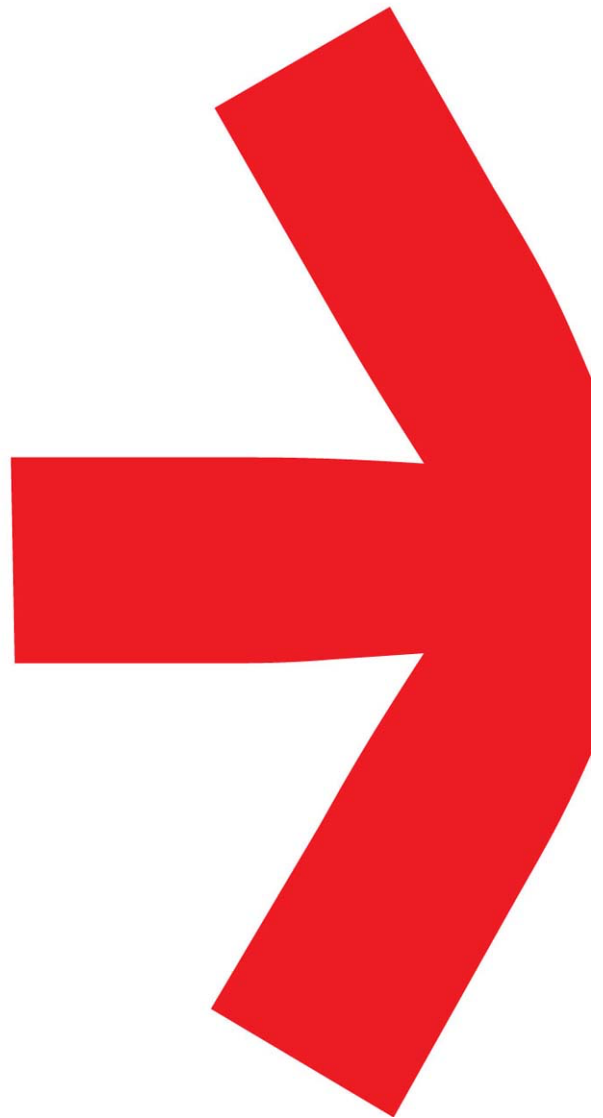




# Statement of Environmental Effects

8 Jendi Avenue, Bayview

May 2021



## Document status

Revision	Revision date	Name	Signature
A	17 03 21	JL	
B	06 04 21	JL	
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## Approval for issue

Name	Signature	Date
Nicole Lennon		18 05 21

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# 1 Introduction

Planik Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany a development application for alterations and additions to an existing dwelling on the site, including internal alterations, new cladding of the first floor level, new windows and openings, and new decking proposed at the ground and first floor levels accessed from the primary living area (first floor) and guest bedroom (ground floor). The proposal also seeks the replacement of existing decking at the rear elevation of the first floor, and a minor increase in floor area at ground floor and enclosure of upper level balcony on land at 8 Jendi Avenue, Bayview.

The site is legally referred to as Lot 9 in DP 30728, and has a total area of approximately 711.2sqm and a 19.81m street frontage to Jendi Avenue to the south-east and a maximum site depth of 36.92m. The site has a significant fall of 7.75 from the rear of the site (RL24.38) to the front boundary (RL16.64).

The site is located within Northern Beaches Council and is subject to the controls of the Pittwater Local Environmental Plan 2014 and the Pittwater 21 Development Control Plan 2014. The subject site is zoned R2 – Low Density Residential under the Pittwater LEP 2014 and dwelling houses are permissible forms of development within the zone with development consent.

## 1.1 Background

The site currently contains a two-storey dwelling located central to the site with a driveway from Jendi Avenue providing vehicular access to the site.

The owners are seeking approval for alterations and additions to the existing dwelling to improve the internal amenity of the dwelling for residents of the site, with larger areas of functional private open space that can be easily accessed from internal living areas.

The following statement will demonstrate that the development has been planned to mitigate impacts and the resultant dwelling will meet the relevant development standards and controls within the LEP and DCP.

### 1.1.1 Key Opportunities

The main opportunities resulting from this proposal include:

- The proposal will improve the internal amenity of the existing dwelling with an improved larger open plan kitchen/living/dining area at the first floor with direct access to large balconies orientated towards the street and rear yard.
- The proposal will improve the existing laundry and new sun room at the ground floor level.
- The proposal will provide a new dwelling entry and porch to the existing dwelling improving pedestrian entry to the building.
- The proposal will not negatively impact the amenity of the neighbourhood and will retain a built form which is in keeping with the character of the existing dwelling and the broader locality.

The proposal will go towards achieving several aims outlined in the Pittwater Local Environmental Plan 2014 including:

**Table 1** Pittwater Local Environmental Plan 2014 Aims of Plan

Objectives	Response
(a) to promote development in Pittwater that is	The proposal does not contravene this objective.

Objectives	Response
economically, environmentally and socially sustainable,	
(b) to ensure development is consistent with the desired character of Pittwater's localities,	The proposal is consistent with the desired character of the Avalon Beach Locality as detailed later in this report.
(c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,	N/A
(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,	N/A
(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,	This objective is achieved as the site is within walking distance of bus stops in the locality.
(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,	The proposal contributes to the range of housing in the community through alterations and additions – improved access to functional private open space of an existing dwelling.
(g) to protect and enhance Pittwater's natural environment and recreation areas,	The proposal will not have a significant adverse impact upon the natural environment.
(h) to conserve Pittwater's European and Aboriginal heritage,	N/A
(i) to minimise risks to the community in areas subject to environmental hazards including climate change,	N/A
(j) to protect and promote the health and well-being of current and future residents of Pittwater.	Increased amenity through contemporary additions to this existing dwelling will contribute to the wellbeing of residents.

**Table 2** Zone R2 Low Density Residential Objectives

R2 Objectives	Response
To provide for the housing needs of the community within a low density residential environment.	The proposal improves residential amenity for the existing dwelling on the site.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	N/A
To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.	N/A

## 1.2 Pittwater Local Environmental Plan 2014 Development Control Summary

**Table 3** Pittwater LEP 2014 Development Control Summary

Applicable LEP Control	Requirement	Proposed	Complies
Land Zoning	R2 Low Density Residential	Alterations and Additions to dwelling house	Yes
CI 4.3 Maximum Height	8.5m	Maximum 6.6m – 7.9m measured to new roof above deck.	Yes – no change to existing dwelling height
CI 4.4 Floor Space Ratio	Not applicable – Refer maximum floorplate control in DCP.	N/A	N/A
CI 5.10 Heritage conservation	N/A	N/A	N/A
CI 7.1 Acid Sulfate Soils	Class 5 ASS	No significant excavation proposed	N/A
CI 7.7 Geotechnical Hazards	Geotechnical Hazard H1	Refer Geotechnical report prepared by Ascent May 2021	Yes

## 1.3 Applicant and Ownership

The applicant for this Development Application is Planik Pty Ltd. The owners of the site are Peter & Carol Heal.

## 1.4 Consent Authority

The consent authority for this development is Northern Beaches Council.

## 1.5 Structure of the Report

This report is divided in to six sections detailing the nature of the development in the following manner:

- Section 1 Introduction.
- Section 2 Examines the existing site conditions in terms of location, context, access and relevant planning controls.
- Section 3 Describes the development proposal through development statistics, built form, materials and the site conditions.
- Section 4 Assesses the development proposal against relevant planning controls.
- Section 5 Summarises the environmental effects of the proposed development under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, which lists matters for consideration by a consent authority in determining a development application.

Section 6     Concludes the Statement of Environmental Effects.



## 2 Site and Context

### 2.1 Site Location and Description

The site is located at 8 Jendi Avenue, Bayview and is legally referred to as Lot 9 in DP 30728, and has a total area of approximately 711.2sqm and a 19.81m street frontage to Jendi Avenue to the south-east and a maximum site depth of 36.92m. The site has a significant fall of 7.75 from the rear of the site (RL24.38) to the front boundary (RL16.64).

The land is located in an area zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.



**Figure 1** Site Location Map Source: SIX Maps

### 2.2 Prior and Existing Buildings Layout and Context

The site currently contains a two-storey dwelling located central to the site with a driveway from Jendi Avenue providing vehicular access to the site..

Adjacent developments consist of a variety of low density residential dwellings.



**Figure 2** Aerial Site Photo. Source: SIX Maps



**Figure 3** Primary frontage of the subject site. Source: Google Streetview

## **2.3 Relevant Planning Controls**

### **2.3.1 State**

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

### **2.3.2 Local**

- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan 2014

## 3 Development Proposal

### 3.1 Summary of Proposal

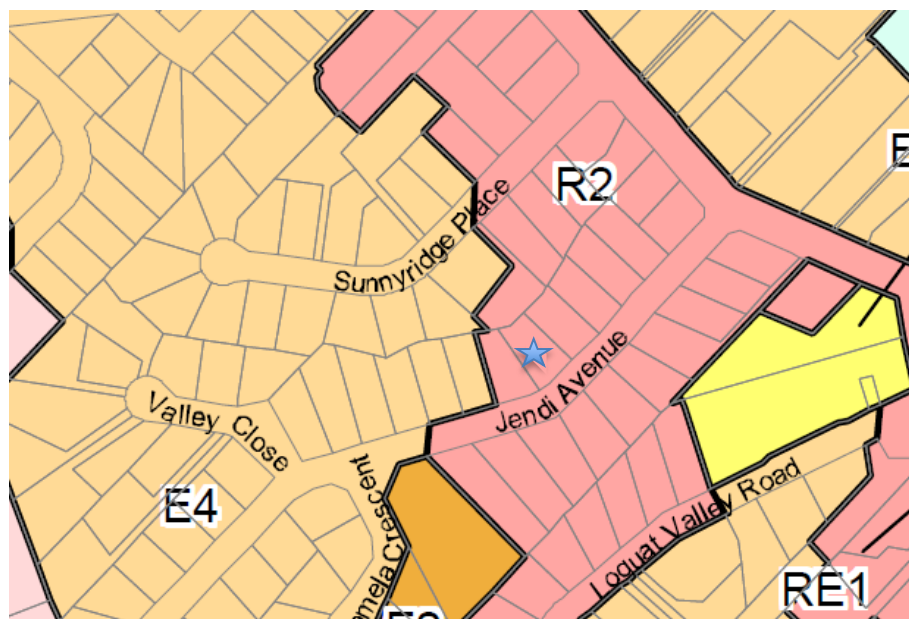
The proposal is for alterations and additions to an existing dwelling on the site, including internal alterations, new cladding of the first floor level, new windows and openings and new decking proposed at the ground and first floor levels accessed from the primary living area (first floor and guest bedroom (ground floor)). The proposal also seeks the replacement of existing decking at the rear elevation of the first floor, and a minor increase in floor area at ground floor and enclosure of upper level balcony.

This Statement of Environmental Effects should be read in conjunction with the following plans and documents below:

Plan/Document Title:	Date:	Prepared by:
Architectural Plans	12 05 21	Design House + Drafting Studio
Structural Engineer Certificates	06 05 21	Taylor Consulting
Survey Plan	12 03 20	Bee & Lethbridge
BASIX Certificate A377636	16 03 21	Design House + Drafting Studio
Statement of Environmental Effects	17 03 21	Planik Pty Ltd
Geotechnical Report	May 2021	Ascent Geotechnical Consulting

### 3.2 Zoning and Permissibility

The site is located within zone R2 Low Density Residential under the Pittwater LEP 2014. Dwelling houses are permitted with consent within this land zoning as detailed below.



**Figure 4** Pittwater LEP 2014 Land Zoning Map: R2 Low Density Residential

**Table 4** Zone R2 – Low Density Residential Land Use Table

<b>R2 – Low Density Residential Land Use Table</b>	
<b>2 Permitted without consent</b>	Home businesses; Home occupations
<b>3 Permitted with consent</b>	Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; <b><u>Dwelling houses</u></b> ; Environmental protection works; Exhibition homes; 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; Veterinary hospitals; Water recreation structures
<b>4 Prohibited</b>	Any development not specified in item 2 or 3



## 4 Planning Controls

### 4.1 State Environmental Planning Controls

#### 4.1.1 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The proposal is not adjacent to a rail corridor and therefore Clause 87 of the SEPP does not apply.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a state classified road nominated as a Main Road.

The application is not subject to clause 102 of the SEPP as the proposed uses are non-sensitive and are not likely to be adversely affected by road noise or vibration.

#### 4.1.2 State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

### 4.2 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 (PLEP 2014) is the primary planning instrument applicable to the subject site. The site is zoned E4 Environmental Living under the PLEP 2014 which permits dwelling houses with consent.

The following table provides applicable clauses from the PLEP 2014.

**Table 5** Pittwater Local Environmental Plan 2014 Applicable Controls.

PLEP 2014 Relevant Controls	Response	Compliant
<b>Clause 1.2 [Relevant] Aims of Plan</b> (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,	The proposal is consistent with the aims of the plan. Refer to responses in Table 1.	Yes

PLEP 2014 Relevant Controls	Response	Compliant
<p>(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,</p> <p>(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,</p> <p>(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,</p> <p>(g) to protect and enhance Pittwater's natural environment and recreation areas,</p> <p>(h) to conserve Pittwater's European and Aboriginal heritage,</p> <p>(i) to minimise risks to the community in areas subject to environmental hazards including climate change,</p> <p>(j) to protect and promote the health and well-being of current and future residents of Pittwater.</p>		
<p><b>Zone R2 – Low Density Residential Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a low density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.</li> </ul>	<p>The proposal does not contravene the objectives of the R2 Low Density Residential zone. Refer to responses in Table 2.</p>	<p>Yes</p>
<p><b>2.7 Demolition requires development consent</b></p> <p>The demolition of a building or work may be carried out only with development consent.</p> <p>(Unless the work is identified as exempt in the Exempt and Complying Development state policy.)</p>	<p>Demolition works to be included in Application</p>	<p>Yes</p>
<p><b>4.3 Height of buildings</b></p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p>	<p>The Height of Buildings Map lists the maximum height of buildings for the site as 8.5m.</p> <p>The proposal has a maximum 6.6m – 7.9m measured to new roof above deck.</p>	<p>Yes</p>
<p><b>4.4 Floor space ratio</b></p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p>	<p>The FSR map does not indicate an applicable FSR for the subject site.</p>	<p>N/A</p>
<p><b>5.10 Heritage conservation</b></p>	<p>The subject site is not identified within a conservation area or nearby any heritage</p>	<p>N/A</p>

PLEP 2014 Relevant Controls	Response	Compliant
<p><b>(2) Requirement for consent</b> Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p>	items.	
<p><b>7.1 Acid Sulfate Soils</b></p> <p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>	The site is identified as ASS class 5. No significant excavation is proposed.	Yes
<p><b>7.2 Earthworks</b></p> <p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	No significant excavation is proposed as part of this application.	Yes
<p><b>7.3 Flood Planning</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood</p>	The site is not identified on the Northern Beaches Council floodplain map.	N/A



PLEP 2014 Relevant Controls	Response	Compliant
<p>behaviour and the environment.</p> <p>(2) This clause applies to land at or below the flood planning level.</p>		
<p><b>7.6 Biodiversity</b></p> <p>(1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>(2) This clause applies to land identified as “Biodiversity” on the Biodiversity Map.</p>	<p>The site is not identified on the LEP Biodiversity map.</p>	<p>N/A</p>
<p><b>7.7 Geotechnical hazards</b></p> <p>(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—</p> <p>(a) site layout, including access,</p> <p>(b) the development’s design and construction methods,</p> <p>(c) the amount of cut and fill that will be required for the development,</p> <p>(d) waste water management, stormwater and drainage across the land,</p> <p>(e) the geotechnical constraints of the site,</p> <p>(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless—</p> <p>(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</p> <p>(b) the consent authority is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or</p> <p>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited</p>	<p>The site is identified as Geotechnical Hazard H1 pursuant to Council’s LEP mapping.</p> <p>Refer to Geotechnical report (Ascent) submitted.</p>	<p>Yes</p>

<b>PLEP 2014 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
and will be managed to minimise that risk or impact, or (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.		

### 4.3 Pittwater 21 Development Control Plan 2014

The Pittwater 21 Development Control Plan 2014 (PDCP 2014) is used to provide comprehensive planning and design guidelines for development in the council area. Relevant clauses for the proposal are outlined in the table below.

<b>Pittwater 21 DCP Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
<b>Section A Shaping Development in Pittwater</b>		
<b>A4 Localities</b>		
<b>A4.4 Church Point and Bayview Locality</b>		
<p><b>Desired Character</b></p> <p>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. Any dual occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community.</p> <p>Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclimators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.</p> <p>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</p>	<p>The proposal does not increase the existing height of the dwelling on the subject site and it will retain a two storey scale. The proposal is consistent with the desired future character for the Church Point and Bayview Locality.</p>	<p>Yes</p>

<p>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> <p>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.</p> <p>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</p> <p>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.</p> <p>Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.</p> <p>Church Point will remain an important link to the offshore communities.</p>		
<b>Section B General Controls</b>		
<b>B3 Hazard Controls</b>		
<b>B3.1 Landslip Hazard</b>		
<p><b>Controls</b></p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The site is identified as Geotechnical Hazard H1 pursuant to Council's LEP mapping. The proposal does not seek any significant excavation or disturbance of soil that would result in any geotechnical risks.</p> <p>The application is supported by:</p> <ul style="list-style-type: none"> <li>• a Structural Engineer Certificate confirming the works are suitable with regard to structural support.</li> <li>• Geotechnical Report</li> </ul>	Yes
<b>B5 Water Management</b>		
<b>B5.15 Stormwater</b>		

<b>Requirements</b> Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.  The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Stormwater will be connected to the existing system on site.	Yes						
<b>B6 Access and Parking</b>								
<b>B6.3 Off-Street Vehicle Parking Requirements</b>								
<b>Controls</b>  The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation: <table><tr><td><b>Number of bedrooms per dwelling but not a secondary dwelling</b></td><td><b>Parking requirements per dwelling</b></td></tr><tr><td><b>1 bedroom</b></td><td><b>1 space</b></td></tr><tr><td><b>2 bedrooms or more</b></td><td><b>2 spaces</b></td></tr></table>	<b>Number of bedrooms per dwelling but not a secondary dwelling</b>	<b>Parking requirements per dwelling</b>	<b>1 bedroom</b>	<b>1 space</b>	<b>2 bedrooms or more</b>	<b>2 spaces</b>	  The proposal presents no change to the existing approved car parking on the subject site.	  Yes
<b>Number of bedrooms per dwelling but not a secondary dwelling</b>	<b>Parking requirements per dwelling</b>							
<b>1 bedroom</b>	<b>1 space</b>							
<b>2 bedrooms or more</b>	<b>2 spaces</b>							
<b>Section C Development Type Controls</b>								
<b>C1 Design Criteria for Residential Development</b>								
<b>C1.1 Landscaping</b>								
<b>Controls</b>  All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.  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.  At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.  Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m3 within this area to ensure growth is not restricted.  The following soil depths are required in order to be counted as landscaping: 300mm for lawn 600mm for shrubs 1metre for trees	  The proposal would retain the existing landscaping on the subject site, with existing canopy trees within the front setback retained and serving to screen the proposed works at the front elevation.	  Yes						

<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <p>A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments,</p> <p>60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</p> <p>50% for all other forms of residential development.</p> <p>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</p> <p>In bushfire prone areas, species shall be appropriate to the bushfire hazard.</p> <p>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</p> <p>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</p> <p>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</p> <p>Noxious and undesirable plants must be removed from the site</p>		
<b>C1.2 Safety and Security</b>		
<p><b>Controls</b></p> <p>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:</p> <p><b>1. Surveillance</b></p> <p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p> <p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p> <p>Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</p> <p>Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: <i>Control of the obtrusive effects of outdoor lighting</i>.</p> <p>Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</p> <p>Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</p> <p>Design landscaping and materials around dwellings</p>	<p>The proposal is consistent with the CPTED principles with improved interface at the front setback with new decking providing casual surveillance of the street.</p>	<p>Yes</p>

<p>and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.</p> <p><b>2. Access Control</b>  Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</p> <p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p> <p>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</p> <p>The street number of the property is to be clearly identifiable.</p> <p>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</p> <p><b>3. Territorial reinforcement</b>  Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</p> <p>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</p> <p>Blank walls along all public places (streets, open space etc) shall be minimised.</p> <p><b>4. Space management</b>  Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</p> <p>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</p> <p>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</p>		
<b>C1.3 View Sharing</b>		
<p><b>Controls</b></p> <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</p>	<p>The proposal does not significantly alter the existing building envelope. The new elements (decking) protruding beyond the existing building will not obstruct significant views from adjoining properties.</p>	<p>Yes</p>









the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials. Views are not to be obtained at the expense of native vegetation.		
<b>C1.4 Solar Access</b>		
<p><b>Controls</b></p> <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> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.</p> <p>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</p>	<p>The proposal is unlikely to overshadow the private open space or main living areas of adjoining properties. The proposed decking at the front elevation will cast shadow upon the front setback of the adjacent site from 11am-3pm in midwinter.</p> <p>Any additional shadow cast to the south-east in the afternoon – midwinter will fall upon the front setback of the adjoining property but will not affect the living areas and open space of this dwelling.</p> <p>Noting that both neighbours are setback from the subject dwelling.</p> <div data-bbox="844 999 1265 1272" data-label="Image"> </div> <p>Neighbour north</p> <div data-bbox="844 1314 1251 1626" data-label="Image"> </div> <p>Neighbour South</p>	Yes
<b>C1.5 Visual Privacy</b>		
<p><b>Controls</b></p> <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</p>	<p>New decking at the front elevation is orientated to the street and is will not overlook the private open space or living areas of the adjoining properties.</p> <p>The proposal has been designed with highlight windows at the upper floor where appropriate to mitigate additional overlooking opportunities</p>	Yes



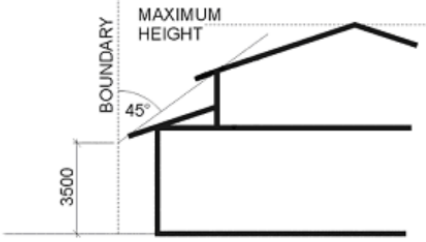
<p>building. Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</p> <p>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</p> <ul style="list-style-type: none"> <li>• vegetation/landscaping</li> <li>• a window sill height 1.7 metres above floor level, or</li> <li>• offset windows</li> <li>• fixed translucent glazing in any part below 1.7 metres above floor level, or</li> <li>• solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are: <ul style="list-style-type: none"> <li>• permanent and fixed;</li> <li>• made of durable materials; and</li> <li>• designed and painted or coloured to blend in with the dwelling.</li> </ul> </li> </ul>	<p>from the existing dwelling.</p>	
<b>C1.6 Acoustic Privacy</b>		
<p><b>Controls</b></p> <p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</p> <p>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the <i>Building Code of Australia</i>. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the <i>Building Code of Australia</i>).</p> <p>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p> <p>Developments must comply in all respects with the <a href="#">Protection of the Environment Operations Act 1997</a>, and other relevant legislation.</p>	<p>Additional decking orientated towards the street and unlikely to result in significant acoustic impacts noting the low density residential use is not proposed to be intensified.</p>	<p>Yes</p>
<b>C1.7 Private Open Space</b>		
<p><b>Controls</b></p> <p>Private open space shall be provided as follows:- <u>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</u> Minimum 80m<sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open</p>	<p>The proposal provides additional functional private open space for the existing dwelling. No more than 75% of total P.O.S will be in the front setback. Achieved.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



<p>space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</p> <p>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</p> <p>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</p> <p>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</p> <p>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</p> <p>An accessible and usable area for composting facilities within the ground level private open space is required.</p>	<p>Achieved.</p> <p>Achieved – the new decks proposed will receive sunlight in the morning.</p> <p>Front deck - Variation acceptable – the proposal is unlikely to overlook adjoining properties.</p> <p>Achieved – proposed decking is of sufficient size to be used for recreation purposes.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>C1.12 Waste and Recycling Facilities</b>		
<p><b>Controls</b></p> <p>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</p>	<p>Construction waste will be managed in accordance with the DCP provisions.</p>	<p>Yes</p>
<b>Section D Locality Specific Development Controls</b>		
<b>D4 Church Point ad Bayview Locality</b>		
<b>D4.1 Character as viewed from a public place</b>		
<p><b>Controls</b></p> <p>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 facades without windows shall not be permitted.</p> <p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p> <p>Any building facade to a public place must incorporate at least two of the following design features:</p> <ol style="list-style-type: none"> <li>entry feature or portico;</li> <li>awnings or other features over windows;</li> </ol>	<p>The proposal does not contravene the controls of Part D4.1. The additional elements at the front elevation provide additional articulation at the street and will not result in a bulk and scale impact upon the street noting the dwelling is adequately recessed from the street frontage with large planting softening the built form from the street.</p> <p>Achieved</p>	<p>Yes</p> <p>Yes</p>

<p>iii. verandahs, balconies or window box treatment to any first floor element;</p> <p>iv. recessing or projecting architectural elements;</p> <p>v. open, deep verandahs; or</p> <p>vi. verandahs, pergolas or similar features above garage doors.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p> <p>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</p> <p>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view. General service facilities must be located underground.</p> <p>General service facilities must be located underground.</p> <p>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</p>	<p>Achieved</p> <p>N/A</p> <p>Achieved</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<b>D4.2 Scenic Protection – General</b>		
<p><b>Controls</b></p> <p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	Achieved	Yes
<b>D4.3 Building colours and materials</b>		
<p><b>Controls</b></p> <p>External colours and materials shall be dark and earthy tones as shown below:</p> <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;">  Black ✓ </div> <div style="margin-right: 10px;">  Dark grey ✓ </div> <div style="margin-right: 10px;">  Dark green ✓ </div> <div style="margin-right: 10px;">  Dark brown ✓ </div> <div style="margin-right: 10px;">  Mid grey ✓ </div> <div style="margin-right: 10px;">  Green ✓ </div> <div style="margin-right: 10px;">  Brown ✓ </div> <div style="margin-right: 10px;">  Dark blue ✓ </div> </div> <p>Limited use of corporate colours may be permitted within Business zoned land.</p> <p>Finishes are to be of a low reflectivity.</p> <p>Applications in commercial areas shall use the three</p>	<p>Colours and materials schedule submitted and complies with provisions of Part D4.3</p>	<p>Yes</p>

elements of stone, timber and landscaping as feature elements to any facade presenting to the street.			
<b>D4.5 Front building line</b>			
<b>Controls</b> The minimum front building line shall be in accordance with the following table.		The proposal is subject to a 6.5m front setback control. The proposed works have a 7.95m setback from the front boundary.	Yes
<b>Land</b>	<b>Front Building Line (metres)</b>		
All other land zoned R2 Low Density Residential or E4 Environmental Living	6.5 or established building line, which ever is the greater		
Built structures other than driveways, fences and retaining walls are not permitted within the front building setback.			
<b>D4.6 Side and rear building line</b>			
<b>Controls</b> The minimum side and rear building line for built structures including pools and parking structures, other driveways, fences and retaining walls, shall be in accordance with the following table.		The proposal is subject to a 2.5m side setback to one side and 1m side setback to the other.  The proposed alterations and additions retain the existing dwelling setbacks. The additional built form proposed by the deck has a setback of 2.03 m to the NE side boundary.  The proposal is subject to a 6.5m rear setback. The proposal has a 10m rear setback.	Yes
<b>Land</b>	<b>Side and Rear Building Line Setback (metres)</b>		
Land zoned R2 Low Density Residential or E4 Environmental Living	2.5 to at least one side; 1.0 for other side  6.5 rear (other than where the foreshore building line applies) <i>Dual Occupancy</i> 2.5 to at least one side 6.5 rear (other than where the foreshore building line applies) <i>Secondary Dwelling</i> 2.5 to at least one side; 1.0 for other side 6.5 rear (other than where the foreshore building line applies) <i>Residential flat buildings and multi dwelling housing:</i> (see below)		
<b>D4.8 Building envelope</b>			
<b>Controls</b> Buildings are to be sited within the following envelope:		The proposal is subject to the building envelope control of 3.5m at the side boundaries.  The proposed decking breaches the building envelope control as a result of the existing dwelling building envelope. The proposed variation is considered to be acceptable noting	Variation a result of existing building

 <p style="text-align: center;"><b>STREET FRONTAGE</b></p> <p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</p> <p><b>Variations</b></p> <p>Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.</p> <p>Where subject to Estuarine, Flood &amp; Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</p> <p>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</p> <p>Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</p>	<p>the varying elements will not result in amenity impacts upon the adjoining properties and do not otherwise result in an adverse visual impact upon the existing built form on the site.</p> <p>The proposal varies the boundary envelope control. Note the slope of the site and existing dwelling setbacks contribute to the non-compliance. The minor variation is considered appropriate under the circumstance.</p>	
<b>D4.9 Landscaped Area – General</b>		
<p><b>Controls</b></p> <p>The total landscaped area on land zoned R2 Low Density Residential shall be 50% of the site area.</p> <p>The use of porous materials and finishes is encouraged where appropriate.</p> <p>Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.</p>	<p>N/A – Part D4.10 applies to the site.</p>	<p>N/A</p>
<b>D4.10 Landscaped Area – Environmentally Sensitive Land</b>		
<p><b>Controls</b></p> <p>The total landscaped area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area.</p> <p>The use of porous materials and finishes is encouraged where appropriate.</p> <p>Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area.</p>	<p>The site is identified as Area 2 – Landscaped Area pursuant to Council's DCP maps and as such the controls of Part D4.10 apply.</p> <p>The existing landscaping will be retained on the subject site with no reduction of existing landscaping (47.6% &amp; 372.4sqm).</p>	<p>No change to existing</p>

<b>D4.13 Construction, Retaining walls, terracing and undercroft areas</b>		
<b>Controls</b> <p>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</p> <p>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</p> <p>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</p> <p>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</p>	<p>Achieved – the proposal uses pier and beam footings.</p> <p>No retaining walls proposed.</p> <p>Achieved – timber deck proposed at front elevation.</p> <p>N/A</p>	Yes

## 5 Environmental Effects

Under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), 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 subject of the development application.

**Table 6** Section 4.15(1) Provisions to consider

<b>EPA Act 1979 - Section 4.15(1)</b>	
<b>a) The Provisions of</b>	
	Response
i) any environmental planning instrument	The key relevant planning instrument is the Pittwater Local Environmental Plan 2014. The proposal supports the aims of the LEP and is in accordance with all other relevant provisions of the documents, as discussed in Section 4. The proposal has been assessed against all the relevant planning instruments and complies.
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	N/A
iii) any development control plan, and	The proposal has been assessed against the Pittwater 21 Development Control Plan 2014 and generally complies, as outlined in Section 4.
(iiia) 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	There is no planning agreement.
iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	There are no relevant matters prescribed by the regulations.

The environmental impacts of the proposal have been considered throughout this SEE. The table below provides further assessment of all potential impacts considered within Section 4.15 (1b) of the EPA Act 1979.

**Table 7** Response to Potential Environmental Impacts

<b>Potential Impacts</b>	<b>Response</b>
<i>Context and Setting</i>	The context/setting of the locality is not impacted by the proposed alterations and additions.
<i>Access, Transport and Traffic</i>	Appropriate access and carparking is retained for the dwelling as part of the proposal.
<i>Public Domain</i>	The resultant streetscape presentation is suitable for the site.
<i>Utilities</i>	Utilities will serve the site as prior to development and be upgraded where necessary.
<i>Heritage</i>	The site is not impacted by an item of environmental heritage.
<i>Other Land Resources</i>	No other land resources will be impacted by the proposal.
<i>Water Quality</i>	Stormwater runoff will be managed in accordance with the existing stormwater drainage system on site.
<i>Air and Microclimate</i>	The air and microclimate will be maintained as a result of this proposal.
<i>Ecological</i>	Principles of ecologically sustainable development will be continued. The proposal does not impact any existing ecological areas in the vicinity of the site.
<i>Waste</i>	Construction Waste will be managed by the builder and disposed of to an appropriate receiving waste facility.
<i>Energy</i>	A BASIX Certificate has been submitted as part of this application for the dwelling. This demonstrates compliance with the State Government's energy efficiency requirements.
<i>Noise and Vibration</i>	The proposed development would not produce unreasonable noise levels given the low density residential use.
<i>Natural Hazards</i>	The proposal is unlikely to result in natural hazards noting limited excavation is proposed.
<i>Technological Hazards</i>	All installations incorporated in this development will be best practice and comply with relevant Australian Standards.
<i>Safety, Security and Crime Prevention</i>	The proposal will not result in any safety or security issues.
<i>Social Impact in Locality</i>	The proposal supports the continued desire of a large proportion of the community for low density accommodation.
<i>Economic Impact in Locality</i>	The proposal will provide work on site during the construction phase.
<i>Site Design and Internal Design</i>	Having regard to design and site planning the proposal is positive and compatible with the scale of residential development in the locality.

Potential Impacts	Response
<i>Construction</i>	Appropriate construction management will be implemented to ensure there are no off-site impacts resulting from construction activities on the site.
<i>Cumulative Impacts</i>	No negative cumulative impacts are expected to be created by this proposal.



## 6 Conclusion

The development has been assessed against the provisions of the Pittwater Local Environmental Plan 2014 and the Pittwater 21 Development Control Plan 2014 and is consistent with the overall aims and objectives of the plans. The development represents a suitable design solution for the subject site that is not contrary to the public interest. The following reasons warrant the proposal worthy of approval:

- The proposal will facilitate population growth and provide an increase in housing diversity to meet demand in the local area.
- The proposal will stimulate and support nearby local centres by the provision of additions to a low-density development.
- The proposal will retain a built form and colour scheme which is in keeping with the character of the locality.
- The proposal will not negatively impact the amenity of the neighbourhood.
- Other environmental impacts of the development and future use of the land have been minimised