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## **DEVELOPMENT APPLICATION:**

**Dwelling Alterations & Additions (Principal),  
Construction of a Detached Secondary Dwelling,  
Retaining Walls & Removal of Trees**

**Lot 20 in DP 11186,**

**No 71 Alexandra Crescent, BAYVIEW**

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Prepared For:  
Mr T & Mrs A Wakeford

Prepared By:



April 2021

**Preparation, Review and Authorisation**

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
1	06/03/21	MB	MB	MB
2	12/04/21	MB	MB	MB

**Document Certification**

This report has been developed based on agreed requirements as understood by Michael Brown Planning Strategies Pty Ltd at the time of investigation. It applies only to a specific task on the lands nominated. Other interpretations should not be made, including changes in scale or application to other projects.

Any recommendations contained in this report are based on an honest appraisal of the opportunities and constraints that existed at the site at the time of investigation, subject to the limited scope and resources available. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.

SIGNED:



Position: Town Planner

Date: 12/04/21

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## Annexures

- A: Architectural Plans – Reggies Residential Design & Drafting
- B: Partial Detailed Survey – DPS Surveyors
- C: Stormwater Plan – Statiker
- D: Geotechnical Assessment - Statiker
- E: Arboricultural Impact Assessment & Tree Management Plan – Horticultural Management Services
- F: Biodiversity – Narla Environmental Pty Ltd
- G: Waste Management Plan – Reggies Residential Design & Drafting

## Executive Summary

This document forms a component of a development application that proposes alterations & additions to existing dwelling (principal dwelling), the construction of a detached secondary dwelling, retaining walls and tree removal at 71 Alexandra Crescent, BAYVIEW. The proposed secondary dwelling is permissible in the E4 Environmental Living zone under Local Environmental Plan (LEP) 2014; whilst Pittwater 21 Development Control Plan (DCP) under Section C1 provides controls. Under Clause 5.4(9) of the LEP, there are maximum floor area controls for secondary dwellings, being 25% of the principal dwelling or 60m<sup>2</sup>.

Existing on the property is a three (3) storey dwelling that is terraced to follow the contours of the land. The proposal results in the excavation of the land to create a four (4) storey dwelling. A Pre-DA meeting was held on the 10 November 2020 and a number of comments were made in respect of the proposal. The plans have been amended to address the issues, mainly in respect of setbacks. The land is subject to geotechnical risks under Clause 7.7 and in this regard a geotechnical assessment has been provided at **Annexure D**.

This Statement of Environmental Effects (SoEE) has been prepared on behalf of Mr T & Mrs A Wakeford. Michael Brown Planning Strategies Pty Ltd has prepared this report and should be read in conjunction with development plans prepared by **Reggies Residential Design and Drafting** and supporting documentation (refer to **Table 1**).

The SoEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments. This Statement demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979, as amended;
- The Environmental Planning and Assessment Regulation;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan;
- Local Strategic Planning Statement – Towards 2040; and
- Various State Environmental Planning Policies.

It would be noted that Pittwater Council has amalgamated with other Councils and is now known as Northern Beaches Council. As this amalgamation has occurred, the provisions of Pittwater LEP 2014 and DCP 21 are the current planning instruments for assessing applications.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with the area.

This Statement of Environmental Effects (SoEE) provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979, as amended.

In light of the above planning merits of the proposed development, the proposal succeeds when assessed against the Heads of Consideration pursuant under Section 4.15, and we recommend that Council grant consent to the development, subject to appropriate conditions.

## 1 Introduction

### 1.1 GENERAL

This Planning Report has been prepared to accompany the submission of a Development Application which seeks approval to undertake alteration and additions to the existing dwelling (principal), construction of a detached secondary dwelling, retaining walls & tree removal, as described in Section 3 of this SoEE. Reduced plans prepared by **Reggies Residential Design and Drafting** are attached as **Annexure A**.

The proposed secondary dwelling is permissible in the E4 Environmental Living zone under Local Environmental Plan (LEP) 2014; whilst Pittwater 21 Development Control Plan (DCP) under Section C1 provides controls. Under Clause 5.4(9) of the LEP, there are maximum floor area controls for secondary dwellings, being 25% of the principal dwelling or 60m<sup>2</sup>.

Existing on the property is a three (3) storey dwelling that is terraced to follow the contours of the land (refer to survey plan at **Annexure B**). The proposal results in the excavation of the land to remain a three (3) storey dwelling, with the secondary dwelling detached. The proposed development site will be landscaped as detailed on **Annexure A**. A stormwater plan has been provided at **Annexure C**. The land is subject to geotechnical risks under Clause 7.7 and in this regard a geotechnical assessment has been provided at **Annexure D**. Tree removal and tree management is addressed in **Annexure E**.

### 1.2 SCOPE OF REPORT

This document has been prepared pursuant to the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*, and the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *Environmental Planning and Assessment Act, 1979 (EP and A Act 1979)*.

The Report describes the nature of the site and its immediate context. It proceeds to document the proposal and concludes with an assessment against the prevailing planning regulations and a request for approval of the application subject to conditions.

### 1.3 PROJECT TEAM

Michael Brown Planning Strategies Pty Ltd, in preparing this SoEE has relied on relevant inputs from the following as detailed in **Table 1** below:

**TABLE 1 – PROJECT TEAM**

The Project Team			
Architectural Plans			Reggies Residential Design and Drafting – ( <b>Annexure A</b> )
Partial Plan	Detailed	Survey	DPS Surveyors – ( <b>Annexure B</b> )
Stormwater Plan			Statiker – ( <b>Annexure C</b> )

The Project Team	
Geotechnical Assessment	Statiker – (Annexure D)
Arboricultural Impact Assessment & Tree Management Plan	Horticultural Management Services – (Annexure E)
Biodiversity	Narla Environmental Pty Ltd – (Annexure F)
Waste Management Plan	Reggies Residential Design and Drafting – (Annexure G)

## 1.4 PRE-DA MEETING

A pre-DA meeting was held on 10 November 2020 to discuss the proposed development. The notes of the meeting required the following matters to be addressed in any development application:

- Front setback to be amended to comply with DCP 21 (Annexure A).
- Location of secondary dwelling and garage was supported.
- Minimise cut and fill (Annexures A & D).
- Design of garage and carport to be reconsidered (refer to comments at Table 4).
- Landscape plan required (Sheet A108 Annexure A).

The plans have been amended to address the above matters.

## 1.5 REPORT STRUCTURE

This SoEE is structured in the following manner:

**Section 2** – Describes the Site and provides a detailed description of the site and the nature of surrounding development.

**Section 3** – Details the Proposed Development and other relevant information.

**Section 4** – Details the Statutory Controls that apply to the Development Site.

**Section 5** – Details the Environmental Assessment of the proposed Development.

**Section 6** – Provides a Conclusion.

The following commentary and assessment is provided in respect of the above.

## 2 The Site and Context

The subject property is known as Lot 20 in DP 11186, 71 Alexandra Crescent, BAYVIEW (refer to aerial photograph below at **Figure 1**, which shows the context of the immediate area). The subject property is occupied by a three (3) storey dwelling (refer to **Plate 1** below). The property has an area of 1201m<sup>2</sup> and is generally regular in shape but has fall from the dwelling to the street of some 5m.



The existing dwelling is terraced down the fall. **Plates 2-5** show views from property.

The subject locality is made up of mainly two storey dwellings on various sized lots at different elevations. Property is located on the southern side of the street with views to the north looking towards Pittwater and the suburb of Newport.

The dwellings on these lots are substantial having regard to the area generally. There is no particular architectural style and it could be said that the dwellings are an eclectic mix. Most dwellings have pitched roofs. As such not one architectural style dominates the area.

**FIGURE 1 - AERIAL**





PLATE 1 – EXISTING FRONT FAÇADE



PLATE 2 – VIEW OF THE PITTWATER





PLATE 3 – VIEW OF THE PITTWATER



PLATE 4 – VIEW OF NOS 67 & 69





PLATE 5 – VIEW OF NO 73



### 3 The Development Proposal

#### 3.1 DEVELOPMENT DETAILS

The development proposal is as generally shown on the submitted plans. The proposal involves alterations & additions to the existing dwelling (principal) and the construction of a detached secondary dwelling and construction of retaining walls, with details provided below in **Table 2**.

It is proposed to excavate at the lower level to provide the additions and a garage. The additions and the land will be terraced to take account of the fall. The floor area details are shown on A101 of **Annexure A**. The proposed secondary dwelling contains one (1) bedroom, kitchen/living area and a balcony with a floor area of 60m<sup>2</sup>.

The proposed dwelling provides a palette of materials to provide variety and interest, as shown on the attached plans, which provides for matching cement rendered brickwork (refer to **Figure 2** below and A103 of **Annexure A** for details).

FIGURE 2 – PROPOSED BUILT FORM



### 3.2 ACCOMPANYING PLANS AND DOCUMENTS

The proposed development is as generally shown on the submitted plans referred to in **Table 2**.

TABLE 2 – SUBMITTED PLANS AND REPORTS

Plan No	Sheet	Issue	Plan title	Prepared by
A101	1	E	Proposed Garage Floor Plan & Lower Floor Plan	Reggies Residential Design and Drafting
A102	2	E	Proposed Middle Floor Plan & Upper Floor Plan	Reggies Residential Design and Drafting
A103	3	E	Proposed Elevations	Reggies Residential Design and Drafting
A104	4	E	Sections & Building Design Safety Notes	Reggies Residential Design and Drafting
A105	5	E	Existing & Proposed Site Plan	Reggies Residential Design and Drafting

Plan No	Sheet	Issue	Plan title	Prepared by
A106	6	E	Shadow Diagrams 21 <sup>st</sup> June	Reggies Residential Design and Drafting
A107	7	E	Shadow Diagrams 21 <sup>st</sup> March & September	Reggies Residential Design and Drafting
A108	8	E	Landscape Plan	Reggies Residential Design and Drafting
A109	9	E	Demolition Plans	Reggies Residential Design and Drafting
A110	10	E	Cut & Fill Plans	Reggies Residential Design and Drafting
A111	11	E	Site Analysis	Reggies Residential Design and Drafting
A112	12	E	3D Views	Reggies Residential Design and Drafting
A113	13	E	Existing Plans 1	Reggies Residential Design and Drafting
A114	14	E	Existing Plans 2	Reggies Residential Design and Drafting
20233Alexa nadra71	1		Partial Topographical Detail & Boundary Identification	DSP Surveyors
			Arboricultural Impact Assessment & Tree Management Plan	Horticultural Management Services
SW-00	1		General Plan	Statiker
SW-01	2		Drainage Plan	Statiker
SW-02	3		Sediment Control Plan	Statiker
G-00182			Geotechnical Investigation	Statiker
		A	Waste Management Plan	Reggies Residential Design and Drafting

### 3.3 AVAILABILITY OF SERVICES

The site is within a developed urban area surrounded by existing dwellings (refer to **Figure 1** above). As such all urban utility infrastructure to the area is provided.

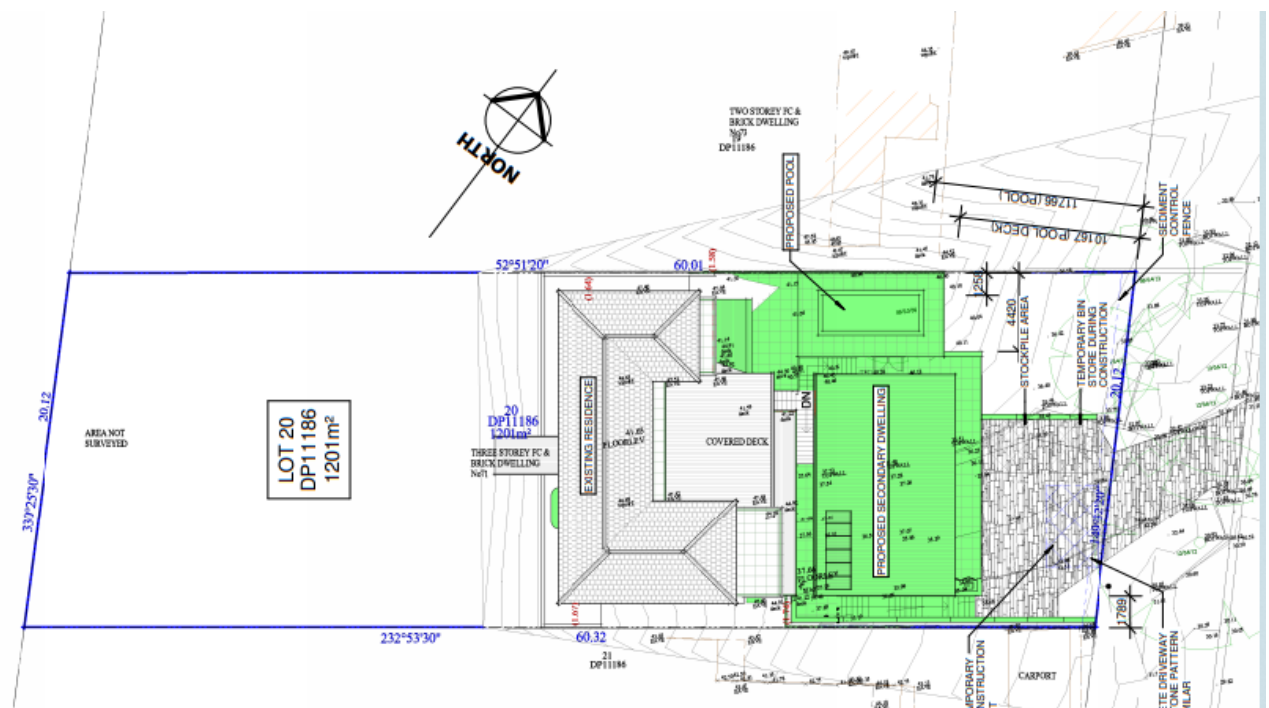
### 3.4 TOPOGRAPHY AND LANDFORM

The subject land falls from the rear at RL 37.56m (ground level at front of dwelling) towards the street at RL 33.51m (front property boundary).

### 3.5 SETBACKS AND BUILDING SEPARATION

The building setback is 6.528m and variable to the street and 10.167m to the garage. As such, the dwelling is offset to the adjoining boundaries to reduce any impact, as shown on **Sheet A105** of **Annexure A**.

FIGURE 3 - BUILDING SEPARATION



### 3.6 BUILDING DESIGN

Good passive design and the incorporation of sustainability initiatives will contribute towards the dwelling achieving a reasonable level of environmental performance. Passive housing design including orientation and solar access, insulation and ventilation has been considered.

The dwelling is contemporary in design with a tiled roof which is in keeping with the street scape. The dwelling has a mixture of materials and the colour scheme **A102** of **Annexure A**.

### 3.7 STORMWATER DRAINAGE

Stormwater from the development can be drained to the existing system, as prepared by Statiker **Annexure C**.



### 3.8 DEMOLITION MANAGEMENT CONTROLS

Development consent has been sought to the demolition of the buildings. The demolition will be in accordance with the requirements as set out under the Australia Standard AS260 – 2001: The Demolition of Structures – which is incorporated into the Work Health and Safety Act 2011 administered by WorkCover NSW. Demolition will include:

- The removal of all demolished material and where appropriate materials will be recycled;
- All brickwork, concrete and other hard surfaces will be recycled where possible; and
- Breaking up and removing hard surface areas.

Where appropriate, waste material will be removed by recyclers for reuse. Barriers will be erected around the work areas to protect the public (refer to demolition plan **Sheet A109** at **Annexure A** and the waste management plan at **Annexure G**). The demolition process will be controlled by specific guidelines including the Work Health and Safety Regulation 2011 and all WorkSafe requirements. An erosion and sediment control plan will be prepared for each stage of construction to control run off during these processes (refer to **A105 Annexure A** and **SW-02** of **Annexure C**).

The following is provided in relation to these issues:

#### 3.8.1 DUST

During the site works, the following methods should be employed to control any dust:

- hessian should be located along any section of the site fence located in the vicinity of demolition areas;
- cleaning of hardstand areas if necessary; and
- undertaking the loading or unloading of materials as close as possible to the skip bins to prevent the spread of loose material around the site.

Dust is also produced during the transfer of materials to and from the site, thus all material will be required to be covered while being transported and will be properly disposed of on delivery. No material is to be left in an exposed, unmonitored condition. All plant, including trucks transporting material, should be brushed before leaving the site to prevent dust and sediment movement offsite.

#### 3.8.2 NOISE CONTROL

Noise producing machinery and equipment should only be operated between the hours of 7.00 am and 6.00 pm Monday to Friday and 7.00am to 4.00pm Saturdays, unless requested otherwise by Council.

Various Australian standards outline guidelines for the minimisation of noise on construction and demolition sites. These include:

- Australian Standard AS2460 AS 2012.1-1990: *Acoustics - Measurement of airborne noise emitted by earth-moving machinery and agricultural tractors - Stationary test condition - Determination of compliance with limits for exterior noise*;
- AS/NZS 1269.1:2005 *Occupational noise management-Measurement and assessment of noise emission and exposure*;
- AS/NZS 1269.2:2005 *Occupational noise management-Noise control management*; and



- AS/NZS 1269.3:2005 *Occupational noise management-Hearing protector program*.

### 3.8.3 WORK HEALTH AND SAFETY

Prior to the commencement of works the principal contractor should prepare and maintain a site specific Work Health and Safety, and Protection of the Environment Plan (WHS&E plan) which complies with the requirements of clause 226 of the Regulations.

### 3.8.4 WASTE MINIMISATION AND MANAGEMENT

The proposed development has embraced the principles of waste minimisation and management from the earliest days of visioning/design work. In a like manner, the demolition and construction phases have been the subject of significant waste minimisation and resource recovery thinking.

A Waste Management Plan (WMP) accompanies this application and addresses waste generated during demolition and during construction. Ongoing waste will be collected by Council on collection day (**Annexure G**). This WMP provides details of the approximate amounts of where recycled materials and material required to go to landfill will be delivered for processing and also provides details of the contractor.

## 3.9 CONSTRUCTION

The construction will be in accordance with the requirements as set out under the Australia Standard.

### 3.9.1 SEDIMENT AND EROSION CONTROL

Sediment and erosion control measures should be more fully developed in consultation with the contractor and incorporated into a Soil and Water Management Plan in accordance with NSW Department of Housing (1998) *Managing urban stormwater: soils and construction*. The controls outlined in the plan should be put in place prior to any works commencing (**Sheet 3 of Annexure C** and **SW-02 at Annexure D**).

### 3.9.2 NOISE CONTROL

Noise producing machinery and equipment should only be operated between the hours of 7.00 am and 5.00 pm Monday to Friday and 7.00am to 4.00pm on Saturdays, unless requested otherwise by Council.

No work will be undertaken on Sundays or public holidays. If it is necessary to work outside these hours, special permission must be obtained from Council and local residents should be notified.

### 3.9.3 WORKPLACE HEALTH AND SAFETY

Prior to the commencement of works the principal contractor should prepare and maintain a site specific Workplace Health and Safety, and Protection of the Environment Plan (WHS&E plan) which complies with the requirements of clause 226 of the Regulations.

## 4 Assessment of Relevant Controls and Policies

### 4.1 APPLICABLE PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following documents are relevant to the proposed development:

- State Environmental Planning Policy BASIX;
- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Infrastructure) 2007;
- Pittwater Local Environmental Plan 2014 (PLEP);
- Pittwater 21 Development Control Plan (PDCP); and
- Local Strategic Planning Statement – Towards 2040.

### 4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT SECTION 4.15 (1) – MATTERS FOR CONSIDERATION

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.

- (a) *the provisions of:*
  - (i) *any environmental planning instrument, and*
  - (ii) *any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified, and*
  - (iii) *any development control plan, and*
  - (iv) *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*
  - (v) *any matters prescribed by the regulations that applied to the land to which the development relates, and*
  - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979.*
- (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.*

The assessment of the application is undertaken in the following sections and addresses the various planning instruments relating to the proposed development.

### 4.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

BASIX is the Building Sustainability Index, the State Government's web-based planning tool designed to assess the potential performance homes against a range of sustainability indices. The required BASIX assessment accompanies this application for the dwelling alterations and additions and also for the secondary dwelling.

#### 4.4 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The proposed development is subject to the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land, and in particular, promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment. Depending on the level of contamination, remediation may be required with the consent (Category 1) or without the consent (Category 2) of the consent authority.

The State Government publication *Managing Land Contamination: Planning Guidelines* sets out the process for consideration of land contamination. Based on an initial consideration of known historical land uses, the guidelines may require, in certain circumstances, one or more of the following steps:

- A Preliminary Investigation – where contamination is likely to be an issue;
- A Detailed investigation – where a Preliminary Investigation highlights the need for further detailed investigations or where it is known that the land is likely to be contaminated and/or that the proposed use would increase the risk of contamination;
- A Remedial Action Plan (RAP) – to set the objectives and process for remediation;
- Validation and Monitoring – to demonstrate that the objectives of the RAP and any conditions of development consent have been met.

The land has been used for residential purposes for a number of years and there is no evidence of filling on the land. In addition, the proposed alterations & additions are within the footprint of the existing dwelling and therefore it is unlikely that this part of the property would be contaminated. As such it is considered that a Phase 1 assessment is not justified in these circumstances.

#### 4.5 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

This Sepp applies to the removal or clear vegetation. The term ‘clear’ vegetation is defined in the Vegetation SEPP, and includes:

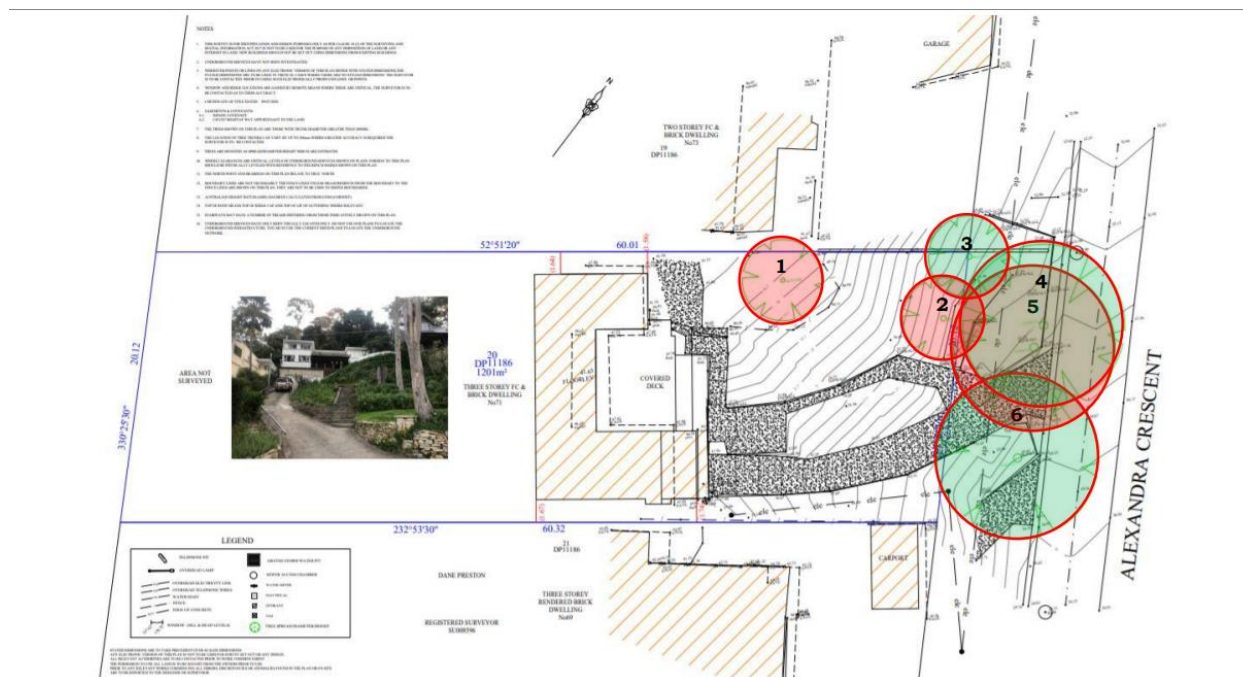
- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation; or
- (b) lop or otherwise remove a substantial part of the vegetation.

In most instances, to carry out any of these actions a permit issued by Council will be the only form of approval that is required (refer to accompanying arborist assessment at **Annexure E**).

##### 4.5.1 TREE REMOVAL

Due to the structural nature of existing trees, the proposal involves the removal of three (3) trees, as shown on **Figure 4** below in red; namely trees 1, 2 and 5.

FIGURE 4 – TREES TO BE REMOVED



As such Horticultural Management Services has undertaken an arboricultural impact assessment and tree management plan at **Annexure E**. The following summarises the assessment.

#### 4.5.1.1 RETENTION OF SITE TREES

The following points may be considered for the long-term retention of trees as listed in Section 12.0 Assessment of Existing Trees Identified on Site, not affected by this proposed development under this application.

- Avoid large changes to the surface structure due to modification of the tree's moisture / surface feeding roots,
- A Qualified Arborist/Horticulturalist undertakes all Arboricultural works,
- All trenching near the trees as required is to be hand dug to ensure minimal disturbance to additional surface feeding roots,
- Any tree roots discovered are cut cleanly with root pruning devices,
- Any proposed work located near the trunk or outer canopy of the trees drip line, where services are known to be in the vicinity, any excavation for services should be hand dug to ensure minimal impact to the trees surface feeding and support roots,
- Any tree roots that are exposed will be removed by approved Arboricultural techniques and have a root hormone i.e. Formula 20® or equivalent applied at the manufacture's specification,
- Any trenches undertaken near tree drip zones will be backfilled and compacted with an approved Australian Standard orchid mix 60/40 containing washed river sand and peat moss to a minimum depth of 700mm, the remaining soil profile is to be filled with an approved topsoil to meet the existing soil surface,
- No building waste is to be disposed of/or stored near the tree trunk or drip zone,
- To ameliorate impact of any development, advanced plants may be used in the Landscape Master Plan,

- Plantings should take into consideration the high priority of the streetscape and visual amenity,
- To ameliorate impact of any development, standard erosion and sediment controls are recommended,
- The trees drip line/zone is to be mulched to the Horticultural standard of 75mm,
- Regular watering is to be undertaken in hot dry periods to alleviate any short-term stress or loss of available water,
- Erection of a chain mesh safety fence be installed to ensure the protection of Trees Critical Root Zone as per Annexure B,
- A qualified Arborist should monitor these trees over a twelve (12) month period to evaluate the trees recovery and provide technical information to Council as required.

#### 4.5.1.2 RECOMMENDATIONS

After close visual and physical investigation of the trees condition (VTA) the results from the field investigations and interpretations in the landscape, proposed development indicated the following;

Approval is recommended for the removal of Three-(3) trees and TPO Exempt Tree Numbered 1, 2 and 5.

Trees Numbered 2 and 5 are required to be removed due to their poor structural condition and form due to previous tree failure that has resulted in scaffold limbs and apical leader being damaged and pruned/removed by SES in a previous storm, furthermore, these trees are leaning over powerlines.

As defined in Council TPO these trees present as a danger to persons and property and their removal is warranted.

Trees Numbered 5 and 6 have been identified by the electrical supplier to be removed as part of power poles and line maintenance work and are subject to removal without notice. Site trees numbered 3, 4 and 6 are sufficiently distanced to be retained with no adverse impacts anticipated to these trees with best practice arboricultural techniques and plans provided.

All proposed works will conform to AS4970 -2009. The following points may be considered for the site trees retention under this application;

- Avoid large changes to the surface structure due to modification of the tree moisture / surface feeding roots,
- A Qualified Arborist/Horticulturalist undertakes all Arboricultural works, • Any tree roots discovered are cut cleanly with root pruning devices,
- Any proposed work located near the trunk or outer canopy of the trees drip line, where services are known to be in the vicinity, any excavation for services should be hand dug to ensure minimal impact to the trees surface feeding and support roots,
- Any tree roots that are exposed will be removed by approved Arboricultural techniques and have a root hormone i.e. Formula 20® or equivalent applied at the manufacture's specification,
- No building waste is to be disposed of/or stored near the tree trunk or drip zone,
- Regular watering is to be undertaken in hot dry periods to alleviate any short-term stress or loss of available water,



- Erection of a chain mesh safety fence be installed to ensure the protection of Trees Critical Root Zone as per Annexure B,
- A qualified Arborist should monitor these trees over a twelve (12) month period to evaluate the trees recovery and provide technical information to Council as required. No long-term impacts or adverse effects are anticipated to local fauna; furthermore, there are no unforeseen circumstances that would warrant this application to be declined to be declined.

#### 4.5.2 BIODIVERSITY

In terms of the biodiversity issue of tree removal Narla Environmental has provided the following at **Annexure F** and summarised below:

##### Particulars:

- The potential impacts to the native vegetation and trees that are characteristic of the endangered ecological community Pittwater Spotted Gum Forest is to be assessed. The Biodiversity Conservation Act establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme. The requirements of the Biodiversity Conservation Act, together with the Biodiversity Conservation Regulation 2017, should be addressed including whether or not the Biodiversity Offset Scheme applies to the proposed development.**

The requirements of the BC Act and Biodiversity Conservation Regulation 2017 are mandatory for all development applications assessed pursuant Part 4 of the EP&A Act submitted in the Northern Beaches Council Local Government Area.

The BC Act and its regulations stipulate clearing 'area threshold' values (**Table 3**) that determine whether a development is required to be assessed in accordance with the 'Biodiversity Offset Scheme' (BOS). Minimum entry thresholds for vegetation clearing depend on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan [LEP]), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).

The minimum lot size prescribed by the Pittwater LEP to the Subject Site is 700m<sup>2</sup>. To avoid triggering the Biodiversity Offset Scheme the proponent must avoid impacts to native vegetation in excess of 0.25ha (**Table 3**). The proposed development will require the removal of approximately 0.01ha of exotic and urban vegetation in landscaped garden bed areas, therefore the BOS is not triggered by the area threshold.

**TABLE 3 – BIODIVERSITY OFFSET**

Minimum lot size associate with the property	Threshold for clearing, above which the BAM and BOS apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

The proponent has positioned the proposed development in a location that will not require the removal of trees characteristic of the Pittwater Spotted Gum Endangered Ecological Community (EEC). Given the large remnant spotted gums will be retained, the impact to the EEC mapped within the Subject Site will be negligible.

- b) The proposed development should avoid and minimise impacts to the EEC, however if the impacts to trees and native vegetation cannot be avoided an assessment of significant (5-part test) for removal/modification of native vegetation characteristic of Pittwater Spotted Gum Endangered Ecological Community is required, and should be prepared by a suitably qualified ecological consultant. The assessment should state whether or not the Biodiversity Offset Scheme applies to the proposed development.**

The proponent has sited the proposed development in a location that will not require the removal of trees that are characteristic of the Pittwater Spotted Gum EEC. The vegetation to be removed consists of landscaped areas with exotic plantings. Large remnant spotted gums and remnant bushland in the south-western extent of the Subject Site will be retained. As such, an assessment of significance (5-part test) is not required as part of the proposed development.

The proposed development has been designed and sited to avoid and minimise disturbance to ecological value and native flora and fauna. The proposed alterations and additions will not require the removal of any native vegetation particularly any trees that are representative of the Pittwater Spotted Gum EEC. The proposed works will require the removal of landscaped areas with exotic plantings directly adjacent to the existing dwelling and hardstand areas.

As such, the proposed works will not further fragment, disturb or diminish the biodiversity structure, function and composition of the land or compromised vegetation connectivity.

The proposed development will not adversely impact on Pittwater Spotted Gum EEC as no vegetation from this community will be removed or modified. Therefore, no onsite loss of canopy cover or native canopy trees will occur. The proposed development is sited directly adjacent to an existing dwelling and hardstand areas. Vegetation to be impacted includes heavily modified and landscaped areas.

All remnant bushland towards the southwest of the Subject Site will be retained.

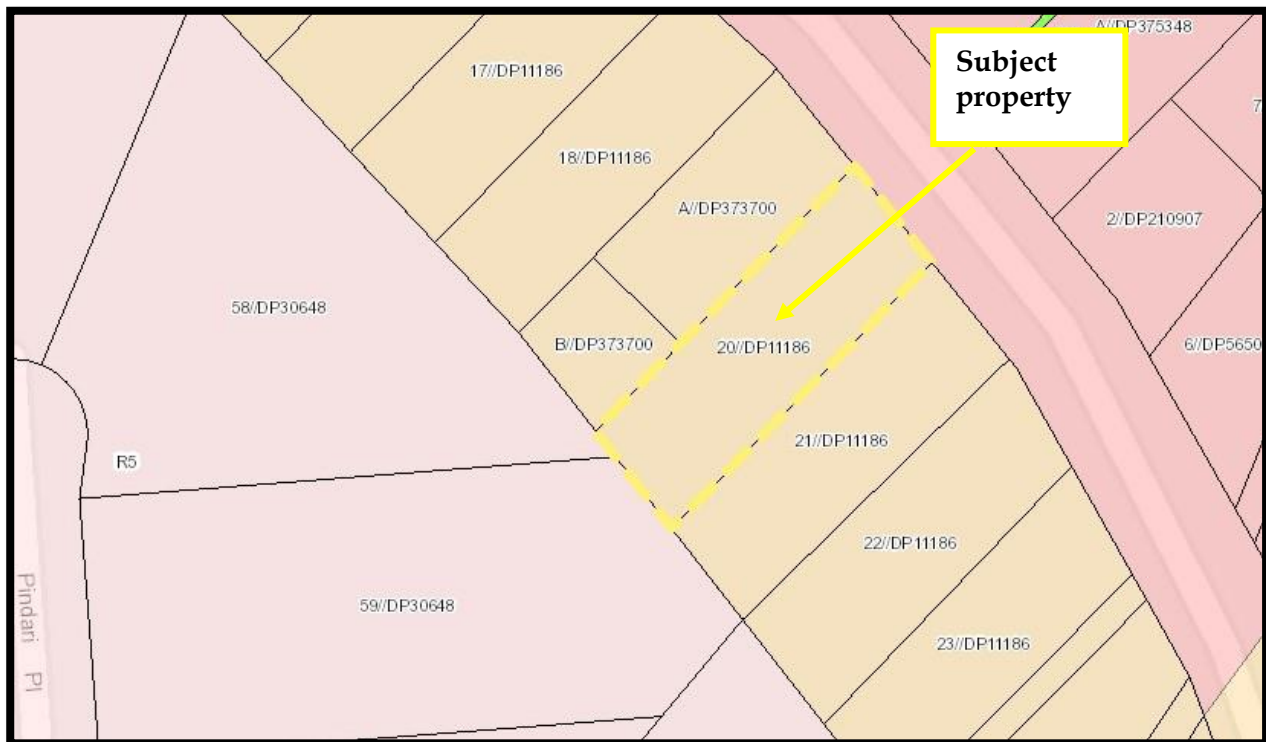
A landscape plan will be provided which will outline the planting of at least 80% native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community), enhancing habitat and wildlife corridors for locally native species, threatened species and endangered populations. The landscape plan will not include the planting of any Environmental Weeds and will occur outside areas of existing Pittwater Spotted Gum EEC.

In summary, the proposed development will require the removal of 0.01 ha of landscaped, urban vegetation. As such, Narla is satisfied that the proposed development has been appropriately located within an area that will result in the least ecological impact.

#### **4.6 PITTWATER LOCAL ENVIRONMENTAL PLAN 2014**

The LEP provides a number of generic objectives, which apply to development generally but has more specific objectives applying to the zone. The subject property is zoned E4 – Environmental Living under the provisions of Pittwater Local Environmental Plan 2014 (refer to **Figure 5** below).

FIGURE 5 - ZONE MAP



The zone and the controls will be addressed below. Clause 2.3 provides the zonal objectives. The objectives are:

- 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.

The objectives allow residential landuses provided such landuses are consistent with these objectives.

It is considered that proposed development on the subject site would be able to meet the first objective, which provides for the housing needs of the community within this setting. The second objective is met by the additions to the existing dwelling. The third is low-scale housing permitted by the zoning of the land. The proposal does not impact of exiting vegetated corridors (fourth).

The following landuses are permissible:

*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.*



The proposal is defined as a dwelling house and a secondary dwelling, which are permissible under the zone. A secondary dwelling is defined as:

*secondary dwelling* means a self-contained dwelling that –

- (a) is established in conjunction with another dwelling (the *principal dwelling*), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The proposed secondary dwelling will be detached to the principal dwelling and meets the objectives of the zone and is not listed in the prohibited use column and is therefore permissible with consent.

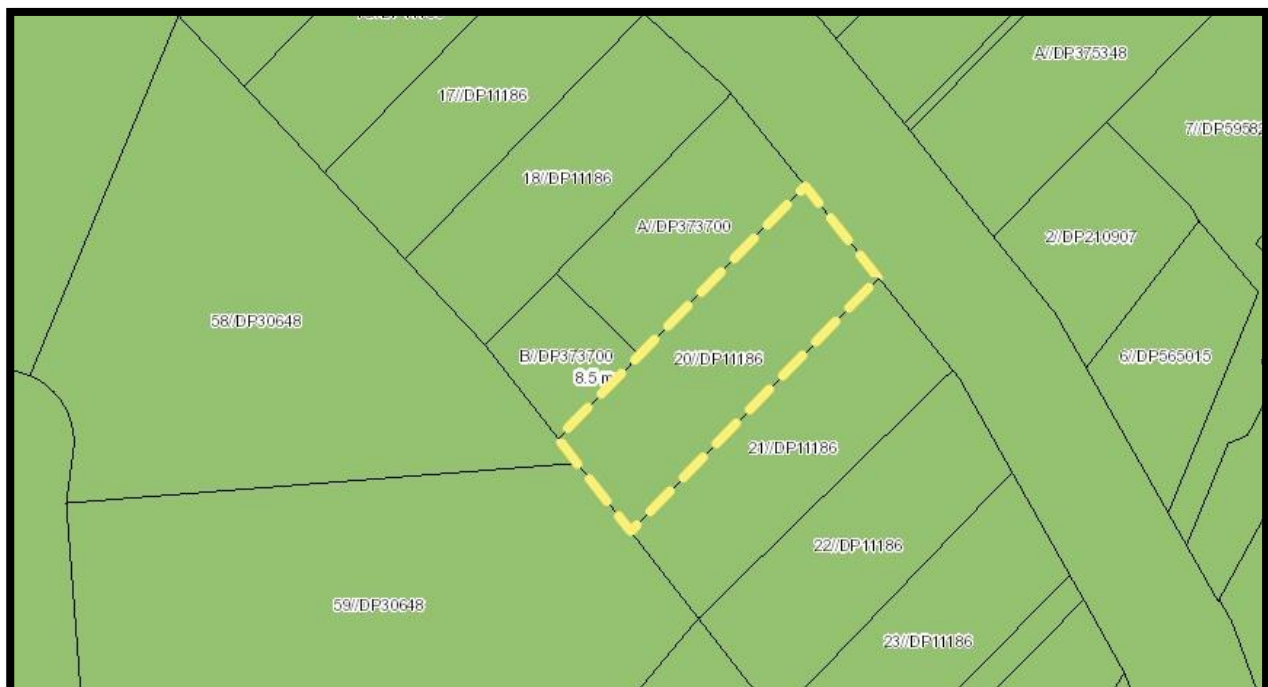
The LEP is set out in a number of parts dealing with certain aspects to achieve development outcomes. The relevant matters are addressed in the following sections.

#### 4.6.1 CLAUSE 4.3 – HEIGHTS OF BUILDINGS

Clause 4.3 sets maximum height requirements for dwellings. The Height of Buildings Map as shown below in **Figure 6** provides a maximum height of 8.5m. The proposed dwelling is 6.65m high to top of ridge above natural ground level at highest point given the fact that the development will be terraced and the floor levels do not have a vertical line through the dwelling floors to result in a higher building, which retains the existing three (3) storey dwelling.

Therefore having regard to the terraced nature of the development, the proposed additions and secondary dwelling are compliant with the height control map.

**FIGURE 6 – HEIGHTS OF BUILDING MAP**



#### 4.6.2 CLAUSE 4.4 – FLOOR SPACE RATIO

Clause 4.4 of the LEP provides a floor space ratio (FSR) for development.

The Council has not adopted a FSR control for the subject property. Notwithstanding, this aspect is addressed in **Table 4** below.

#### 4.6.3 CLAUSE 5.4 – MISCELLANEOUS CONTROLS

Clause 5.4(9) provides as follows:

##### (9) 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 secondary dwelling has a gross floor area of 60m<sup>2</sup>. As such the secondary dwelling is compliant with this clause.

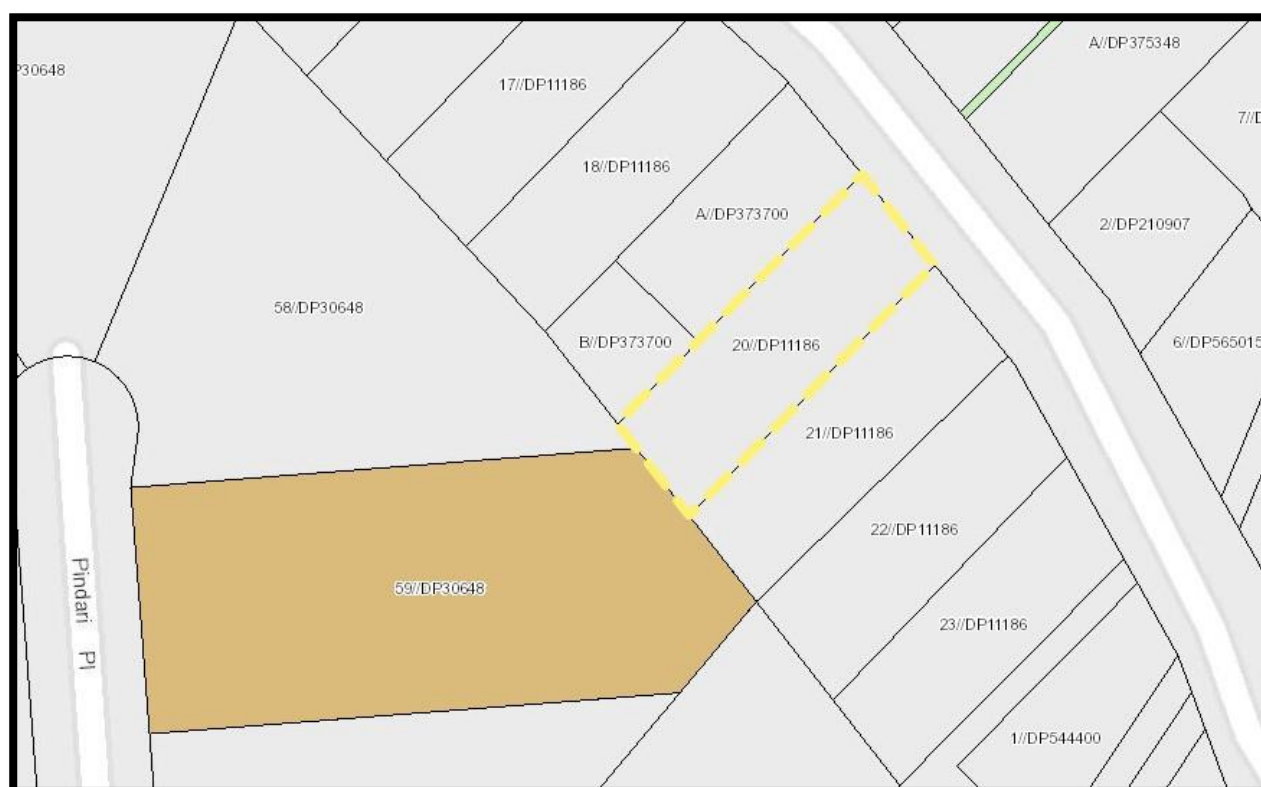
The proposed development is considered reasonable for the following reasons:

- The proposed secondary dwelling is located to minimise adverse amenity impacts on adjoining properties and does not give rise to significant amenity impacts for the immediate adjoining residential development; and
- As discussed above, the proposed secondary dwelling is consistent with the objectives of PLEP 2014, and in particular with Clause 5.4(9).

#### 4.6.4 CLAUSE 5.10 – HERITAGE CONSERVATION

The subject property is not listed as a heritage item on Council's Map. However, the subject property adjoins a heritage item at 5 Pindari Place (Item 2270412 – Curry House 2), as shown below in **Figure 7**. This item is of local significance and is located on the other side of the ridge and therefore not located within the visual catchment of the proposed dwelling additions. We are therefore of the opinion that the additions will not have an impact on the heritage values of this item.

FIGURE 7 - HERITAGE MAP



#### 4.6.5 CLAUSE 7.1 - ACID SULFATE SOILS

The subject land is shown on the Acid Sulfate Soils Map as being affected by this clause. The Acid Sulfate Soils Map shows the land as Class 5 (**Figure 8**).

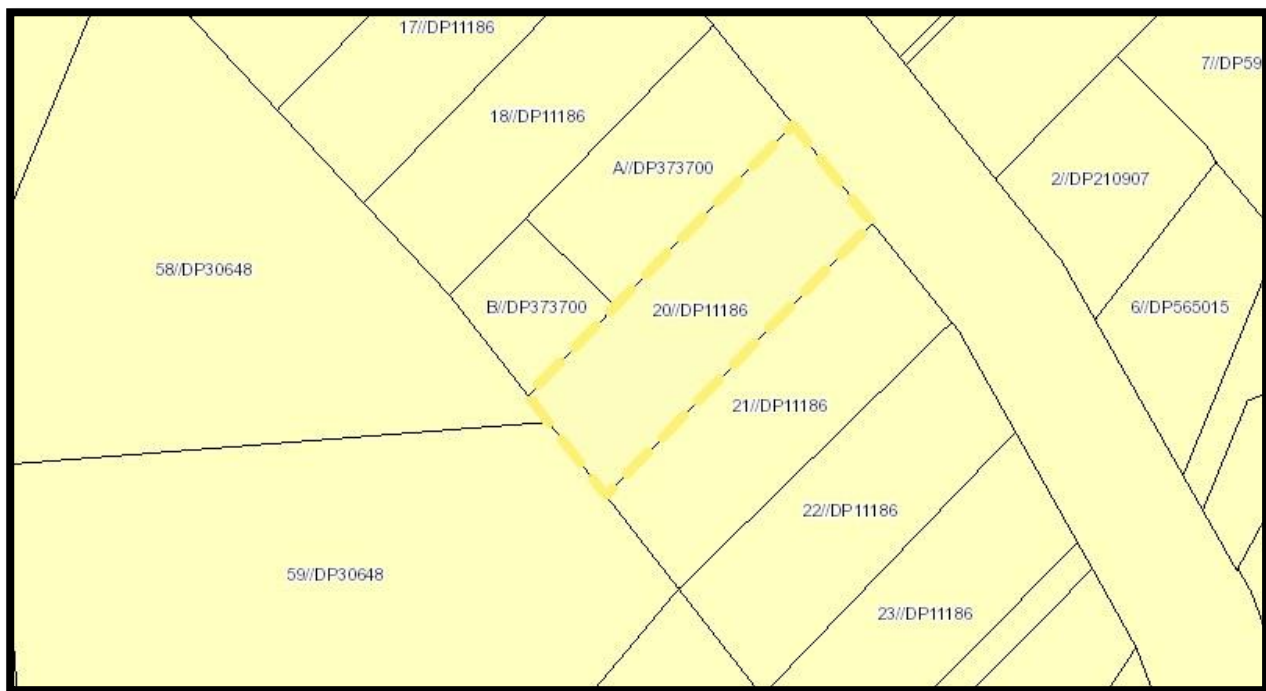
The proposal involves excavation of approximately 3.5m at the worst point below ground level and it is considered appropriate that infrastructure and building material be designed to ensure that the dwelling is not impacted by such soils. The geotechnical aspects of the application have been addressed by Statiker at **Annexure D** and addressed at Section 4.6.10 below. The assessment concludes that:

*“Based on the geology and depth to bedrock, residential lots enclosed in a site constructed within the natural soil profile are generally classified as either Class M or Class H1. Adhering to this, in our case the site has been found to be of category M. This is subject to all earthworks being undertaken in accordance with AS3798 – 2007 ‘Guidelines on Earthworks for Commercial and Residential Development’.*

*Final classification of any lot is undertaken at the completion of subdivision works and is largely dependent of the location of the building envelope with respect to the depth of final cut / fill”.*

Suitable conditions of consent can be imposed to ensure that the dwelling and infrastructure are designed to take into account potential impacts from acid sulfate soils.

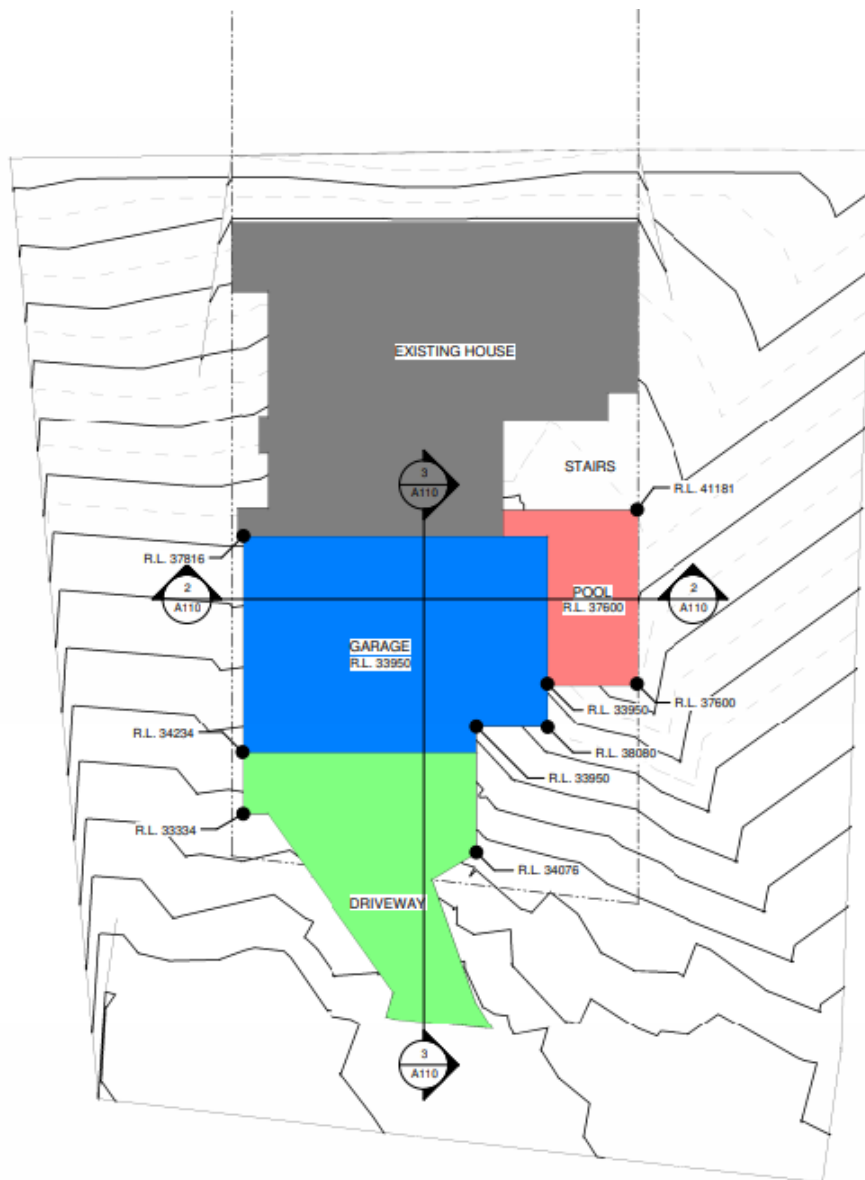
FIGURE 8 – ACID SOILS MAP



#### 4.6.6 CLAUSE 7.2 – EARTHWORKS

Clause 7.2 relates to earthworks and whilst this relates more to significant earthworks, nonetheless, earthworks will be undertaken for footings and infrastructure, with approximately 600m<sup>3</sup> of soil will be removed with details shown on **Sheet A110 & Figure 9** below. Refer also to geotechnical report at **Annexure D** and Section 4.6.10 below for details relating to site stability for the proposed works.

FIGURE 9 - CUT AND FILL PLAN



# 1 CUT & FILL PLAN

1 : 200

## 4.6.7 CLAUSE 7.3 - FLOOD PLANNING

Clause 7.3 relates to flood planning. The subject property is not affected by flooding according to the pre-DA meeting notes.

## 4.6.8 CLAUSE 7.5 - COASTAL RISK PLANNING

Clause 7.5 provides controls for development affected by coastal risks. The subject land is not identified as being affected by such risks.

## 4.6.9 CLAUSE 7.6 - BIODIVERSITY

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

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposed development does not involve the removal of vegetation and is not identified as being affected by this clause.

#### 4.6.10 7.7 - GEOTECHNICAL HAZARDS

The Council has identified that the land is classified as “Geotechnical Hazard H1” and requires the consideration of the geotechnical risks associated with the proposed development and that sufficient information will need to be provided to satisfy this clause. In this regard, Statiker at **Annexure D** has provided the following assessment:

##### 4.6.10.1 SLOPE STABILITY ASSESSMENT

During the course of the inspection, no slip scarps or tension cracks were documented nor was there any visible hummock within the property. This leads to the assumption that no significant slope failures have occurred despite the fact that the site is located in a pre-historic landslide. This is also clear from the Council’s Correspondence which in their word says “Northern Beaches Council holds no recent information on past landslides for the above property address”. The email correspondence from the council has been attached for reference in Appendix J.

The stability of a site is generally governed by site factors such as slope angles, depth of in-situ soils, and strength of sub-surface material and concentrations of water. The Australian Geomechanics Society recommends that the landslide risk of a site is assessed on the basis of the likelihood of a landslide event and the consequences of that event.

Based on the lab reports and tactical analysis the site has been found to be satisfying the conditions for category M. Land Slip can’t be denied if proper measures aren’t taken at the time of construction such as- storm water management which otherwise would aggravate the moisture profile and destabilise the slope. This statement is also based on the fact that during the lab test the natural moisture content of the site has been found to be varying between 9.9% to 20.5% (Appendix C). Further a layer of weak band of Sandstone was found at a depth of 6.3m prompting differential settlement if recommendations made in this report are not taken into account.

It is our observation that the site has a mild slope of 150 on an average, varying between 140 to 170. There is a decent vegetation cover on soil slopes (ref- Series 3, Appendix M). It is strongly advised to keep the vegetation clearance to a reasonable minimum as it has been eminently seen that the existing trees, and to a lesser extent the existing ornamental smaller vegetation seems to have taken substantial quantities of water out of the ground to keep it stable to the present condition. This in fact has lowered the ground water table which is also clear from the fact that we did not encounter ground water during our investigation).

Further it has aided to maintain the stability of the present ground slope despite the soil being of medium plasticity. It is strongly recommended to avoid large scale clearance of vegetation. This may result in a rise in water table from what it is at the present condition with a consequent increase in the likelihood of landslip or a landslide (Geo-Guide LR5).

The site is currently in a stable condition, based on a “Low” Risk Level of instability relating to shallow soil slips and active or deep-seated land slide. With reference to the supplied drawings by Reggie’s Residential Design & Drafting, job no. 27352 dated 6<sup>th</sup> October 2020, it is our assessment that the site is suitable for the proposed extension with swimming pool provided all recommendations presented in this report are adhered to and that construction is carried out in accordance with good engineering and hill slope practices.

To reiterate, it should be noted that the surficial soils may be susceptible to localised erosion and instability could occur if the proposed development is not carried out with care, and if areas of the land disturbed by building activities are not subsequently suitably landscaped.

### **Batter Slopes**

We understand that the site will undergo up to 5.1m of maximum cut to allow construction of the proposed structures. Resultant embankments will comprise of Sand with varying contents of clay silt and gravel fill which may stand unsupported for a short period of time.

Where personnel are to enter excavations, options for short-term excavations include benching or battering back of excavations to 1H:1V. It is recommended that long-term excavations in the aforementioned fill should be either battered at 3H:1V or flatter or be supported by engineer designed and suitably constructed retaining walls.

Unretained excavations should not extend below the “zone of influence” of adjacent structures. That is, a line drawn 450 down from the foundation level of adjacent structures or features, including temporary site sheds etc. If excavations are to extend below this line, or there is insufficient room for batter faces, proposed excavations are to be retained prior to excavation.

### **Footing Design**

Based on the above principal geotechnical constraints, we would recommend the following allowable bearing pressures and notes during construction;

- It is a general recommendation of 150kPa for footings founded in soils containing hard natural clays, in our case this is 200kPa. Allowable bearing pressure of 400kPa is recommended for footings founded in the extremely weathered rock which in our case is 600kPa
- Footings are recommended to be socketed into the underlain rock- It is our strong recommendation to incorporate pier footing into the rock bed that has been detected during our investigation.
- Footings should penetrate through any fill that is identified during the construction.
- Ensure all footings are on a similar material to minimise differential settlements.

It is recommended that all footing excavations be inspected by a geotechnical engineer to confirm that founding conditions are consistent with design recommendations. The founding level may need to be adjusted if the required founding material is not encountered at the design founding level. A combined storm water catch-drain/subsoil drainage system should be installed to intercept and divert surface flow and seepage away from the high side of the building area. The drains should preferably be installed prior to construction and ultimately connect to the development storm water system.



## Retaining Walls

Retaining walls should be designed in consultation with a Geotechnical/Structural Engineer. Retaining wall footings should be founded in competent soils to the supervising engineer's direction and approval. Excavations for retaining wall construction should remain stable. Appropriate drainage systems and free draining backfill should be provided to prevent the build-up of hydrostatic pressures behind all retaining walls. To facilitate the site earthworks, it would be prudent to install a temporary catch drain above the proposed excavation to divert surface run-off away from the building area during construction.

### 4.6.10.2 EARTHWORK EXCAVATION RECOMMENDATIONS

It is understood that significant cut to fill is required as a part of the proposed development including removal of some of the existing trees and re-instatement. Slope rendering is required in order to make the front end of the slope relatively stable. All earthworks should be undertaken in accordance with AS3798-Guidelines on Earthworks for Commercial and Developments.

## Subgrade Preparation

The area on which the fill is to be placed and the area from which the cut is to be removed should be stripped of:

- All vegetation
- Any unsuitable soils
- Uncontrolled filling

These Stripped materials are to be removed from site as General Solid Waste (subject to further assessment at the time of removal).

## Subgrade Inspection

The condition of the stripped surface should be inspected immediately after stripping and prior to filling commencing. Before placing fill, proof roll needs to be done on the exposed sub-grade with a minimum 12 tonnes static smooth steel wheeled roller to detect and remove any soft spots.

## Fill Materials

Most naturally occurring soils, and weathered rock can be used as engineered fill. Site derived material can be utilized as structural fill. Existing material encountered during the borehole excavation appeared to be suitable for re-use which is also proven by the particle size distribution analysis (Appendix C), however a full inspection should be undertaken after it has been excavated. If the material is to be imported from another site it will need to comply with one of the following:

Schedule 1 of the Protection of the Environment and Operations Act 1997 defines virgin excavated material (VENM):

- Material that is not mixed with any other waste;
- Has been excavated from areas that are not contaminated as a result of industrial, commercial, mining or agricultural activities, with manufactured chemicals,
- Does not contain ores with sulphides or soils that consist excavated natural materials that meet such criteria as approved by the DECC.



## Fill Placement & Testing

Fill placement shall be in near Horizontal Layers of uniform thickness placed systematically across the fill area. The Layer thickness is to be equal to or less than 400mm (loose), if using large rollers over larger area. Compacted Layer thickness should not exceed 300 mm. Maximum particle sizes not to exceed 2/3rd of layer thickness.

Testing is to be undertaken as per the Level 1 requirements of AS3798 – 2007 ‘Guidelines on Earthworks for Commercial and Residential Development’.

### 4.6.10.3 GEOTECHNICAL RECOMMENDATIONS

Based on the geology and depth to bedrock, residential lots enclosed in a site constructed within the natural soil profile are generally classified as either Class M or Class H1. Adhering to this, in our case the site has been found to be of category M. This is subject to all earthworks being undertaken in accordance with AS3798 – 2007 ‘Guidelines on Earthworks for Commercial and Residential Development’.

Final classification of any lot is undertaken at the completion of subdivision works and is largely dependent of the location of the building envelope with respect to the depth of final cut / fill.

There are no further clauses applicable to the proposed development.

## 4.7 PITTWATER 21 DEVELOPMENT CONTROL PLAN

The subject Development Control Plan, amendment 25, provides a compendium of development controls for the Pittwater Local Government Area. Some controls are land use based and generic, whilst others are detailed and sometimes site specific.

It is considered that the proposed dwelling is consistent with the requirements of the DCP and the following is provided.

### 4.7.1 SECTION A1 – INTRODUCTION

Section A1 is essentially the administrative provisions of the DCP and the requirement for lodging a development application. This part of the DCP provides details of what is expected to be lodged with the application, including landscape plans, shadow diagrams, waste management plans, etc, including the notification section. Council will notify the application in accordance with the subject requirements.

Section A4.4 provides character statements for the various areas, with Bayview within A4.2. The desired character statement is as follows:

*“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.*”

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 inclinator, 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.

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.

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 desired character statement recognises that secondary dwellings can be constructed to provide affordable housing, with minimal impact on the environment.

#### 4.7.2 SECTION B – GENERAL CONTROLS

Section B of the DCP sets the general principles for all forms of development. Section B1.1 is the heritage controls. As stated above in Section 4.5.5, the subject site is not a heritage item, but adjoins a heritage item. The proposed development is not within the visual catchment of the item.

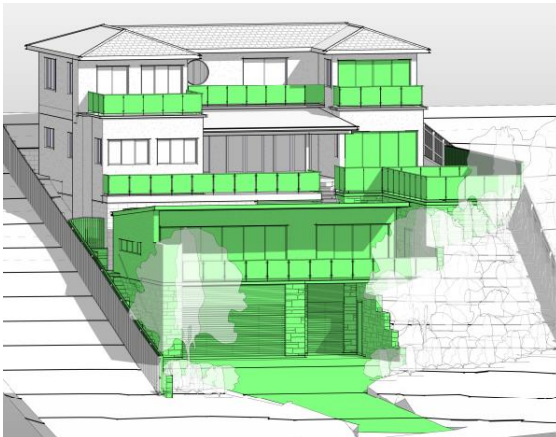
Section B3.1 – Landslip hazard applies to the land. This aspect of the application was addressed above in Section 4.5.11. Section B4.1 relates to flora and fauna conservation. The proposal does involve the removal of trees and is not located within a wildlife corridor (B4.6).

Section B5.8 – Stormwater management – stormwater from the roof and existing hardstand areas will be directed to the existing Council street system.

The following **Table 4** provides a compliance check against these principles.

**TABLE 4 – GENERAL PRINCIPLES – COMPLIANCE TABLE**

DCP	Proposed	Complies
<b>B6 Access and Parking</b>		
<b>B6.1 Access driveways</b>		
Design to comply with Council controls, gradients etc.	Existing driveway crossover will be utilised, with the existing driveway replaced.	Yes.
<b>B6.3 Off-street Parking Requirements</b>		
A minimum of 2 spaces for two	A double garage is provided with a store-	Yes.

DCP	Proposed	Complies
bedrooms or more.	<p>room, essentially replacing the existing single garage door. The width of the garage is 5.1m wide; whilst the width of the dwelling is 13.77m., which equates to 37%. There is a second panel-lift door of 1.8m, but this provides access to the storeroom (see below). The garage door does not dominate the streetscape given the fact that the dwelling is well-setback from the frontage, is landscaped/terraced and the tiered nature of the dwelling ensures that the garage door is subservient to the dwelling.</p> 	
For a secondary dwelling, a minimum of 1 space is required in addition to existing requirement for principal dwelling.	Space provided in driveway.	Yes.
<b>B8 Site Works Management</b>		
<b>B8.1 Construction &amp; Demolition - Excavation &amp; Landfill</b>		
Excavation and landfill on any site that includes the following:		
<ul style="list-style-type: none"> <li>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</li> </ul>	Refer to A109 and A110 of <b>Annexure A</b> for details of demolition. Refer also to <b>Annexure D</b> regarding site stability and geotechnical recommendations at <b>Annexure D</b> .	Yes.

DCP	Proposed	Complies
<ul style="list-style-type: none"> <li>Any excavation greater than 1.5 metres deep below the existing surface;</li> <li>Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;</li> <li>Any landfill greater than 1.0 metres in height; and/or</li> <li>Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</li> </ul> <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.</p>	<p>Refer to above.</p> <p>Refer to <b>Annexure D</b>.</p>	<p>Yes.</p> <p>Yes.</p>
<p><b>B8.2 Erosion &amp; Sediment Management</b></p>		
<p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands. Erosion and sedimentation prevention measures must be installed in accordance with</p>	<p>Refer A105 at <b>Annexure A</b> and SW-02 at <b>Annexure D</b>.</p>	<p>Yes.</p>

DCP	Proposed	Complies
Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands. Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.		
<b>B8.3 waste Minimisation</b> Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Refer to accompanying waste management plan at <b>Annexure G</b> .	Yes.
<b>B8.4 - Site Fencing &amp; Security</b> Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Will be detailed on Construction Certificate.	Yes.
<b>B8.6 Traffic Management Plan</b> Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	As above.	Yes.
<b>Section C - Development Type Controls</b>		
<b>C.1.1 Landscaping</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	The proposal provides for a landscaped area to be provided in accordance with the landscape plan at Sheet A108 of <b>Annexure A</b> .	Yes.

DCP	Proposed	Complies
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.	The proposal does require the removal of three (3) trees. And is addressed in the arborist report at <b>Annexure E</b> . Biodiversity is addressed at <b>Annexure F</b> .	Yes.
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.	Refer to landscape plan at Sheet A108.	Yes.
<b>C1.2 Safety &amp; Security</b> 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.	Crime prevention is addressed below in Section 5.4.	Yes.
<b>C1.3 View Sharing</b>		
All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	There are no iconic loss of views that were considered in the Land & Environment Court decision of Tenacity v Warringah Council (2004) NSWLEC 140 planning principle that would result in a loss of	Yes.

DCP	Proposed	Complies
<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><b>C1.4 Solar Access</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>views for adjoining neighbours, noting the location of the additions.</p> <p>Overshadowing is addressed below in Section 5.3.3.</p> <p>Refer to Section 5.3.3. However, as can be seen from the shadow diagrams, the adjoining properties will not be overshadowed in the morning. In the afternoon, the properties are affected by the ridgeline behind.</p> <p>From the shadow diagrams, the development achieves a reasonable level of solar access during the winter solstice<sup>1</sup>.</p>	<p></p> <p>Yes.</p> <p>Yes.</p>

<sup>1</sup> The Benevolent Society V Waverley Council (2010) NSWLEC 1082 at 133-144.



DCP	Proposed	Complies
<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><b>C1.5 Visual Privacy</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>The development has been designed to reduce windows overlooking the adjoining properties with the use of highlight windows.</p>	Yes.
<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>In terms of balconies, there is no potential for overlooking of adjoining properties from the balcony, which has a northerly aspect and looks into the private open space of the subject property.</p>	Yes.
<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>	<p>The development has been designed to reduce windows overlooking adjoining properties.</p>	Yes.
<p><b>C1.6 Acoustic Privacy</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>Noise would be typical of any residential property, but is not expected to be excessive or intrude on the enjoyment of adjoining residents.</p>	Yes.
<p>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in</p>	<p>Noise transmission will be detailed on Construction Certificate plans.</p>	Yes.



DCP	Proposed	Complies
<p>accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</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>	Can comply.	Yes.
<b>C1.7 Private Open Space</b>		
Private open space shall be provided as follows:		
a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-	Private open space (POS) provided behind dwelling.	Yes.
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.	More than compliant.	Yes.
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%).	Refer to plans.	Yes.
Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	Refer to plans.	Yes.
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,	POS generally has a northerly aspect.	Yes.

DCP	Proposed	Complies
the private open space area must have access to some direct sunlight throughout the year (see Solar Access).		
Private open space should be located to the rear of the dwelling to maximise privacy for occupants.	Refer to plans.	Yes.
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.	Swimming pool to be screened.	Yes.
b) Secondary Dwellings:- For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.	Refer to plans.	Yes.
<b>C1.10 Building Façades</b>		
Building facades to any public place including balconies and carpark entry points must not contain any stormwater, sewer, gas, electrical or communication service pipe or conduit that is visible from the public place.	The proposed additions provide an articulated design façade having regard to the existing and proposed development and the fall of the land.	Yes.
For multi dwelling housing, residential flat buildings or seniors housing and similar development that includes multiple dwellings with multiple letterboxes, where possible mailboxes should be orientated obliquely to the street to reduce visual clutter and the perception of multiple dwellings.	Not applicable.	N/A.
<b>C1.11 Secondary Dwellings</b>		
The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.	The secondary dwelling complies with Clause 5.4(9) of PLEP.	Yes.

DCP	Proposed	Complies
A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.	Refer to plans at <b>Annexure A</b> .	Yes.
A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.	Refer to landscape plan at A108.	Yes.
Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.	Detached on the lower level, as shown on the plans.	Yes.
Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.	Compliant.	Yes.
<b>C1.12 Waste &amp; Recycling Facilities</b>		
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.	Refer to attached waste management plan at <b>Annexure G</b> .	Yes.
<b>C1.15 Storage Facilities</b>		
A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	Storage available within the garage to meet this requirement.	Yes

DCP	Proposed	Complies
<b>C1.17 Swimming Pool safety</b>		
Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Refer to plans for compliance.	Yes.

Having regard to the above, the proposed development is consistent with the various controls of the DCP that apply to the subject development.

#### 4.8 LOCAL STRATEGIC PLANNING STATEMENT – TOWARDS 2040

Towards 2040 was adopted by Council as a part of a suite of strategic documents focussed on shaping the LGA over the next 20-year period. Towards 2040 includes:

- a 20-year vision.
- planning priorities that guide local land use planning.
- principles that underpin planning priorities and actions.
- actions we will take to help achieve the priorities.
- measures of success and an implementation program to determine whether priorities have been achieved.

Towards 2040 aligns with the North District Plan and Greater Sydney Region Plan and acts as the bridge between strategic land use planning at the district level and local statutory planning.

The provision of housing aligns with Priority 9 – Infrastructure and Collaboration; Priority 15 – Housing supply, choice and affordability in the right locations and Priority 16 – Access to quality social and affordable housing.

## 5 Assessment of Environmental Impacts

### 5.1 GENERAL

An overview assessment of the environmental effects as proposed in the manner previously described in this report is provided below.

This assessment has had regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act (as amended).

## 5.2 SECTION 4.15 (1) (a) – (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iv) THE REGULATIONS.

The relevant matters for consideration include the provisions of SEPPs, PLEP and PDCP 2014, all of which have been considered in Section 4 of this Report.

## 5.3 SECTION 4.15 (1) (b) – IMPACT OF THE DEVELOPMENT

### 5.3.1 SOCIAL AND ECONOMIC IMPACT

The proposed development would be consistent with providing residential accommodation for the family and affordable housing choice within the secondary dwelling.

### 5.3.2 PRIVACY

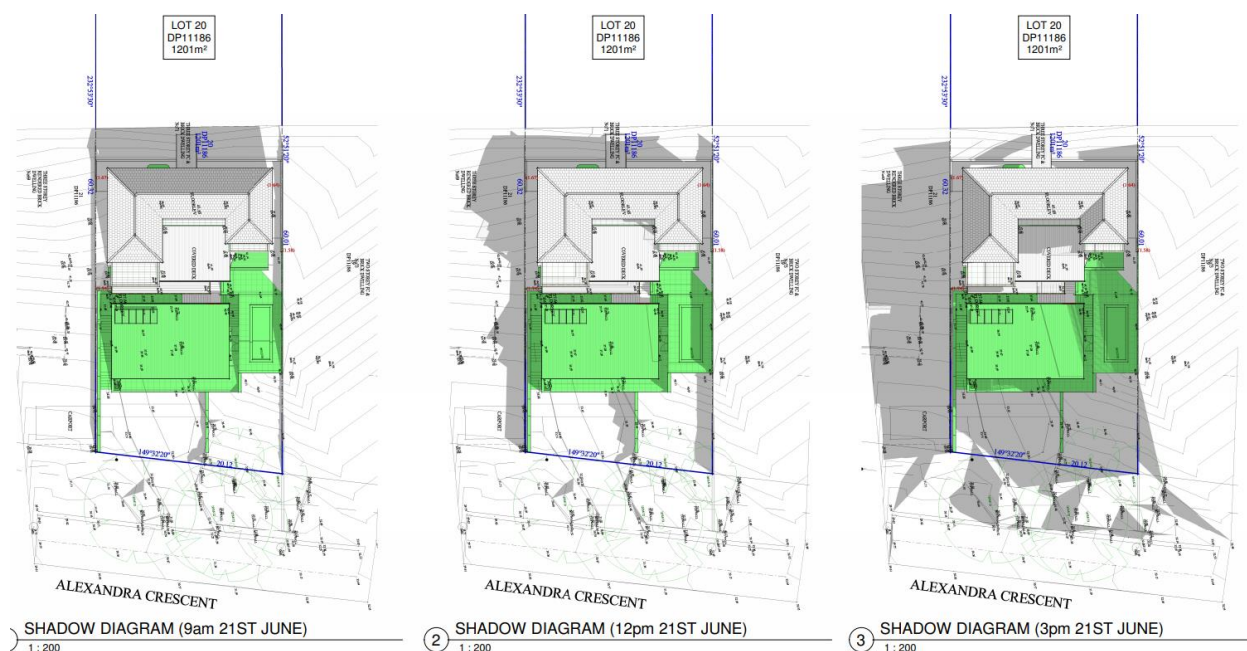
There is no significant overlooking of adjoining properties from balconies, as discussed above.

### 5.3.3 OVERSHADOWING

Shadow diagrams have been provided with this development proposal. **Figure 9** below shows the impact of overshadowing will have on adjoining properties. The plans show the shadows cast by the proposed development.

It would be noted that there is some impact in the morning during the winter solstice on the adjoining property from the existing dwelling and the proposed additions do not extend the current overshadowing impact. The secondary then has to be considered separately and the shadow diagrams do not significant increase the impact, as any impact is within the front setback areas.

FIGURE 10 – SHADOW DIAGRAMS



The amount of overshadowing would not be reasons for refusal of the application.

## 5.4 SAFETY AND SECURITY

The proposed development adopts the principles of “Safer by Design” to ensure that the development will create an environment, which feels safe and is safe for residents and visitors.

### 5.4.1 SAFER BY DESIGN PRINCIPLES

There are four (4) principles, which form the basis of crime risk assessment as it relates to Development Applications.

#### 5.4.1.1 SURVEILLANCE

Surveillance is providing human observation of public space. It can be assisted by providing unobstructed views. Surveillance is an excellent crime deterrent as offenders are more likely to be seen and therefore less likely to actually commit an offence.

We consider that the proposed site layout and design of the dwellings offer good and clear sightlines from the dwelling to all shared areas on the site, with casual surveillance provided from windows and balcony to the front of the property. The dwelling entrance is clearly defined, clearly visible and residents would be able to see any visitor to the property.

#### 5.4.1.2 ACCESS CONTROL

The private open space area will be fenced to discourage illegal entry and activity in the area.

#### 5.4.1.3 TERRITORIAL REINFORCEMENT

Areas that are well protected and look as if they are owned and cared for, give an impression that it is harder to conduct anti-social behaviour. The development, through the design of the building, provides a clear distinction between public and private property. All side and rear fencing will be 1.800 metres high and compatible with both the building design and Council’s policies to restrict access.

### 5.4.2 CONCLUSION

Having regard to the safer by design principles referred to above we are of the opinion that the proposed development, through the building and access design and incorporated safety features described above, provides a satisfactory response in minimising crime risk. Casual surveillance is provided from the windows and balcony at the front of the dwelling.

## 5.5 SECTION 4.15 (1) (c) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject property is located in a residential area that contains single and two-storey development and therefore is suitable to the site. The development complies with the zoning of the land.

## 5.6 SECTION 4.15 (1) (d) – SUBMISSIONS

This cannot be dealt with as part of this Statement. Any submissions received following the public exhibition; the Council will need to consider in relation to Section 4.15 of the Act.

## 5.7 SECTION 4.15 (1) (e) – THE PUBLIC INTEREST

The public interest is an overarching concept. The proposal could be considered to be in the public interest if pursued in accordance with the approval sought. The dwelling additions have been designed to minimise impacts on adjoining properties.

## 6 Conclusion

The proposal is for additions to the existing family dwelling of more appropriate size to the character of the area and the needs of the future family. The development will ensure the dwelling on the subject site provides a streetscape presentation in an appropriate landscape setting suited to the streetscape character of Alexandra Crescent. The secondary dwelling does not impact on the streetscape.

It is therefore considered that the proposal is well designed, having due regard to the constraints of the site and provides for a family dwelling that will provide a good level of amenity for the owners; whilst maintaining a good level of amenity for the neighbours.

In summary, the proposed development is acceptable in the following aspects:

- The proposal is consistent with Council’s policies for the subject site and its surrounds. The proposal is also consistent with the principal objectives and controls of Pittwater DCP 21.
- Three (3) trees will be removed, but such trees have structural issues and will be replaced with suitable landscaping. Such removal is supported by an Arborist report (**Annexure E**) and the biodiversity aspects have also been addressed (**Annexure F**).
- The excavation and terracing works have been assessed by a geotechnical engineer and such works will meet relevant Australian Standards **Annexure D**).
- The proposed secondary dwelling is compliant with Clause 5.4(9) of PLEP 2014 and provides affordable housing and consistent with Section A4.4 of Pittwater DCP 21.
- The proposal also achieves compliance with PLEP 2014.
- The proposal is unlikely to result in any adverse impact on local amenity or detrimental change in the character of the area.

Council is accordingly requested to grant a pragmatic approval in an expedient manner.



# **Annexure “A”**

## **Reduced Architectural Plans**

# Annexure “B”

## Survey Plan

# Annexure “C”

## Stormwater Plans

# **Annexure “D”**

## **Geotechnical Assessment**

# **Annexure “E”**

## **Arboricultural & Tree Management Assessment**



# **Annexure “F”**

## **Biodiversity Assessment**

# **Annexure “G”**

## **Waste Management Plan**