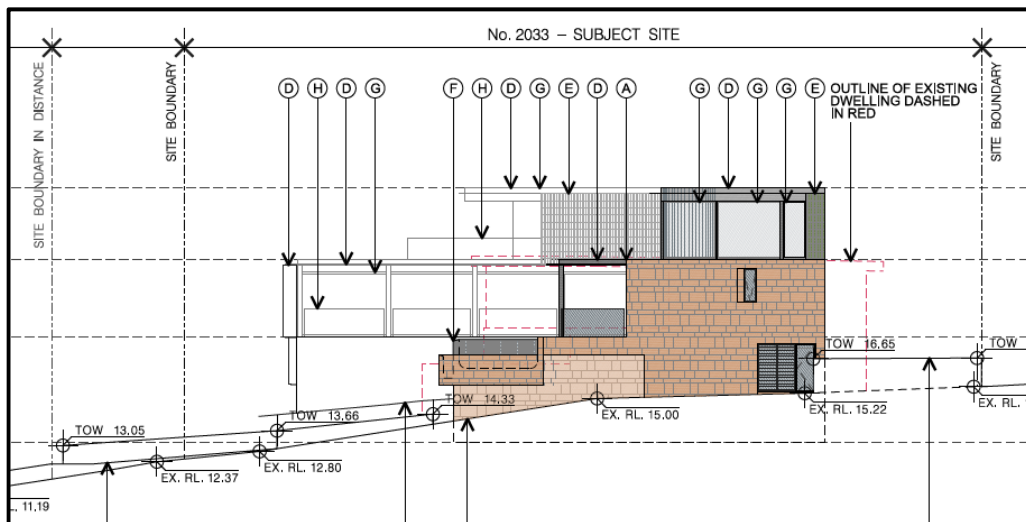


Figure 10: North West Elevation

3.3 DA documentation

The Development Application is accompanied by the following plans and documentation:

- Detailed Survey Plan prepared by Robert Friend Surveyors Pty Ltd, Drawing No. 17102-1-B and dated November 2017.
- Architectural Plans prepared by Aaron Vumbaca Pty Ltd, Issue A and dated 8.08.2019.
- Geotechnical Investigation prepared by White Geotechnical Group, Job No. J2253 and dated 7 August 2019.
- BASIX Certificate No. 1026920M, Issued 7 August 2019.
- Landscape Plan prepared by Canvas Landscape Architects, Issue A and dated 16/07/19.
- Waste Management Plan.

4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s 4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

4.15 Evaluation

(1) Matters for consideration—generally in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) 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

(iii) any development control plan, and

(iii) 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

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

4.1 Planning for Bushfire Protection 2018

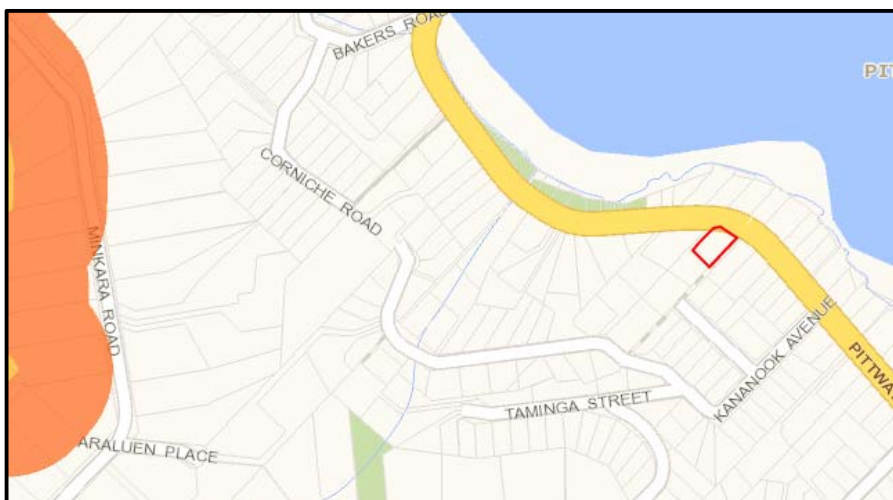


Figure 11: Extract of Bushfire Prone Land Map

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map. Therefore, the provisions of *Planning for Bushfire Protection 2018* do not apply to the proposed development.

4.2 Relevant Statutory Environmental Planning Policies (EPIs)

The following identifies the relevant EPIs applicable to the assessment of the application.

The application is assessed under the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended, which include:

- SEPP No. 55 - Remediation of Land
- SEPP (Coastal Management) 2018
- Pittwater Local Environmental Plan (PLEP) 2014

4.2.1 State Environmental Planning Policy No 55 - Remediation of Land

The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.

The site has a longstanding history of residential uses. Further investigation or the preparation of a Phase 1 Site Investigation Report is not considered warranted in this case.

4.2.2 State Environmental Planning Policy No 55 (Coastal Management) 2018

The site is subject to SEPP Coastal Management (2018). Accordingly, an assessment under the SEPP has been carried out as follows:

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 site is not within land identified as “coastal wetlands” or “littoral rainforest” area.

11 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:
- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Comment: The site is not within land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest”.

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 site is not within land identified as “coastal vulnerability area”

13 Development on land within the coastal environment area

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

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

Comment: The site is within land identified as “coastal environment area”. The proposal provides for the construction of a new storey dwelling with an attached secondary dwelling on existing allotment of land. A ‘Geotechnical Investigation’ has been prepared by White Geotechnical to support the proposed development.

The proposal will not have an adverse impact on the integrity/resilience of the biophysical, hydrological or ecological environment. There are no endangered flora/fauna identified on site. All collected stormwater is disposed of as per Council requirements to Pittwater Road.

The proposal will not have a detrimental impact on the water quality of the natural environment subject to the conditions of consent in relation to stormwater disposal.

The proposed development is contained wholly within the boundaries of the site and does not impact on marine/native vegetation or fauna or their habitats, nor any impact on existing headlands or rock platforms.

The development does not obstruct any existing public access to the foreshore.

The site is not identified as being of Aboriginal cultural significance.

- (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 is generally sited and designed so as not to cause adverse impacts referred to in subclause (1).

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 for a new dwelling on an allotment that currently provides for a dwelling house has had regard to the provisions of subclause (a) as discussed below:

- The proposal does not affect public access to the foreshore or beach.
- The proposal does not result in any overshadowing to public places or foreshores.
- The proposal will not result in unreasonable wind funnelling.
- The proposed development will not obstruct views from public spaces to the foreshore.
- The proposal will not be prominent from the waterway, given the existing surrounding development and separation. However, the dwelling has been appropriately designed to be of low profile and well-articulated with ample setback to the street and sufficient opportunity for landscaping. As such the proposal will not have a detrimental impact on the visual amenity or scenic qualities of the coast.
- As discussed previously the site is not identified as being of Aboriginal cultural significance nor is the site in proximity of any heritage items.

With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Clause 14(1) as discussed immediately above.

In relation to (c) it is considered that the proposal provides for an appropriate bulk and scale having regard to the existing surrounding built environment. In this regard, the locality comprises of a mixture of large single detached dwellings generally consisting of two to three stories. The proposed development has been designed to be well articulated to minimise bulk and scale and provides for a height that is comparable to the immediately adjoining development. For these reasons, it is considered that the proposal has been designed taking into account the surrounding coastal and built environment.

Clause 15 Development in Coastal Zone Generally – Development Not to Increase Risks 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: A Geotechnical Investigation has been prepared and is submitted with the application.

As such, it is considered that the application complies with the requirements of the State Environmental Planning Policy (Coastal Management) 2018.

4.2.2 Pittwater Local Environmental Plan 2014 (PLEP 2014)

1.2 Aims of plan

- (1) *This Plan aims to make local environmental planning provisions for land in Pittwater in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) *The particular aims of this Plan are as follows:*
 - (a) *to promote development in Pittwater that is economically, environmentally and socially sustainable,*
 - (b) *to ensure development is consistent with the desired character of Pittwater's localities,*
 - (c) *to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
 - (d) *to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
 - (e) *to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
 - (f) *to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*
 - (g) *to protect and enhance Pittwater's natural environment and recreation areas,*
 - (h) *to conserve Pittwater's European and Aboriginal heritage,*
 - (i) *to minimise risks to the community in areas subject to environmental hazards including climate change,*
 - (j) *to protect and promote the health and well-being of current and future residents of Pittwater.*

The proposal satisfies the stated objectives given that:

- o The proposal provides for a new dwelling and attached secondary dwelling that is consistent with the desired character of Pittwater's localities.
- o The proposal does not require the removal of any significant vegetation.

Zone E4 Environmental Living

The site is zoned E4 Environmental Living, mapped as follows:

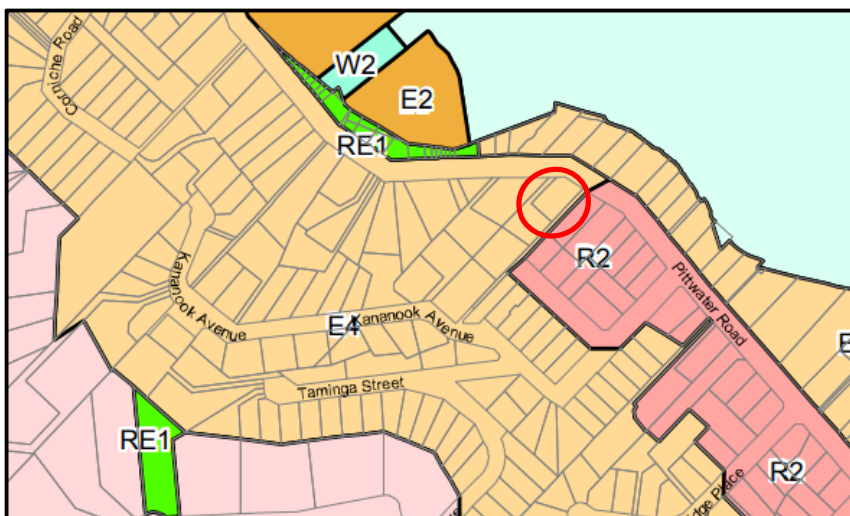


Figure 12: Extract of Zoning Map

1 Objectives of zone

- 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.

2 Permitted without consent

Home business, Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

The proposed demolition and construction of a new dwelling with attached secondary dwelling on land zoned E4 is permissible with consent under the provisions of Clause 2.6 of the LEP. It is considered that the proposal achieves the objectives of the zone for the following reasons:

- The proposal presents as single dwelling that is considered to be low impact.
- The proposal does not have any adverse impacts on ecological, scientific or aesthetic values.
- The proposed dwelling does not require the removal of any significant vegetation and the design is well integrated with the landform and surrounding landscape.
- The proposal does not have any impact on riparian or foreshore vegetation.

Clause 4.3 Height of Buildings

The site is mapped as "I" = 8.5m

Figure 13: Extract of Bushfire Prone Land Map

This clause provides for a maximum building height of 8.5m. The proposal development provides for a maximum height of 8.5m which complies with this clause.

Clause 5.4 Controls relating to Miscellaneous Permissible Uses

Subclause (9) provides:

Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

The proposal provides for a secondary dwelling with an area of 110.3m² which equates to 25% of the floor area of the principal dwelling (441.2m²). The proposal complies with this clause.

Clause 5.10 Heritage conservation

The development site is not heritage listed, is not within a conservation area or in proximity to any heritage item.

Clause 7.1 Acid Sulfate Soils

The subject site is identified as Class 5 on the Acid Sulfate Soil Map. The proposed works are not considered to lower the water table. No further information is required in this regard.

Clause 7.3 Earthworks

The proposal requires some excavation (up to 2.2m) to accommodate the lower level garage/storage level. This element is appropriately setback from the boundaries of the site to ensure there is no detrimental impact on the adjoining properties.

Clause 7.6 Biodiversity



Figure 14: Extract of Biodiversity Map

The site is identified as biodiversity on Council's Biodiversity Map. However, the proposal does not require the removal of any protected vegetation. No further information is required in this regard.

Clause 7.7 Geotechnical Hazards

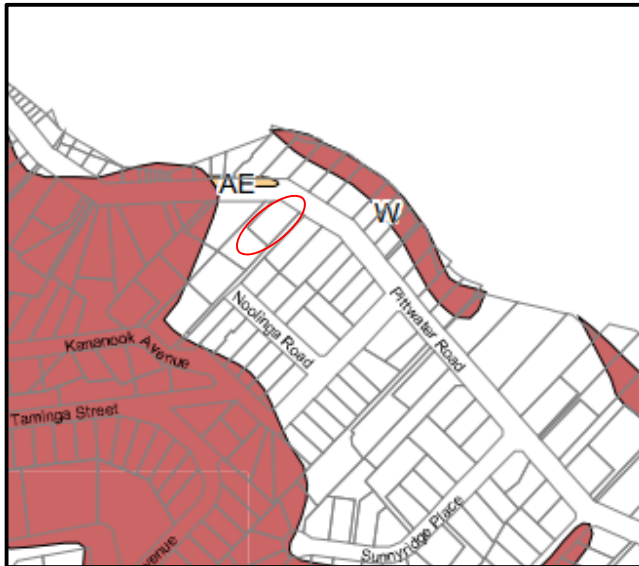


Fig. 15 Extract of Geotechnical Hazard Map

The site is not identified as a geotechnical hazard on Council's Geotechnical Hazard Map. No further information is required in this regard.

4.3 Non-Statutory Development Control Plans

4.3.1 Pittwater 21 Development Control Plan (PDCP)

Pittwater 21 DCP is the policy applying to development in the Pittwater section of the Northern Beaches LGA. The purpose of the plan is to provide additional planning and building guidelines than are available in PLEP 2014.

An assessment of the development's compliance with the main relevant provisions of the DCP is provided in Table 2 below. It is noted that the proposal generally complies with all relevant controls of the DCP.

Table 2: Pittwater 21 DCP

Control	Requirement	Proposed	Complies
A. Shaping Development in Pittwater			
A4.4 Church Point and Bayview Locality	<p>The Desired Future Character of the Locality is:</p> <ul style="list-style-type: none"> The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. 	<p>The proposed development presents as a single detached two storey dwelling with lower level parking that is compatible with the existing surrounding development. The proposal incorporates landscaping and significant vegetation is being retained. The proposal incorporates a secondary dwelling integrated into the main dwelling design and provides for an alternative form of housing.</p>	Yes
	<ul style="list-style-type: none"> 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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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. 	<p>The proposal complies with the maximum building height of the LEP and will sit below the established tree canopy. The development is well articulated and modulated on all facades with the upper level provided with increased setbacks to the side boundaries to reduce bulk and scale. The proposal has been designed to maximise view sharing. This has been obtained by the flat roof form, appropriate setbacks and maintaining viewing corridors. A geotechnical report has been submitted with the application.</p>	Yes

	The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, 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, and to enhance wildlife corridors.	The proposal will not be prominent when viewed from Pittwater waterway given the existing development on the northern side of Pittwater Road and the design features including low roof profile and modulated facades incorporated with appropriate boundary setbacks. Existing significant vegetation is being retained.	
Part B General Controls			
B4.7 Pittwater Spotted Gum Forest – Endangered	<p>Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.</p> <p>Development shall retain and enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.</p>	The proposal does not require the removal of any significant vegetation or canopy trees. There is sufficient area on site, including within the front and rear setbacks for planting including larger trees.	Yes
B5.10 Stormwater Discharge into Public Drainage System	All new development is to have no adverse environmental impact at the discharge location.	The proposal provides for all collected stormwater to be discharged to the street gutter in accordance with Council controls.	Yes
C	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.	A new driveway will be provided in a similar location to the existing driveway and utilising the existing cross over. The driveway will be constructed in accordance with Council controls.	Yes
B6.3 Off Street Parking Requirements	<p>The minimum number of off street parking spaces is required:</p> <p>1 bedroom dwelling: 1 space</p> <p>2 bedrooms more more: 2 spaces</p> <p>Secondary dwelling: 1 space</p>	The proposal requires 3 parking spaces on site. The proposal provides for parking at the lower level and includes parking for 4 cars.	Yes
Part C1 Design Criteria for Residential Development			

C1.1 Landscaping	<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.</p> <p>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</p> <p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site.</p> <p>60% of the front setback shall be landscaped.</p>	<p>Landscaping will be provided in accordance with is clause.</p> <p>There is sufficient area forward of the dwelling for landscaping.</p>	Yes
C1.2 Safety and Security	Development meet principles of CPTED	<p>The proposed dwelling and secondary dwelling are both orientated towards Pittwater Road. The entry is easily identifiable and residents of both dwellings will be able view who is approaching the dwelling without the need to open the front door.</p> <p>Landscaping will be used identify site boundaries and direct visitors to the entrance.</p>	Yes
C1.3 View Sharing	<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p> <p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	<p>The development has been designed to maximise view sharing. This has been achieved by providing for a flat roof form and ensuring compliance with the height controls of the LEP. The proposal maximises the setback to the northwest boundary. It is noted that the northwest boundary adjoins an access handle. The setback provided in conjunction with the access handle ensure that a view corridor is maintained and that substantial views from No. 2035 will be maintained. The upper level of the development is provided with a greater setback of 6.47m to the northwest boundary which will ensure minimal disruption to existing views from No. 2035. Views from other surrounding appropriates will not be</p>	Yes

		detrimentally impacted given the appropriate front setback.	
C1.4 Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p>	The proposal results in only minimal overshadowing to the adjoining southeast property (No. 2031) at 3pm on the winter solstice and some overshadowing to the front yard of No. 2035 Pittwater Road (adjoining southwest property). Each of these properties continue to receive at least 3 hours of solar access on the winter solstice in accordance with this clause.	Yes
C1.5 Visual Privacy	<p>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</p>	The dwelling and secondary dwelling are orientated towards Pittwater Road. There are minimal openings on the side elevations. The site benefits from an access handle on the northwest boundary and a public pedestrian pathway adjacent to the southeast boundary. This in conjunction with the setbacks provided to the proposed development ensures ample separation to the adjoining private open space and habitable areas. Terraces are provided along the front elevation to maximise views and will not overlook principal private open space.	Yes
C1.6 Acoustic Privacy	Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.	The proposed dwelling and secondary dwelling have been appropriately designed to provide appropriate acoustic privacy.	Yes
C1.7 Private Open Space	<p>Min 80m² POS per dwelling, min dimension 3m.</p> <p>To be directly accessible from internal living areas and good solar orientation.</p>	The dwellings have been orientated to maximise views and solar access to the north. As such private open space is provided forward of the dwelling via a terrace for each	Yes

	For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.	of the primary and secondary dwelling. These areas are appropriately separated from the adjoining properties and will be provide for a private area that achieves good solar access. There is sufficient area in the rear yard for recreational space with a deck provided adjacent to the primary dwelling's kitchen area.	
C1.11 Secondary dwellings	Max two bedrooms and 1 bathroom. Attached secondary dwellings to comply with maximum height controls of the LEP.	The secondary dwelling provides for two bedrooms and one bathroom and complies with the LEP height controls.	Yes
C1.12 Waste and Recycling Facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A Waste Management Plan has been provided. Sufficient areas are provided on site behind the front building line for storage of waste and recycling receptacle.	Yes
D4 Church Point and Bayview Locality			
D4.1 Character as Viewed from a Public Place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage façades without windows shall not be permitted. Walls without articulation shall not have a length greater than 8 metres to any street frontage.	The proposal provides for a development that presents as a single detached dwelling. The dwelling is orientated towards the street and provides appropriate setbacks to all boundaries of the site. All elevations are well articulated and modulated to provide an appropriate street presentation.	Yes
D4.3 Building Colours and Materials	External colours and materials shall be dark and earthy tones	The proposal incorporates natural earthy tones and materials in accordance with the colour specification in the DCP.	Yes
D4.5 Front Building Line	E4 Environmental Living adjoining McCarrs Creek Road or Pittwater Road – 10m	The proposal provides for a setback of at least 10m to the street frontage. The front façade is well articulated to provide varied setbacks and is compatible with the existing	Yes

		surrounding setbacks within the locality.	
D4.6 Side and Rear building line	2.5m to one side, 1.0m to the other side Rear setback 6.5m	The dwelling has been designed to provide a setback of 2.5m to the northwest and 1.0m to the southeast boundaries. A setback of 6.5m is provided to the rear boundary.	Yes
D4.8 Building Envelope	Buildings are to be sited within an envelope measured at 45 degrees 3m above the side boundary.	Refer to plans – there is a minor non-compliance on the southeast elevation. However, this boundary adjoins a public access lane and as such the proposal provides ample visual separation to the nearby built form.	Yes
D4.10 Landscaped Open Space	Minimum of 60%	<p>The proposal provides for a landscaped area of 501.6m² (50.05%). With the pathways and impervious landscaped areas included this is increased to 549.9m² (54.9%). However, it is considered that the proposal is consistent with the desired outcomes of this control and should be supported for the following reasons:</p> <ul style="list-style-type: none"> • The subject site has a gradual slope and does not comprise any significant vegetation. The proposed development incorporates a landscape plan which incorporates detailed landscaping of the site including canopy trees which can achieve 8m in height. The proposal will improve the landscaped character of the locality. • There is area within the front and rear setbacks that are of sufficient dimension to support a variety of landscaping 	Achieves objectives

		<p>including large shrubs and hedges.</p> <ul style="list-style-type: none">• All stormwater can be discharged to the street gutter in accordance with Council controls.• The subject site does not currently provide for any significant vegetation and the proposal will enhance the landscaped character of the locality.• The proposal provides for an appropriate level of privacy to the adjoining properties. This has been achieved by orientating the dwelling towards the street with minimal windows on the side elevations and incorporating appropriate boundary setbacks.	
--	--	---	--

There are no other provisions of the DCP that apply to the proposed development.

4.4 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. Suitability of the site for the development.

The proposed development will not have an adverse impact on the natural environment. The proposal does not require the removal of any protected trees, with the proposal incorporating a detailed landscape plan to enhance the character of locality. The proposed landscape plan will maintain a garden setting, thereby maintaining the amenity of the site and the immediate streetscape and locality.

Housing affordability in Sydney is becoming increasingly difficult. The proposal incorporates a secondary dwelling which provides for an alternative form of affordable rental housing in an area well serviced by public transport (including 4 bus stops less than 200m distance from the site), open space and community facilities.

The proposed development is considered to be of a high design standard and presents with a bulk and scale that is compatible with the existing surrounding development.

The proposal will therefore provide for a positive social and economic impact as the site is in a location that is close to good public transport infrastructure and local services.

4.5 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.6 The public interest

The interest of the public will be served by approval of this development. The proposal provides for the construction of a new dwelling with an attached secondary dwelling which is an alternative form of housing which is well serviced by public transport and in close proximity to neighbourhood shops and services.

5.0 CONCLUSION

The proposal seeks approval for the construction of a new dwelling house with attached secondary dwelling. The site is zoned E4 Environmental Living, permitting the proposed development pursuant to the Pittwater LEP 2014. The development is compatible with the E4 zone.

The site is well serviced by public transport and is very accessible for residents. Overall, the proposal reflects the Council's desired future character for this area and is compatible with the existing and likely future nature of development of this neighbourhood. All reasonable measures to mitigate any adverse environmental effects have been taken into consideration and the development will sit within the building envelope of the site and its characteristics without undue impacts on neighbouring properties.

The proposal has been assessed in accordance with the provisions of the Pittwater LEP and heads of consideration under Section 4.15 of the *EP&A Act 1979* and found to be satisfactory.

The beneficial aspects of the proposal include:

- The proposal provides for the construction of a new dwelling and attached secondary dwelling, offering an alternative form of affordable housing within the local area and within an area which permits such development;
- The development is well designed and provides for internal amenity whilst maintaining reasonable privacy to neighbouring properties;
- The proposed development is considered to be of a scale and mass that is consistent with the existing and likely future character of the area.
- The proposal is compatible with Council's planning objectives and controls for the site and locality.
- The proposed development will have no significant impact on the air or water quality in the locality.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979*, State Government Policy and Local Government legislation have been duly satisfied, the proposed application is worthy of approval.

APPENDIX 1

Geotech Report

APPENDIX 2

Survey

APPENDIX 3

Landscape Plans

APPENDIX 4

Architectural Plans