

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and Additions to existing Dwelling House

1 Kanimbla Crescent, Bilgola Plateau

11 April 2022

Prepared by Chapman Planning
Member PIA

NOTE: The information and concepts in this document are the property of Chapman Planning Pty Ltd. Apart from any fair dealings for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Chapman Planning Suite 8/88 Mountain Street, Ultimo.

Table of Contents

1.0 INTRODUCTION and SUMMARY	3
1.1 Development History & Pre-Development Application Meeting	4
2.0 SITE and CONTEXT	6
2.1 Locality Description	6
2.2 Site Description	8
3.0 DEVELOPMENT PROPOSAL	11
4.0 PLANNING CONTROLS.....	13
4.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.....	13
4.2 State Environmental Planning Policy (Resilience and Hazards) 2021	13
4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021	13
4.4 Pittwater Local Environmental Plan 2014	13
4.5 Pittwater 21 Development Control Plan	18
Section A – Shaping Development in Pittwater.....	18
Section B – General Controls.....	19
Section C – Development Type Controls	21
Section D – Locality Specific Development Controls	22
5.0 DEVELOPMENT CONTROL TABLE	25
6.0 ENVIRONMENTAL ASSESSMENT	27
6.1 Planning Instruments	27
6.2 Design and Streetscape Qualities	27
6.3 Visual and Acoustic Privacy.....	27
6.4 Solar Access and Overshadowing	28
6.5 View Impact Analysis	30
6.6 Suitability of the Site	34
7.0 CONCLUSION.....	35

1.0 INTRODUCTION and SUMMARY

This statement has been prepared for *Planned Environment* as part of the supporting documentation for a development application in relation to 1 Kanimbla Crescent, Bilgola Plateau.

The development proposal is for alterations and additions to the existing dwelling house, including a rear addition and kitchen extension and construction of a carport at 1 Kanimbla Crescent, Bilgola Plateau.

The subject site is located within the C4 – Environmental Living zone under the *Pittwater Local Environmental Plan 2014* and the proposed alterations and additions are permissible with development consent.

The proposed alterations and additions have a maximum height of 8.894m measured to the proposed clerestory window and roof element above the existing roof form, and complies with the maximum permissible height of 10m pursuant to Clause 4.3(2D) of the *Pittwater LEP 2014*. The matters for consideration contained in Clause 4.3(2D) of the LEP are addressed within Section 4 of this Statement.

The subject site is located on the southern side of Kanimbla Crescent, approximately 10m south-west of the intersection of Kanimbla Crescent and Wollombi Road, Bilgola Plateau. The subject site currently contains a two storey dwelling with vehicular access at the north-eastern corner of the site. The site contains a number of trees located across the front and rear setbacks noting the rear portion of the subject site adjoining the southern boundary is identified as biodiversity mapped land pursuant to clause 7.6 – Biodiversity of the *Pittwater LEP 2014*.

The site is located 550m west of the South Bilgola Headland and Bilgola Beach. The surrounding locality is characterised by 1-3 storey dwelling houses respond to the topography of the locality which has a significant fall to the south-east from Plateau Road to the north towards Newport Beach.

The existing dwelling is centrally located on the subject site, which has a fall from the front boundary (RL 107.01) to the rear of the site (RL 96.93) of approximately 10.17m across a length of 46.305m. The subject site adjoins 1 -2 storey dwellings to the east and west of the site.

In addition to this Statement of Environmental Effects the development application is accompanied by:

- *Survey Plan numbered 17-91A dated 4 October 2020, prepared by Base Surveying;*
- *Architectural Plans and Shadow Diagrams numbered A001-A12 dated 28 February 2022, prepared by Lien Architects;*
- *Stormwater Plans numbered SW1-SW3, dated 6 March 2022 prepared by Waterdesign Civil Engineers;*
- *Swept Path Analysis prepared by Planning Environment Pty Ltd;*

- *Arborist Construction Impact & Management Statement dated January 2022 prepared by Growing My Way Tree Consultancy;*
- *Bushfire Report dated 21 January 2022 prepared by Bushfire Planning & Design;*
- *Geotechnical Report dated 31 January 2022 prepared by White Geotechnical Group;*
- *Waste Management Plan and*
- *BASIX Certificate*

In this report, the proposal is presented and assessed in relation to the relevant planning controls, being:

- *SEPP (Building Sustainability Index: Basix) 2004;*
- *SEPP (Resilience and Hazards) 2021;*
- *SEPP (Biodiversity and Conservation) 2021;*
- *Pittwater Local Environmental Plan 2014 (LEP);*
- *Pittwater 21 Development Control Plan (DCP);*
- *S.4.15 Environmental Planning and Assessment Act 1979.*

1.1 Development History & Pre-Development Application Meeting

A previous development application DA2021/1200 was lodged with Council and withdrawn following preliminary assessment of the application. A Pre-development application meeting was held with Council on 23 November 2021 relating to this proposal, with the relevant issues raised by Council addressed throughout this Statement and within the table below.

Pre-DA Advice	Comment
Changes from previous withdrawn development application	This Statement has addressed the matter raised by Council including the view sharing planning principle and variations to the built form controls contained within the Pittwater DCP 21.
Proposed carport	The proposed carport has been amended to provide an open construction – lattice material to the eastern elevation to provide an open appearance as raised by Council. Further, the proposed carport roof presents a skillion roof form to mitigate its visual impact upon the streetscape.
Retaining walls along southern boundary	The proposed retaining wall at the rear of the site – southern boundary does not require tree removal. The submitted Tree Impact report prepared by <i>Growing My Way Tree Consultancy</i> confirms that the proposed retaining wall will not impact upon any vegetation within the portion of the site mapped biodiversity.

Further changes put forward by the applicant	This application has incorporated Council's comments. The development does not include a front boundary fence.
Pittwater LEP 2014	An assessment of the application against the provisions of the Pittwater LEP 2014 is contained at Section 4.4 of this Statement.
Pittwater 21 DCP	An assessment of the application against the provisions of the Pittwater 21 DCP is contained at Section 4.5 of this Statement.
Stormwater Engineer	A stormwater management plan prepared by <i>Waterdesign Civil Engineers</i> is submitted with the application.
Biodiversity	<p>The additions to the dwelling house are not within the area of the site that is mapped biodiversity.</p> <p>As detailed previously, the submitted Tree Impact report prepared by <i>Growing My Way Tree Consultancy</i> confirms that the proposed retaining wall will not impact upon any vegetation within the portion of the site mapped biodiversity.</p>
Arboricultural Impact Assessment	The application includes the removal of a tree at the north-eastern corner of the site to accommodate the proposed carport. The submitted Tree Impact report prepared by <i>Growing My Way Tree Consultancy</i> confirms the proposed tree removal is appropriate and can be suitably offset by replacement plantings.
Landscape Plan	Landscaping across the site is proposed to be retained as existing, with native plantings – replacement trees capable of being accommodated across the site to compensate for the proposed tree removal. Ancillary landscaping can be addressed as a condition of development consent
Bushfire Hazard Assessment	A bushfire report prepared by <i>Bushfire Planning & Design</i> is submitted with the application.

2.0 SITE and CONTEXT

2.1 Locality Description

The subject site is located on the southern side of Kanimbla Crescent, approximately 10m south-west of the intersection of Kanimbla Crescent and Wollombi Road, Bilgola Plateau.

The site is located 550m west of the South Bilgola Headland and Bilgola Beach. The surrounding locality is characterised by 1-2 storey dwelling houses respond to the topography of the locality which has a significant fall to the south-east from Plateau Road to the north towards Newport Beach.

The subject site adjoins 1 -3 storey dwellings to the east and west of the site.

The location of the subject site is shown in the following aerial photograph.



Source: SIX Maps Viewer

The streetscape, subject site and surrounding buildings are shown in the following photographs.

Photograph 1 shows the Kanimbla Crescent streetscape as viewed from the intersection of Kanimbla Crescent and Wollombi Road looking west.



Source: *Chapman Planning*

Photograph 2 shows the Kanimbla Crescent streetscape west of the subject site.



Source: *Chapman Planning*

2.2 Site Description

The legal description of the subject site is Lot 152 in DP 29335, known as 1 Kanimbla Crescent, Bilgola Plateau.

The subject site is a rectangular allotment with an angled front boundary and frontage of 24.04m to Kanimbla Crescent, a maximum depth of 46.305m and a total site area of 705.3m². The subject site has a fall from the front boundary (RL 107.01) to the rear of the site (RL 96.93) of approximately 10.17m across a length of 46.305m.

The subject site currently contains a two storey dwelling with vehicular access at the north-eastern corner of the site.

The site contains a number of trees located across the front and rear setbacks noting the rear portion of the subject site adjoining the southern boundary is identified as biodiversity mapped land pursuant to Council's LEP mapping.

The subject site is shown in the following photographs.



Source: SIX Maps Viewer

Photograph 3 depicts the subject site – vehicular access as viewed from Kanimbla Crescent, looking south.



Source: Chapman Planning

Photograph 4 depicts the existing dwelling – roof form as viewed from Kanimbla Crescent.



Source: Chapman Planning

Photograph 5 depicts the existing dwelling on the site – front elevation.



Source: Chapman Planning

Photograph 6 depicts the existing dwelling on the site – rear elevation.



Source: Chapman Planning

3.0 DEVELOPMENT PROPOSAL

The development proposal is for alterations and additions to the existing dwelling, including a rear addition and kitchen extension and construction of a carport at 1 Kanimbla Crescent, Bilgola Plateau.

Architectural Plans prepared by *Lien Architects* are submitted with the development application.

The development proposal is described in detail below:

- **Ground Floor Level**

The proposal retains the front elevation wall at the ground floor level of the existing dwelling, with internal demolition and a rear addition proposed at the southern portion of the ground floor containing a master bedroom with ensuite and balcony orientated towards the rear yard. A kitchen extension is proposed at the north-eastern corner of the existing dwelling.

The resultant ground floor level has been designed with a new entry portico and open plan living/dining area and kitchen extension with direct access to the existing balcony at the ground floor level. A laundry and bathroom are proposed at the northern portion of the ground floor.

A minor side addition is proposed at the north-western portion of the ground floor containing storage area and internal stair access to the lower ground floor level.

- **Lower Ground Floor Level**

The proposed rear addition at the lower ground floor level contains 2 x bedrooms and a new bathroom. The existing lower ground floor area is otherwise retained with excavation proposed at the subfloor area at the north-western corner of this level to contain a storage room.

- **Carport**

A new carport is proposed at the north-eastern portion of the site with a skillion roof form. The carport is of open construction at the western (side) and front elevations, lattice fencing at the eastern (side) elevation and enclosed at the rear elevation with windows facing the dwelling. A new concrete driveway is proposed to replace the existing vehicular crossing on the site.

- **Building Form – Materials and Finishes**

A clerestory roof element is proposed central to the existing roof form, located above the ground floor open plan living area. The proposed alterations and additions have been designed to respond to the existing

dwelling and topography of the site. The overall form and scale of the resultant dwelling being two storeys is consistent with that of the adjoining properties to the east and west.

The additions will be finished in a variety of materials and finishes including horizontally laid fibre cement cladding, aluminium framed windows and doors, and glazed balustrading. The proposed carport incorporates sandstone columns consistent with the existing sandstone retaining wall beneath the existing at-grade parking area on the site.

▪ **Landscape Works**

A concrete sleeper retaining wall with a height of 300mm-1200mm is proposed along the rear boundary of the subject site, and is supported by a Tree Impact Assessment prepared by *Growing My Way* confirming the proposed retaining wall will not impact upon existing vegetation at the rear portion of the site.

Landscaping across the site is proposed to be retained as existing, with native plantings – replacement trees capable of being accommodated across the site to compensate for the proposed tree removal. Ancillary landscaping can be addressed as a condition of development consent

4.0 PLANNING CONTROLS

4.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been prepared for the dwelling and found that the dwelling complies with the State Government's water and energy reduction targets.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated and if contaminated the consent authority must be satisfied that the land is suitable for the purpose.

The subject site has been historically used for residential purposes. The proposed alterations and additions to the existing dwelling house does not involve disturbance of soil that would warrant further investigations in accordance with the Contamination Planning Guidelines.

In this instance the consent authority – Northern Beaches Council can be satisfied that clause 4 of the SEPP has been satisfied and the land is suitable for the purpose.

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

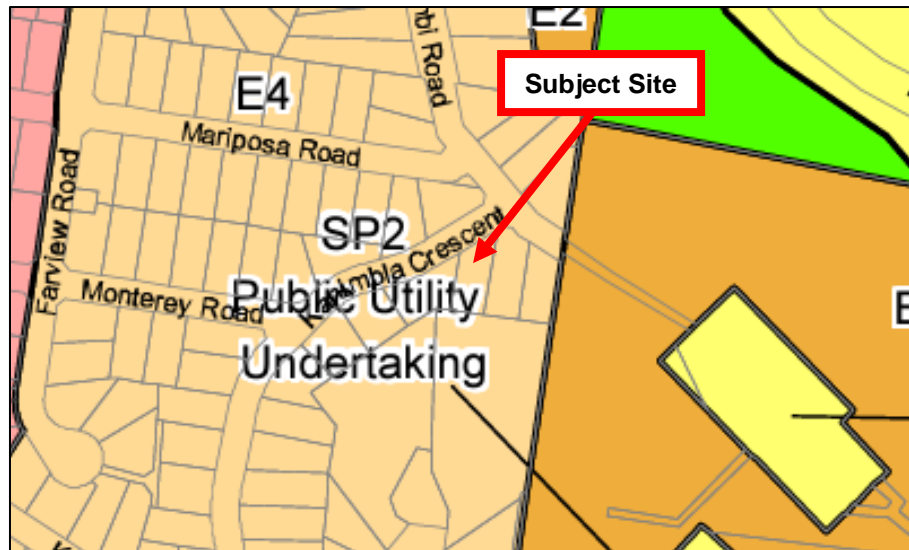
Chapter 2 of the SEPP (Biodiversity and Conservation) 2021 provides provisions regarding vegetation in non-rural areas. The aims of this Chapter are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application includes the removal of a tree at the north-eastern corner of the site to accommodate the proposed carport. The submitted Tree Impact report prepared by *Growing My Way Tree Consultancy* confirms the proposed tree removal is appropriate and can be suitably offset by replacement plantings. Further, the proposed retaining wall will not impact upon any vegetation within the portion of the site mapped biodiversity.

4.4 Pittwater Local Environmental Plan 2014

The subject site is zoned C4 – Environmental Living under the *Pittwater Local Environmental Plan 2014* and *dwelling houses* are permissible with development consent.

The following map shows the zoning of the subject site.



Source: Pittwater LEP 2014

The objectives of the C4 – Environmental Living zone are:

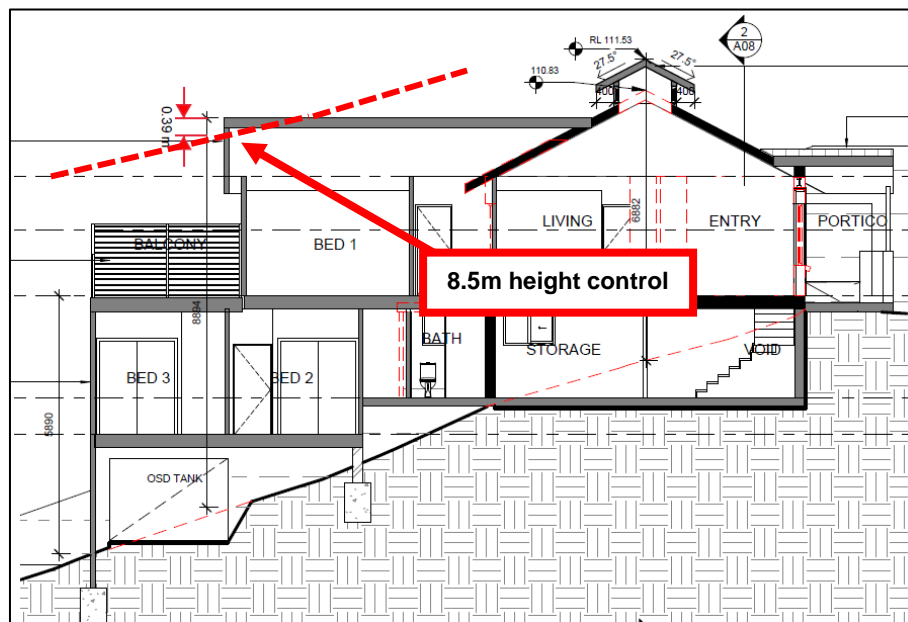
- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The proposed development achieves the objectives of the Environmental Living zone based on the following assessment:

- The proposed development being alterations and additions to the existing dwelling retains the landscape setting of the site and existing significant trees. The development allows for the contemporary uplift to the existing dwelling while being of low environmental impact.
- The proposal will not have an adverse impact upon environmental values of the locality, noting the development retains a landscaped setting and has been designed to minimise intrusions upon significant trees on the site.
- The proposal will not result in fragmentation of ecological communities or biodiversity corridors noting the alterations and additions to the dwelling are not within the biodiversity mapped land. The proposed retaining wall at the rear of the site will not impact upon trees and vegetation, and the development does not present risks to life, property and the environment from bushfires.

- The form and scale of the proposed development is consistent with building forms in the immediate locality which includes two storey forms within the immediate visual catchment of the site.
- The proposal will not result in unreasonable amenity impacts to the adjoining properties. These issues are addressed at Section 6 of this statement.

Clause 4.3 Height of Buildings contains the building height control for the subject site with reference to the Height of Buildings Map, being 8.5m. The proposed alterations and additions result in a maximum height of 8.894m measured to the rear addition roof form as depicted in the plan extract below:



Source: Lien Architects

Clause 4.3(2D) permits a maximum building height of 10m for the subject site, stating:

(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the [Height of Buildings Map](#) may exceed a height of 8.5 metres, but not be more than 10.0 metres if—

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the [Height of Buildings Map](#) is minor, and*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

The proposed development complies with the maximum permissible height of 10m, pursuant to the provisions of Clause 4.3(2D) based on the following assessment:

- (a) The portion of the development above the 8.5m height control is negligible being confined to the rear roof edge – top of ridge and eave of the proposed rear addition. The portion of the roof form above 8.5m will be imperceptible from the public domain noting this element of the proposal is located at the rear of the site.
- (b) The development achieves the objectives of the height control contained at Clause 4.3(1) as follows:
 - a. The proposed development is consistent with the desired character of the locality being a two storey dwelling that generally complies with the 8.5m height control. It is noted that the element above the height control is the direct result of the topography of the land which has a steep fall central to the site.
 - b. The overall form and scale of the resultant dwelling including the two storey form at the rear of the site is consistent with that of the adjoining properties to the east and west.
 - c. The proposal will not have a significant adverse overshadowing impact upon adjoining properties as addressed at Section 6 of this Statement.
 - d. The proposal does not present any significant view loss impacts as addressed at Section 6 of this Statement.
 - e. The alterations and additions have been designed to respond to the topography of the site with the proposed rear addition located above an existing rock outcrop, noting the variation is the result of the fall of the land south of the rock outcrop central to the site.
 - f. The proposal will not have an adverse visual impact upon the natural environment. The site is not located within a heritage conservation area or within the vicinity of any heritage items.
- (c) The proposed addition is located above a portion of the site with a fall of 1.58m from the rock outcrop on the site beneath the proposed rear addition (RL102.23) to the lower garden area beneath the proposed balcony (RL100.65) across a length of 4.5m, being a slope of 35.1%.
- (d) The proposed development has been designed to conform to the topography of the site and minimise cut and fill, noting the proposed rear addition has a recessed upper level (Bedroom 1).

Clause 4.4 Floor Space Ratio does not apply to the proposal noting Council's FSR Map does not list an FSR for the site.

Clause 5.10 Heritage Conservation does not apply to the proposal noting the site is not identified as containing a heritage item or being within a conservation area.

Clause 7.1 Acid Sulfate Soils applies to the proposal as the subject site is mapped as Class 5 Acid Sulfate Soils. The proposal does not involve any significant excavation and as such is unlikely to disturb any Acid Sulfate soils.

Clause 7.2 Earthworks the development proposal includes excavation to the existing sub-floor level at the north-west portion of the existing building footprint and minor excavation to accommodate an OSD within the undercroft of the rear addition. A Geotechnical Report prepared by *White Geotechnical Group* is submitted with the development application. The report concludes:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice."

Clause 7.5 Coastal Risk Planning does not apply to the proposal as the site is not identified on the Coastal Risk Planning Map.

Clause 7.6 Biodiversity applies to the proposal as the proposal as the site is identified as "Biodiversity" on the Biodiversity Map. It is noted that the Department of Planning, Industry and Environment's *Biodiversity Values Map* indicates only the rear most portion of the site as containing 'Biodiversity Value' land as depicted below:



Source: Lien Architects

The proposed alterations and additions are located outside of the portion of the site mapped 'Biodiversity Value' and do not result in adverse impacts upon significant vegetation on the subject site.

The submitted Tree Impact report prepared by *Growing My Way Tree Consultancy* confirms that the proposed retaining wall along the southern

boundary of the site will not impact upon any vegetation within the 'Biodiversity Value' mapped portion of the site:

The very bottom portion of the site is captured by the NSW Government "Department of Planning, Industry & Environment" Biodiversity Values Map. No vegetation disturbance other than footings for the as proposed on existing ground level southern new boundary retaining wall. Simply, no vegetation captured by the BVM will be damaged or destroyed.

As such the proposal is considered to be acceptable with respect to the provisions of Clause 7.6 of the LEP.

Clause 7.7 Geotechnical Hazards applies to the site as the site is identified as "Geotechnical Hazard H1" on the Geotechnical Hazard Map. The proposal includes excavation to accommodate the proposed alterations and additions. A Geotechnical Report prepared by *White Geotechnical Group* is submitted with the development application.

Clause 7.10 Essential Services applies to the proposal and the site will continue to be serviced by existing services and utilities.

4.5 Pittwater 21 Development Control Plan

The Pittwater 21 DCP 2014 applies to the proposal. The relevant numerical development controls are addressed in the Development Control Table at Section 5 of this statement and the planning provisions such as amenity impacts, view loss, overshadowing, and streetscape character are addressed at Section 6 of this statement. The remaining provisions are addressed under the following headings.

Section A – Shaping Development in Pittwater

A4 – Localities

A4.3 Bilgola Locality

The site is located within the Bilgola locality, within the *Plateau Area*. The proposed alterations and additions have been designed to generally retain the presentation of the dwelling to the street noting the proposed additions and clerestory roof addition are recessed below the street level and will not be highly visible from the street. The development proposal retains the site's landscape setting and has been designed with a stepped form to respond to the topography of the site. The proposal retains significant landscaping within the front, side and rear setbacks ensuring the site continues to provide a landscape setting to Kanimbla Crescent.

The site is not located within the Bilgola locality visual protection area. Notwithstanding, the proposed alterations and additions have been designed to maintain view corridors along the side setbacks and over the subject site.

The proposed alterations and additions have been designed to generally comply with building envelope controls for the site noting minor variation as a result of roof eaves is considered acceptable and has been addressed within this report.

Section B – General Controls

B3 – Hazard Controls

B3.1 Landslip Hazard

A Geotechnical Report prepared by *White Geotechnical Group* is submitted with the development application and demonstrates compliance with the requirements contained within the Geotechnical Risk Management Policy for Pittwater (Appendix 5). The Geotechnical Report concludes:

“9. Suitability of the Proposed Development for the Site

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.”

B3.2 Bushfire Hazard

The subject site is identified as bushfire prone land and a Bushfire Risk Assessment prepared by *Bushfire Planning & Design* is submitted with the development application. The Bushfire Risk Assessment concludes:

“Based on the above report and with the implementation of the recommendation contained within this report the consent authority should determine that this development can comply with the requirements of AS 3959-2018 and ‘Planning for Bushfire Protection’ guidelines.”

B3.6 Contaminated Land and Potentially Contaminated Land

The development proposal has addressed Chapter 4 of SEPP (Resilience and Hazards) 2021. The subject site has been historically used for residential purposes. The proposed alterations and additions do not involve the disturbance of soil that would warrant further investigations in accordance with the Contamination Planning Guidelines.

B4 – Controls Relating to the Natural Environment

B4.2 – B4.5 Flora and Fauna Conservation

The Department of Planning, Industry and Environment’s *Biodiversity Values Map* indicates only the rear most portion of the site as containing ‘Biodiversity Value’.

The proposed alterations and additions to the dwelling houses are located outside of the portion of the site mapped ‘Biodiversity Value’ and do not result in adverse impacts upon significant vegetation on the subject site. The submitted Tree Impact report prepared by *Growing My Way Tree Consultancy*

confirms that the proposed retaining wall along the southern boundary of the site will not impact upon any vegetation within the 'Biodiversity Value' mapped portion of the site:

The very bottom portion of the site is captured by the NSW Government "Department of Planning, Industry & Environment" Biodiversity Values Map. No vegetation disturbance other than footings for the as proposed on existing ground level southern new boundary retaining wall. Simply, no vegetation captured by the BVM will be damaged or destroyed.

The proposal is therefore considered acceptable with respect to part B4.2-B4.5 of the DCP.

B4.6 Wildlife Corridors

The development proposal does not impact, reduce or degrade habitats for locally native species, threatened species, endangered populations or endangered ecological communities. The development proposal retains an adequate buffer to wildlife corridors.

B4.17 Littoral Rainforest – Endangered Ecological Community

The development proposal does not include any work within the Littoral Rainforest. The development proposal maintains existing landscape and mature trees at the rear of the site and landscaped area has been maintained consistent with Council requirements ensuring the proposal will not significantly impact on adjacent littoral rainforest.

B4.22 Preservation of Trees and Bushland

The development application includes the removal of 1 x tree at the north-eastern corner of the site to accommodate the proposed carport. The submitted Tree Impact report prepared by *Growing My Way Tree Consultancy* confirms the proposed tree removal is appropriate and can be suitably offset by replacement plantings.

B5 – Water Management

B5.1 Water Management Plan

Stormwater Plans prepared by *Waterdesign Civil Engineers* are submitted with the development application.

B6 Access and Parking

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

The proposal retains the existing vehicular access from Kanimbla Crescent, with new paving proposed to replace the existing driveway crossing. A driveway long section prepared by *Lien Architects* is submitted with the development application.

Part B6.3 of the DCP requires 2 x car spaces for dwellings with >2 bedrooms. The proposed carport has a dimension of 5.5m x 5.5m and therefore provides

a single car space on the site. The proposed variation to the carparking rate is considered acceptable as the carport replaces an existing at-grade parking space on the subject site, and the provision of a double carport with dimensions to meet the requirements of Council's DCP – 5.7m x 6.0m is likely to result in adverse visual impacts upon the streetscape.

B8 – Site Works and Management

B8.1 Construction and Demolition – Excavation and Landfill

The development proposal includes excavation at the sub floor levels to accommodate storage areas and OSD tank. A Geotechnical Report prepared by *White Geotechnical Group* is submitted with the development application confirming that the proposed excavation is suitable with respect to Part B8.1 of the DCP.

B8.2 Construction and Demolition – Erosion and Sediment Management

An erosion and sediment control plan prepared by *Waterdesign Civil Engineers* is submitted with the development application.

B8.3 Construction and Demolition – Waste Management

A waste management plan considering the opportunities for retaining, recycling, and reuse of building materials, whilst considering compliant storage and disposal methods of building material waste in a safe and appropriate manner throughout the construction process is submitted with the development application.

B8.4 Construction and Demolition – Site Fencing and Security

The site will be protected by site fencing for the duration of the works. This can be addresses by condition of consent.

Section C – Development Type Controls

C1 – Design Criteria for Residential Development

C1.1 Landscaping

Landscaping across the site is proposed to be retained as existing, with native plantings – replacement trees capable of being accommodated across the site to compensate for the proposed tree removal. Ancillary landscaping can be addressed as a condition of development consent

C1.2 Safety and Security

The proposed alterations and additions have been designed in accordance with the requirements of Crime Prevention Through Environmental Design (CPTED). The proposal maintains passive surveillance of the public domain and open areas of the site through orientating living areas and bedrooms to the front and rear boundaries. Access to the dwelling is easily identifiable and the dwelling entry is clearly visible and appropriately lit.

C1.7 Private Open Space

The resultant dwelling is provided with private open space >80m² in the form of landscaped yard areas and balconies accessed from open plan living area to meet the provisions of Part C1.7 of the DCP.

C1.12 Waste and Recycling Facilities

The proposal will continue to store waste bins within site boundaries, as existing. A waste management plan is submitted with the development application.

C1.13 Pollution Control

The proposed alterations and additions have been designed, and will be constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.

C1.15 Storage Facilities

The dwelling contains undercroft storage areas.

C1.23 Eaves

The proposed alterations and additions incorporate eaves on all elevations of the dwelling.

Section D – Locality Specific Development Controls

D3 – Bilgola Locality

D3.1 Character as Viewed from a Public Place

The proposed alterations and additions have been designed to generally retain the presentation of the dwelling to the street noting the proposed additions and clerestory roof addition are recessed below the street level and will not be highly visible from the street. The proposal retains the front elevation wall of the dwelling, with a new entry portico and kitchen extension being consistent in alignment with the eastern adjoining dwelling. The front façade is articulated and includes windows and entry portico.

The proposal includes a new carport to replace an existing at-grade parking area on the site. The proposed carport is located in front of the building line and is considered acceptable noting it is of open construction to the northern and western elevations, and open lattice fencing to the eastern elevation. The carport will sit comfortably within the landscape setting of Kanimbla Crescent with a skillion roof form – shallow pitch.

D3.2 Scenic Protection – General

The site is not located within the Bilgola locality visual protection area. Notwithstanding, the proposed alterations and additions have been designed to maintain view corridors along the side setbacks and over the subject site. The proposed alterations and additions have been designed to generally comply with building envelope controls for the site noting minor variation as a

result of roof eaves is considered acceptable and has been addressed within this report. As such the proposal does not impact on the visual scenery of the site when viewed from Kanimbla Crescent.

D3.3 Building Colours and Materials

The proposed alterations and additions and secondary dwelling will be finished in a variety of materials and finishes which complement the landscape setting including horizontally laid fibre cement cladding, aluminium framed windows and doors, and glazed balustrading. The proposed carport incorporates sandstone columns consistent with the existing sandstone retaining wall beneath the existing at-grade parking area on the site.

D3.6 Front Building Line

The development proposal includes a carport within the front setback, which is of open construction to its front and side elevations as supported by Council at Pre-Development Application stage. The proposed carport will have an acceptable impact and has been designed with a shallow pitch skillion roof form and sandstone columns that will mitigate the visual impact of the structure. The retained landscaping along the front boundary of the site will ensure the structure is viewed within a landscaped setting.

The proposed entry portico presents a variation to the 6.5m front building line control with a setback of 6.421m to the front boundary. The proposed variation is minor being confined to the western column of the entry portico. This element of the proposal will not be highly visible from the street or adjoining properties, noting the site topography and fall of the land from the street does not present any amenity impacts, and does not impact upon any significant vegetation and as such will not contravene the objectives of Part D3.6 of the DCP.

D3.10 Landscaped Area – General

Landscaping across the site is proposed to be retained as existing, with native plantings – replacement trees capable of being accommodated across the site to compensate for the proposed tree removal. Ancillary landscaping can be addressed as a condition of development consent.

The site is located within the C4 Environmental Living zone and as such a landscaped area of 60% is to be provided on the site. The proposed alterations and additions result in a landscaped area of 413.3m² – 58.6% of the site which is considered acceptable noting up to 6% of the total site area may be provided as impervious landscape treatments when used for outdoor recreational purposes. The portion of the existing lower ground floor balcony that is <1m from natural ground level contributes to this additional impervious area and as such the proposal complies.

D3.12 Fences – General

No front fencing is proposed.

D.3.14 Construction, Retaining Walls, Terracing and Undercroft Areas

The proposal includes outdoor terrace areas that have been designed as timber decks in accordance with this Part of the DCP, with the proposed undercroft areas having a height of <3.5m.

The proposed retaining wall along the southern boundary of the site is supported by a Tree Impact Report prepared by *Growing My Way Tree Consultancy* confirms that the proposed retaining wall will not impact upon any vegetation within the portion of the site mapped biodiversity, concluding:

“The proposed southern boundary retaining wall below Tree #1 is confirmed to be within the trees calculated Tree Protection Zone & Structural Root Zone radial distances. On this basis, the section of retaining wall within 4.80m of its trunk centre will require a structure to be built with “flexibly located, manually excavated footing sites” with the retaining wall portion supported by beams preferably at or above existing natural ground level. See page 10, proposed site plan to confirm the location of the retaining wall.

The very bottom portion of the site is captured by the NSW Government “Department of Planning, Industry & Environment” Biodiversity Values Map. No vegetation disturbance other than footings for the as proposed on existing ground level southern new boundary retaining wall. Simply, no vegetation captured by the BVM will be damaged or destroyed.”

D3.15 Scenic Protection Category One Areas

The site is not located within the Bilgola locality visual protection area. Notwithstanding, the proposed alterations and additions have been designed to maintain view corridors along the side setbacks and over the subject site.

The proposed alterations and additions have been designed to generally comply with building envelope controls for the site noting minor variation as a result of roof eaves is considered acceptable and has been addressed within this report.

5.0 DEVELOPMENT CONTROL TABLE

The following table is an assessment of the development proposal in accordance with the relevant numerical planning controls contained in Pittwater LEP 2014 and Pittwater 21 DCP.

	Proposed	Standard	Compliance
Pittwater LEP 2014			
Height of Buildings	8.894m 7.772m *Measured from existing store level RL103.805 to the clerestory ridge RL111.53	8.5m 10m on sloping sites	Yes Note: Compliance with C14.3(2D) achieved.
Pittwater 21 DCP			
Part B6 Access and Parking			
B6.3 Off-street vehicle parking requirements	Double carport – 5.5m x 5.5m	5.7m x 6m for two adjacent vehicles	*Note 1
Part C1 Design Criteria for Residential Development			
C1.1 Landscaping	58.6% >60% when impervious recreational area (lower ground balcony) included	60% - 423.18m ²	Yes
C1.7 Private Open Space	Private open space as existing – front yard and rear landscaping area	Min. 80m ²	Yes
Part D3 Bilgola Locality			
D3.6 Front building line	Carport – nil setback Dwelling – >6.4m	6.5m of established building line whichever is greater	*Note 2
D3.7 Side and rear building line	2.93m (Eastern boundary) 2.207m (Western boundary) 6.5m (Rear boundary)	2.5m setback on one side 1m setback on other side 6.5m rear setback	Yes Yes Yes
B3.9 Building envelope	Minor variation to building envelope due to roof form	3.5m building envelope with 45 degree plane above	*Note 3
D3.10 Landscaped Area	58.6% >60% when impervious recreational area (lower ground balcony) included	60% - 423.18m ² Up to 6% may be provided as impervious outdoor recreation	Yes

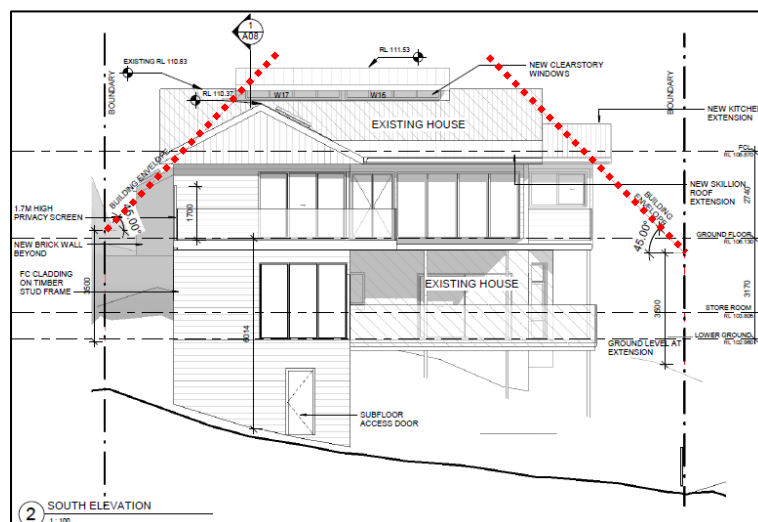
	Proposed	Standard	Compliance
		space – pergola, paved POS, patio, uncovered decks	

Note 1: Part B6.3 of the DCP requires 2 x car spaces for dwellings with >2 bedrooms. The proposed carport has a dimension of 5.5m x 5.5m and therefore provides a single car space on the site. The proposed variation to the carparking rate is considered acceptable as the carport replaces an existing at-grade parking space on the subject site, and the provision of a double carport with dimensions to meet the requirements of Council's DCP – 5.7m x 6.0m is likely to result in adverse visual impacts upon the streetscape.

Note 2: The development proposal includes a carport within the front setback, which is of open construction to its front and side elevations as supported by Council at Pre-Development Application stage. The proposed carport will have an acceptable impact and has been designed with a shallow pitch skillion roof form and sandstone columns that will mitigate the visual impact of the structure. The retained landscaping along the front boundary of the site will ensure the structure is viewed within a landscaped setting.

The proposed entry portico presents a variation to the 6.5m front building line control with a setback of 6.421m to the front boundary. The proposed variation is minor being confined to the western column of the entry portico. This element of the proposal will not be highly visible from the street or adjoining properties, does not present any amenity impacts, and does not impact upon any significant vegetation and as such will not contravene the objectives of Part D3.6 of the DCP.

Note 3: The proposed alterations and additions present a variation to the building envelope control contained in Part B3.9 of the DCP, measured to the roof eave of the kitchen extension – north-eastern portion of the dwelling, and roof eave of the rear addition – south-western portion of the dwelling as depicted in the below plan extract:



The minor variation to the building envelope control will not result in any unreasonable solar access impacts to neighbouring properties noting the variation is confined to roof eaves that do not contribute excessive overshadowing or visual impact upon adjoining properties. The development therefore achieves the objectives of the control notwithstanding numerical variation.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Planning Instruments

The planning instruments applying to the subject site and this development proposal are addressed in detail in the previous section of this report.

In summary, the subject site is zoned C4 – Environmental Living pursuant to the *Pittwater LEP 2014* and alterations and additions to *dwelling houses* are permissible under the LEP with the consent of Council.

The development proposal meets the intent and performance criteria of the development controls contained in the Pittwater 21 DCP with the proposed dwelling being compatible with the form of development in the locality, and will not result in unreasonable amenity impacts to the adjoining properties with regard to solar access, privacy or view loss.

6.2 Design and Streetscape Qualities

The proposed alterations and additions improve the residential amenity and functionality of the existing dwelling on the site, and the resultant built form is consistent with the form and scale of the adjoining dwellings to the east and west – visual catchment of the subject site.

The proposal generally retains its existing appearance to Kanimbla Crescent noting the entry portico and clerestory roof element proposed by the application will not be highly visible from the streetscape given the retention of existing landscaping at the front boundary and location of the existing ground floor level recessed below the street level. The development will not significantly impact on the visual setting of the dwelling when viewed from the public domain.

The proposal includes substantial landscaped area forward of the front building line and maintains the site's landscape setting when viewed from the public domain – Kanimbla Crescent. The proposed carport is of open construction and shallow pitch skillion roof form and will sit comfortably within the streetscape, with this element softened by existing landscaping along the front boundary.

The proposed works meet the intent and performance criteria of the streetscape provisions contained in the Pittwater 21 DCP.

6.3 Visual and Acoustic Privacy

The proposed alterations and additions to the dwelling house will not result in unreasonable visual or acoustic privacy impacts to the surrounding properties. The dwelling house is residential in nature and any noise generated from the use is consistent with the residential locality.

The proposed rear addition and balcony at the south-western portion of the site has been designed with its orientation towards the rear yard of the site and to the south-west, with screening provided by existing landscaping between the subject site and swimming pool at the eastern adjoining property – 30 Wollombi Road.

The proposed balcony has been designed to maximise views with sightlines provided to the south-east towards Newport Beach rather than directly towards the adjoining property. A fixed privacy screening is proposed at the western elevation of the proposed balcony to mitigate overlooking towards the western adjoining property at 3 Kanimbla Crescent.

The proposed lower ground and ground floor windows of the rear addition are adequately separated from the eastern boundary of the site – 10.5m and will not impact upon the privacy and amenity of the subject site and adjoining properties. New windows and balconies are generally accessed from bedroom areas, not high usage rooms and are unlikely to present privacy impacts to adjoining properties. It is noted that the existing balconies to be retained continue to be accessed from similarly used internal areas, with the new eastern-facing window at the ground floor dining area unlikely to present visual privacy impacts upon the adjoining dwelling.

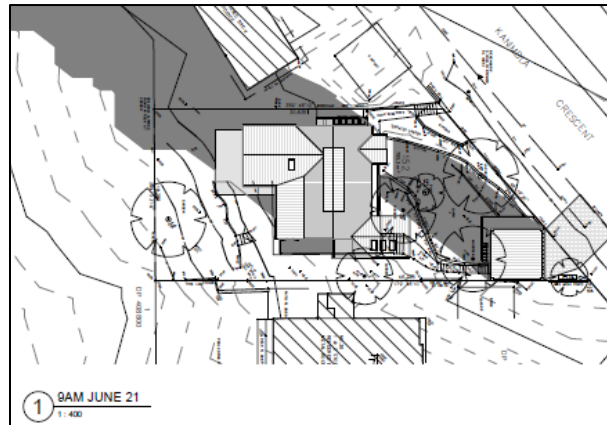
In summary, the development proposal has been designed to meet the visual and acoustic privacy controls contained in Part C1.5 & C1.6 of the Pittwater 21 DCP.

6.4 Solar Access and Overshadowing

The subject site has a north-south orientation and the proposed additions have been designed to maximise solar access to the internal areas of the dwelling. The proposed kitchen extension and new window to the open plan dining area will improve solar access to the ground floor living areas, with the clerestory roof element providing additional natural light to the dwelling.

The development application is supported by shadow diagrams prepared by *Lien Architects*. The shadow diagrams are prepared at mid-winter showing the proposed shadows cast. The overshadowing at 9am – 3pm mid-winter is summarised as follows:

- **9am:** The shadow cast at 9am by the proposed rear addition will fall to the south-west upon the rear yard and eastern elevation of the adjoining dwelling at No. 3 Kanimbla Crescent as depicted in the plan extract below. It is noted that the eastern elevation of 3 Kanimbla Crescent does not contain any windows.

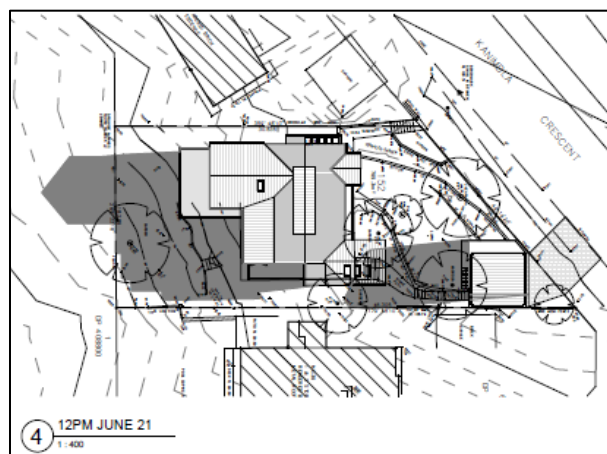


Proposed shadow diagrams at 9am – Lien Architects



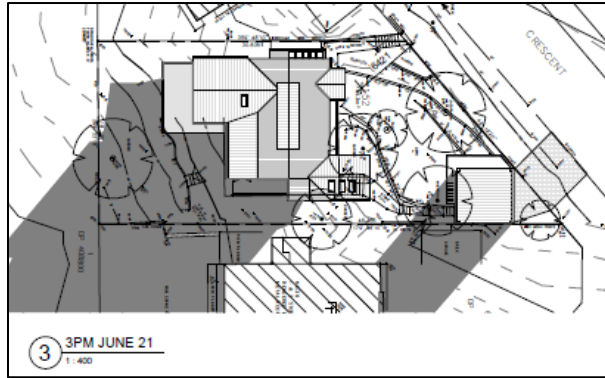
Adjoining dwelling at 3 Kanimbla Crescent as viewed from subject site

- **12 noon:** The shadows cast at 12pm in midwinter fall within the subject site.



Proposed shadow diagrams at 12pm – Lien Architects

- **3pm:** The shadow cast at 3pm in midwinter falls to the south-east upon the rear yard of the adjoining property at 30 Wollombi Road.



Proposed shadow diagrams at 3pm – Lien Architects

The shadow impacts of the proposal are considered acceptable noting the western adjoining property will retain greater than 3 hours of solar access to its private open space and dwelling as existing from 11am-3pm in midwinter. Further, the eastern adjoining property will retain greater than 3 hours of solar access as existing from 9am-1pm in midwinter. The proposal meets the solar access controls contained in Part C1.4 of Pittwater 21 DCP.

6.5 View Impact Analysis

The proposed dwelling will not result in an unreasonable loss of views or outlook from the public domain or nearby properties, noting the proposal complies with the 8.5m height control for the subject site measured to the top of clerestory roof form element at the front portion of the site. The proposed additions and clerestory roof addition are recessed below the street level and will not be highly visible from the street.

The proposal has been designed to mitigate unreasonable obstruction of views across the site from the adjacent dwelling at 28 Wollombi Road, Bilgola Plateau. Significant views and potentially affected properties are depicted in the aerial photographs below.



Source: SIX Maps

As depicted in the aerial photograph above, significant views within the locality are towards the south and south-east towards the South Bilgola Headland.

The nearby properties and view lines across the subject site are depicted in the following aerial photograph below, with view lines depicted in blue:



Source: SIX Maps

The plans have been assessed in accordance with the view sharing principles established in *Tenacity Consulting Pty Ltd v Warringah Council (2004)* [NSWLEC 140] as follows:

Step 1: Assessment of views to be affected

The views attained across the subject site are to the south and south-east towards Newport Beach – ocean and district views.

Step 2: Consider from what part of the property are the views obtained

The views accessed from 28 Wollombi Road are from an upper-level balcony and windows over the site, whilst views from the adjoining property at 3 Kanimbla Crescent are from rear elevation windows across the rear portion of the site which is not proposed to contain any buildings. The eastern adjoining property at 30 Wollombi Road enjoys views to the south and south-east from upper level balconies and windows. These areas are depicted in the photographs below:

Photograph 7 depicts the southern elevation balconies and windows of 28 Wollombi Road.



Source: Chapman Planning

Photograph 8 depicts the southern elevation windows of 3 Kanimbla Crescent.



Source: Chapman Planning

Photograph 9 depicts the southern elevation windows and balconies of 30 Wollombi Road.



Step 3: Assess the extent of the impact

The views accessed to the south and south-east over the subject site from 28 Wollombi Road will largely be retained noting the proposed clerestory roof element (RL 111.53) has a height of 700mm above the existing roof ridge (RL 110.83), with these elements approximately 3m above the street level (RL108.30).

The southern elevation upper level balcony of 28 Wollombi Road has a floor level of RL 114.94 being 3.41m above the proposed clerestory roof form element. As such, the proposal will have a negligible impact upon the views accessed from this balcony over the subject site with the roof element retaining the vast majority of ocean and district views, and outlook from this area. The view impact of the proposed clerestory roof element upon 28 Wollombi Road is considered to be negligible in this regard.

The proposed rear addition will not have an adverse view loss impact upon the western adjoining dwelling at 3 Kanimbla Crescent with the southern elevation windows of this dwelling enjoying views across the rear portion of the subject site which is not proposed to contain any built form.

Step 4: Assess the reasonableness of the proposal

The proposed development complies with the 8.5m building height control when measured to the clerestory roof element. The element of the proposal above 8.5m at the south-western portion of the rear addition meets the provisions of Clause 4.3(2D) of the LEP and will not result in any view loss impacts.

The proposal complies with the relevant built form and envelope controls which apply to the site, and is of a form that is envisioned by the planning controls and is consistent with the desired future character of the site.

With regard to the above, the proposed dwelling is considered to be acceptable noting any view loss impacts would be acceptable as the proposal has been designed to respond to site constraints and complies with the planning controls – permissible building height under Clause 4.3(2D). In this instance the proposal satisfies the provisions of the *Tenacity Test* and the view loss provisions of Part C1.3 of the Pittwater 21 DCP.

6.6 Suitability of the Site

The proposed alterations and additions and resultant built form is a suitable form of development in the locality. The proposal seeks to improve the residential amenity of the existing dwelling on the subject site in a form consistent with that of the adjoining properties to the east and west.

The proposal is a suitable form of development for the site and there are no specific site constraints that should restrict the development of the land as proposed.

7.0 CONCLUSION

In conclusion it is considered that the proposed development is acceptable under the considerations of S.4.15 of the E.P& A. Act 1979. The following conclusions are made in relation to the development proposal:

- *The proposed alterations and additions to the existing dwelling house are permissible with the consent of Council pursuant to the Pittwater LEP 2014;*
- *The proposed alterations and additions to the dwelling house results in a maximum height of 8.894m and 7.72m measured from the existing store level to the clerestory roof form complying with the 10m building height control afforded to the subject site (sloping land) pursuant to clause 4.3(2D) of the Pittwater LEP 2014;*
- *The proposed carport at the front portion of the subject site will not have a significant visual impact upon the streetscape and will sit comfortably within a landscape setting;*
- *The resultant built form of the dwelling is generally consistent with the desired future character of the Bilgola Locality pursuant to Part A of the Pittwater 21 DCP, and the proposed additions are a suitable development of the existing dwelling;*
- *The proposal retains significant landscaping on the subject site and the dwelling will sit within a landscape setting to Kanimbla Crescent;*
- *The proposed tree removal at the north-eastern corner of the site and retaining wall along the southern boundary are accompanied by a Tree Impact Assessment prepared by Growing My Way which confirms that the proposed works will not result in unreasonable loss of vegetation or impact on the biodiversity mapped part of the subject site;*
- *The proposed dwelling meets the intent and performance criteria of the relevant development controls contained in the Pittwater 21 DCP; and*
- *The proposed alterations and additions will not result in amenity impacts to the surrounding properties with regard to overshadowing, privacy or significant view loss.*

For reasons outlined in this Statement of Environmental Effects, it is my opinion that the development application for the proposed alterations and additions at 1 Kanimbla Crescent, Pittwater should be granted development consent.

Chapman Planning Pty Ltd
Member Planning Institute Australia