

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE CONSTRUCTION OF A NEW DWELLING AND DRIVEWAY ACCESS

AT

32 BELLARA AVENUE, NORTH NARRABEEN

FOR

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**Prepared
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1.0 Introduction

This Statement of Environmental Effects has been prepared to assist Council in the consideration of a development application seeking consent for the construction of a new dwelling and driveway access at **32 Bellara Avenue, North Narrabeen**.

Accompanying the application are architectural plans prepared by Inlet Design Studio, Project No BEL001, Sheets A01 – A10 dated 18 November 2024 to detail the construction of a new two storey dwelling with driveway access and car parking within the vacant site.

The new dwelling is to be constructed within the identified building platform resulting from the previous approved subdivision of 66 Powderworks Road & 31 Bellara Avenue, North Narrabeen, as detailed in the determination of DA2018/1335. The application was the subject of an appeal to the Land and Environment Court of New South Wales, Case Number 2018/0039177.

The consent was issued by the Court and the lot subsequently created as Lot 1 within DP 1271591.

As part of the determination, an approved building envelope was created within the site and the proposal intends to construct the new dwelling within the identified building envelope.

Access to the site is via the current driveway access at the eastern, cul-de-sac end of Bellara Avenue and will provide for driveway access to the proposed garage within the building footprint, in accordance with the Driveway Civil Works plans prepared by Taylor Consulting Engineers, Drawing No CIVIL – 1/B dated 12 July 2024.

Infrastructure services to the site are available from Bellara Avenue.

The site also benefits from an allotment drainage easement which conveys stormwater via the downhill properties to Nareen Parade.

The proposed stormwater management infrastructure works necessary to support the new dwelling have been detailed in plans prepared by Taylor Consulting Engineers, Drawing No STORM -4/B dated 12 July 2024. The stormwater management design will direct collected roof and stormwater via an on-site detention system, to an inter-allotment drainage line provided for the site which directs stormwater to the street gutter in Nareen Parade.

The drawing list for the proposed new dwelling includes the following :

A01	Site Plan/Landscaped Area Plan
A02	Site Plan
A03	Lower Ground Floor Plan
A04	Ground Floor Plan
A05	First Floor Plan
A06	South and North Elevations
A07	East and West Elevations
A08	Section A-A and B-B
A09	Illustrated Window and Door Schedule
A10	Shadow Diagram

A Landscape Plan has been prepared by Peta Gilliland Landscape Design, Drawing No L001, Sheet 1/1 dated 6 February 2024.

The proposal is also supported by a Biodiversity Assessment Report prepared by East Coast Ecology, dated January 2025.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2024*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 32 Bellara Avenue, North Narrabeen, being Lot 1 within Deposited Plan 1271591 and is zoned C4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is noted as 'W Hazard H1' on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd, Reference No. J5770, dated 24 October 2024, and this will be discussed in further detail within this report.

Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*, identifies the subject site as being located within the Biodiversity Values (BV) Map, together with being on Council's Map. These issues will be discussed in further detail within this report.

There are no other hazards affecting this site.

3.0 Site Description

The site is located at the eastern, cul-de-sac end of Bellara Avenue, Paul from with a generalised fall from the north-east to the south-west.

The site is currently undeveloped, other than a sandstone clad front fence facing Bellara Avenue providing driveway entry point from the street to the site.

In accordance with the consent issued by the Land and Environment Court, an identified building platform is provided within the site, with partial clearing of vegetation within the platform to facilitate the construction of the new dwelling.

The site has a total site area of 1516m².

The details of the land are shown on the Survey Plan by C.M.S Surveyors Pty Limited, Reference 21642detail, dated 19 August 2022 & 12 February 2024, which accompanies the DA submission.



Fig 1: Location of subject sites
(Source: Google Maps)



Fig 2: View of the Bellara Avenue eastern cul-de-sac and driveway entry to the subject sites (via 32 Bellara Avenue), looking north-east



Fig 3: View of the location of the driveway entry to the site, looking east from Bellara Avenue



Fig 4: View of the subject site and location of proposed new dwelling, looking north -west



Fig 5: View of the eastern portion of the subject site and adjoining property at No 64 Powderworks Road, looking north



Fig 6: View of the southern portion of the subject site, looking south



Fig 7: View of the southern portion of the subject site, looking south-west towards the adjoining neighbour at No 29 Bellara Avenue

4.0 The Surrounding Environment

The general vicinity of the site is characterised by varied allotments with a mix of low density residential developments within landscaped settings.

To the east, the lots which face Powderworks Road reduce in their depth and the proposed allotment size is compatible with the wider pattern in Bellara Avenue and surrounding streets including Powderworks Road.



Fig 8: Aerial view of the subject sites
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans, the proposal will involve the construction of a new dwelling within the approved allotment being Lot 1 within DP 1271591, known as No 32 Bellara Avenue.

The new works will comprise:

Lower Ground Floor

- Proposed new lower ground floor level to provide for a double garage, entry, mudroom, laundry, internal stair access to ground floor level and vertical passenger lift

Ground Floor

- Proposed lower lounge, three bedrooms, linen room, bathroom, separate powder room, stair and lift access and an external southern deck

First Floor

- Master bedroom with ensuite and walk-in robe, retreat, powder room, open plan kitchen /dining/living room, butlers pantry, lift and stair access and east facing deck

External

- Driveway with turning area with access from Bellara Avenue
- Landscaping of the site in accordance with landscape plan prepared by Peta Gilliland Landscape Design dated 6 February 2024

The proposed dwelling will present a stepped 2 storey form over the garage which is located at the southern end of the building. As discussed in this submission, the proposal complies with Council's height control and will maintain generous setbacks to all boundaries.

The new dwelling will adopt a concrete floor with timber framed construction, weatherboard cladding and a colour bond steel roof. The external finishes will utilise natural materials and earthy tones.

To assist Council in the consideration of the proposed building footprint for the new dwelling and driveway access, the proposal is accompanied by an Arboricultural Impact Assessment prepared by Joanne Willis, Revision A dated 3 July 2024.

The Assessment considers the impact of the work on 32 trees which are noted as being within the site and within the neighbouring properties.

The construction of the new dwelling will see the removal of 10 protected trees, which are noted being of moderate or low retention value.

The proposed building is located within the approved building envelope which was the subject of the Land and Environment Court proceedings under Case Number 2018/0039177. The Court

determination included a identified building platform which is considered to be the most appropriate position for the new building and the design has adopted the approved envelope as the basis for the siting of the new building.

The Landscape Plan prepared by Peta Gilliland Landscape Design provides for the replacement planting of additional 5 new species which have a mature height of between 6 - 10 m to replace the trees that are being removed.

The works include the provision infrastructure services and a driveway access to Bellara Avenue.

The proposed stormwater management infrastructure works necessary to support the new dwelling have been detailed in plans prepared by Taylor Consulting Engineers, Drawing No STORM – 4/B dated 12 July 2024.

The stormwater management design will direct collected roof and stormwater via an on-site detention system, to the inter-allotment drainage line which benefits the site and was provided during the original subdivision to create the lot on which directs stormwater to the street gutter in Nareen Parade.

Driveway access to the site will be provided from Bellara Avenue accordance with the Driveway Civil Works plans prepared by Taylor Consulting Engineers, Drawing No CIVIL – 1/B dated 12 July 2024.

The proposed development presents the following indices:

Site Area	1516m²
Landscaped Area	1188m ² or 78.3% (excl. any permissible variations)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

The site falls within the Biodiversity Values Map however the location of the dwelling and driveway is consistent with the area identified within the Land and Environment Court of New South Wales Proceedings - Case Number 2018/0039177, which established a building envelope for future development within the site.

The proposal is supported by a Biodiversity Development Assessment Report prepared by East Coast Ecology, dated January 2025.

The proposal seeks to remove a number of trees to accommodate the new works. Accordingly, an Arboricultural Impact Assessment has been prepared by Joanne Willis, dated 8 July 2024, and accompanies this submission.

Up to 11 trees will be removed, with the majority of the trees being removed being low or moderate significance. The proposal is supported by a Landscape Plan which will provide for replacement tree planting and can be supplemented as required by Council.

The remaining significant trees are to be retained and protected, in accordance with the biodiversity values of the locality.

Any new landscaping would include native vegetation, no exotic vegetation. The development is designed, sited and will be managed to avoid any significant adverse environmental impact at any surrounding trees on the neighbouring sites.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. Given the history of residential use of the land and the site otherwise historically undisturbed, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

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

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the Policy.

6.4 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned C4 Environmental Living all it is under the provisions of the PLEP 2014.

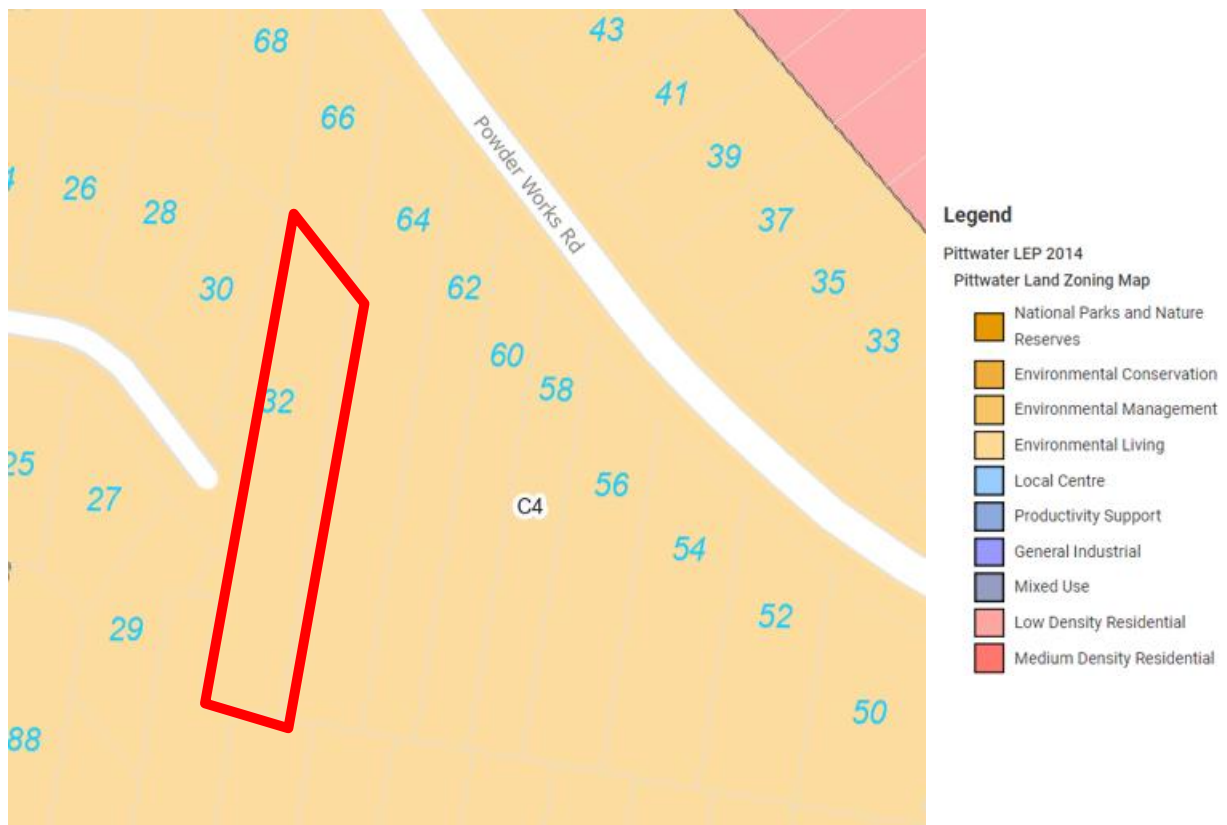


Fig 9: Extract of Zoning Map of PLEP 2014

The proposed construction of a new residential dwelling within the site with associated landscaping and infrastructure is considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the C4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *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.

It is considered that the proposed construction of a new dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new developments in the vicinity and therefore complements the locality.
- The proposal provides for a new dwelling with driveway access and services which will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- As discussed in this submission, it is considered that the proposal does not have any unreasonable impact on long distance views for the nearby properties.

Clause 4.3 Height of Buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of North Narrabeen is 8.5m.

The proposed new dwelling will provide for building height of up to 9.056m to the south-western extremity of the roof adjacent to the stairwell, with the significant majority of the building being come to be under the 8.5m control as measured above existing ground level.

Given the challenging slope and nature of the site, the building is intended comply with the height standard for steeper sloping sites as discussed below.

Clause 4.3(2D) of PLEP 2014 provides that the height of buildings may reach up to 10m in height, subject to consistency with certain criteria.

In this instance, the particularly steep nature of the site as it falls towards the south west results in the building presenting elements which breach the 8.5m height, with a small portion of the roof of the dwelling to be up to 9.056m in height.

The land has a fall across the building footprint from north-east to south-west of 7.74m with a site slope of 34.7%.

As discussed below, it is considered that the development does achieve the objectives of the variations provision within clause 4.3, notwithstanding the non-compliance of the 8.5m height control.

The proposal is considered to achieve the objectives of the height of buildings development standard as follows:

- ***to ensure that any building, by virtue of its height and scale, is consistent with the desired future character of the locality,***

The proposal reflects the established built form character of the immediate area where multi-level, variably stepped dwelling houses are prevalent, due to the steep topography of the land and difficulty with pedestrian and vehicular access.

The proposed works have been designed to accommodate the steep slope of the site, while providing the required gradients for safe entry and exit for vehicles to Bellara Avenue.

The proposal is for a three (3) level dwelling house. It is the new roof form of the First Floor that contributes to the non-compliance and is considered to be a minor area of non-compliance that is comparable with surrounding development, and characteristic of the area.

The design of the new dwelling is compatible with the other dwellings in the immediate locality and therefore compliments the residential nature of the site. Notwithstanding the minor non-compliance with the 8.5 m height control, the proposal is considered to be consistent with the objectives of the zone and the urban context of the local area.

- ***To ensure that buildings are compatible with the height and scale of surrounding and nearby development.***

The development is located on the downward slope of the North Narrabeen escarpment below Powderworks Road, which is characterised by undulating topography. This results in variable built forms, such that there is an eclectic mix of height and scale in which to be compatible with. Notwithstanding that the overall height of the development presents a minor non-compliance with the 8.5 m height control (6.5%) it is representative of a three (3) storey development when viewed from the property to the south, and a one (1) storey development when viewed from the upslope of the site. The non-compliance is located at the south-western of the roofline over the stairs and lift area due to the topographical nature of the site.

The non-compliance is considered to be relatively minor and does not unreasonably conflict with the height and scale of surrounding and nearby development. In this context, the proposed height non-compliance is considered to be compatible.

- ***To minimise any overshadowing of neighbouring properties.***

The south-western roof element (where the maximum height protrusions occur) does not contribute to any unreasonable overshadowing of adjoining properties.

- ***To allow for the reasonable sharing of views.***

It is considered that the non-compliance along the south-western edge of the proposed roof does not impact the viewing angle from surrounding properties. The height non-compliance does not have an unreasonable impact upon the existing views from further up the escarpment due to the higher placement/vantage point of these properties.

- ***To encourage buildings that are designed to respond sensitively to the natural topography.***

The proposal is reliant upon the existing topography of the site and sensitively steps down the sloping escarpment. The proposal's design provides sufficient breaks in the built form, such that there is no unreasonable building bulk when viewed from neighbouring properties.

- ***To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.***

Despite the topographical constraints of the site, the development's design creates additional articulation and visual interest, generally within the existing building footprint to minimise site disturbance. The design presents sufficient setbacks from the boundaries such that the visual impact of the building will be appropriately managed. Existing landscaping has been retained wherever possible and additional landscaping will soften and filter the built form. As a result, the proposal will be sufficiently integrated into the existing landscaped setting.

The remainder of the criteria prescribed by clause 4.3(2D) of PLEP 2014 have also been considered, as follows:

- ***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.***

The consent authority can be satisfied that the portions of the development that exceed the 8.5m building height plane are limited in height and depth.

- ***The building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%).***

The topography of the site is very steep with a slope gradient well in excess of 16.7° (site slope - 34.7%) within the location of the proposed building footprint.

- ***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 proposal do not present any substantial change or disturbance to the existing areas of excavation within the site. The extent of change to the site is not unreasonable in the context of the site and does not present as excessive built form as seen from the public domain.

Due to the nature of topographical constraints on the slope site, the proposal is considered be subject to the 10 m height control and therefore by compliance with the 10m height control (9.056m), the proposed development can be considered to be consistent with the criteria of clause 4.3(2D) of PLEP 2014, if applicable and the height of 9.056m should be supported.

Clause 7.1 – Acid Sulfate Soils

The site falls within Class 5 of the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve the works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m

Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Clause 7.2 – Earthworks

The works do not involve any significant site disturbance other than for the construction of the driveway and cut areas for the new dwelling.

The site is noted as ‘W Hazard H1’ on Council’s Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd, Reference No. J5770, dated 24 October 2024.

The Investigation 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”.

All works will be carried out in accordance with the recommendations of the Consulting Geotechnical & Structural Engineers and will therefore satisfy the provisions of this clause.

Clause 7.6 – Biodiversity protection

The site is identified on Council’s biodiversity map. As discussed in the Arboricultural Impact Assessment prepared by Joanne Willis, the proposal will involve the loss of trees within the nominated building area for the new dwelling which was briefly determined within the Land and Environment Court proceedings relating to the subdivision of land to create the subject site and the proposed building location. Supplementary replanting will be provided to compensate for the removal of existing trees.

The proposal is supported by a Biodiversity Development Assessment Report prepared by East Coast Ecology, dated January 2025.

A comprehensive Landscape Plan has been prepared by Peta Gilliland Landscape Design to provide for the managed replanting of the site and the supplementary planting of 14 additional trees with a mature height of between 6-10 m.

Further supplementary planting can be provided as necessary.

Clause 7.10 – Essential Services

The proposal will provide all essential services to each of the lots proposed.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

6.5 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D11 North Narrabeen Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.5.1 Section A Introduction

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

A4.11 North Narrabeen Locality

The North Narrabeen locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

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

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the North Narrabeen commercial centre on Pittwater Road will reflect the status of the centre as the 'gateway' to Pittwater through building design, signage and landscaping, and will reflect principles of good urban design.

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.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

The construction of a new dwelling within the vacant allotment will not present any significant noise or traffic issues associated with the normal vehicle movements to and from the site, with the additional traffic generated by the development not being discernible in the existing traffic flows of Bellara Avenue and access to the area from Nareen Parade.

The new dwelling will be constructed with driveway access via the cul-de-sac and of Bellara Avenue, with the turning area located within the sites are vehicles can enter and leave the site in a forward direction.

The proposal will provide the opportunity for additional housing within a bushland setting and through the use of complementary building materials and finishes will integrate with the landform and landscape.

6.5.2 Section B General Controls

The General Controls applicable to the construction of the proposed new dwelling and associated infrastructure are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

Protection of private and public infrastructure and assets. (S)

The site is noted as 'W Hazard H1' on Council's Geotechnical Hazard Map. A Geotechnical Investigation has been prepared by White Geotechnical Group Pty Ltd, Reference No. J5770, dated 24 October 2024.

The Investigation 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".

All works will be carried out in accordance with the recommendations of the Consulting Geotechnical & Structural Engineers and will therefore satisfy the provisions of this clause

B4.4 Flora and Fauna Habitat Enhancement Category 2 Land and Wildlife Corridor

The controls seek to achieve the outcomes:

Conservation, enhancement and/or creation of habitats for locally native flora and fauna to ensure the long-term viability of locally native flora and fauna and their habitats. (En)

The proposal will require the removal of 10 protected trees to accommodate the new dwelling, however the tree loss is limited to the area previously identified through the Land and Environment Court Proceedings to be the intended location for the new dwelling.

The proposal is supported by a Biodiversity Development Assessment Report prepared by East Coast Ecology, dated December 2024.

A comprehensive Landscape Plan has been prepared by Peta Gilliland Landscape Design to provide for the managed replanting of the site and the supplementary planting of additional 5 trees with a mature height of between 6-10 m.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

The site has the benefit of an inter-allotment drainage each which conveys collected stormwater to the street gutter in Nareen Parade. T

The proposed stormwater management infrastructure works necessary to support the new dwelling have been detailed in plans prepared by Taylor Consulting Engineers, Drawing No STORM -4/B dated 12 July 2024.

The Stormwater Management Design will direct collected roof and stormwater via an on-site detention system, to an inter-allotment drainage line provided for the site which directs stormwater to the street gutter in Nareen Parade.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

Safe and convenient access.

Reduce visual impact of driveways.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

Driveway access to the site will be provided from Bellara Avenue in accordance with the Driveway Plan & Long Sections prepared by Taylor Consulting Engineers, Drawing No CIVIL – 1/B dated 12 July 2024.

B6.3 Off-Street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

The proposed new dwelling provides for a double garage with driveway access from Bellara Avenue and the opportunity for vehicles to turn within the site to enable vehicles to enter and leave the site in a forward direction.

The proposed parking arrangements are considered to comply with Council's requirements.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation and construction not to have an adverse impact. (En)

Excavation operations not to cause damage on the development or adjoining property. (S)

The proposal will require some excavation to accommodate the new works. All works will be carried out under the guidance of the consulting Structural Engineer.

B8.2 Construction & Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

The proposal will not require excavation to accommodate the new works. All works will be carried out under the guidance of the consulting Structural Engineer.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the following outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

The construction works will seek to minimise waste by re-using material where possible or

recycling appropriate materials. All construction waste will be removed from the site to an approved waste facility.

6.5.3 Section C Development Type Controls for Residential Development

The Development Type Controls applicable to the proposed new dwelling are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The proposal maintains a suitable area of soft landscaping on the site, with opportunity for new plantings to soften and screen the built form of the new works.

A comprehensive Landscape Plan has been prepared by Peta Gilliland Landscape Design to provide for the managed replanting of the site and the supplementary planting of an additional 5 trees with a mature height of between 6-10 m.

The site will maintain its contribution to the landscaped character of the locality.

C1.3 View Sharing

The controls seek to achieve the outcomes:

- A reasonable sharing of views amongst dwellings. (S)*
- Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*
- Canopy trees take priority over views. (En, S)*

The subject and adjoining properties currently enjoy local views and more distant views towards Narrabeen Beach to the south-east.

The proposed new dwelling is an appropriate response to the challenges of the site's topography, with substantial side setbacks, which has been excavated to nestle into the site.

Views over and past the dwelling will be maintained for the properties to the west and north-west and given that the building is set towards the lower end of the site, is not considered the proposal will adversely impact on any significant views for neighbouring properties.

The works present as a modest two storey form above ground level that will therefore see reasonable access to the available views for the site and the neighbouring dwellings, achieving Council's view sharing principles.

C1.4 Solar Access

The controls seek to achieve the outcomes:

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

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

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

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

The proposal is accompanied by Shadow Diagrams for the new dwelling which demonstrate that reasonable solar access is preserved for the properties to the south of the site, which are generally located substantial distance downslope, facing the lower side of the Bellara Avenue cul-de-sac.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)

A sense of territory and safety is provided for residents. (S)

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

The new dwelling is located down slope of the adjacent western neighbour, and up slope of the properties to the south facing either the lower side of the cul-de-sac to Bellara Avenue or Noreen Parade.

The designs successfully orients views from the living areas within the subject site or out and over the surrounding properties. Given the significant separation from neighbouring properties to the south or to the north (well in excess of 9m) reasonable privacy for the subject dwelling and for the surrounding properties is preserved.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources. Due to the residential nature of the proposed works, no acoustic privacy impacts are anticipated.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided with suitable private open space with an area and grade which will facilitate outdoor private recreation.

The private open space areas of the dwelling are provided either as terraces or within the northern yard of the site which can receive appropriate solar access throughout the day and are well separated from the surrounding properties.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

There is sufficient inside the proposed garage for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service and can be collected from the street frontage to Bellara Avenue.

C1.23 Eaves

The controls seek to achieve the outcomes:

Housing that reflects the coastal heritage and character of Pittwater. (S)

Optimise roof forms. (S)

Appropriate solar access and shading is achieved. (En)

The required controls to achieve the outcomes are to ensure that all dwellings incorporate eaves into their design.

The new works to construct a dwelling within the subject site incorporate appropriate eaves as part of its design.

6.5.4 Section D Locality Specific Development Controls

The **D11 North Narrabeen Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

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

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

A summary of the DCP controls for the **D11 North Narrabeen Locality** is provided below:

D11.1 Character As Viewed From A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

As discussed, the proposed new dwelling will present a compatible size and configuration to the surrounding development, which also successfully manage the sloping topography of the area, providing for street parking and appropriate residential amenity for the properties.

D11.2 Scenic Protection – General

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

The proposed works for the construction of the new dwelling will present a modest two-three storey stepped scale that is compatible with the residential characteristics of the locality.

The proposal maintains a generous area of soft landscaping, and will not require the removal of any significant vegetation.

Accordingly, the proposed development is considered to be in keeping with the desired outcomes of the scenic protection area.

D11.3 Building colours and materials

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)*

The proposed colours and finishes for the new dwelling will be selected to complement existing works and the characteristics of the neighbourhood.

A Schedule of External Finishes has been provided which notes the use of earthy and natural materials.

D11.6 Front Building Line

The controls seek to achieve the outcomes:

*achieve the desired future character of the Locality.
Equitable preservation of views and vistas to and/or from public/private places. (S)
The amenity of residential development adjoining a main road is maintained. (S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Vehicle manoeuvring in a forward direction is facilitated. (S)*

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The site presents a side boundary relationship to Bellara Avenue and the new dwelling has a setback from 2.956 m to the street and located clear of the driveway entry point.

With the screening presented by the enclosing boundary wall at the cul-de-sac end of Bellara Avenue, the proposal does maintain a sense of openness to the street and the proposed front setback is considered to be reasonable.

D11.7 Side and rear building line

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The amenity of residential development adjoining a main road is maintained. (S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Vehicle manoeuvring in a forward direction is facilitated. (S)

To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback 2.5m to at least one side and 1m for the other.

The proposed new dwelling maintain side setbacks of 2.353m and 2.956m as general minimum setbacks to the eastern and western boundaries and will comfortably exceed Council's minimum side setback controls.

The proposed dwelling has a substantial setback to the southern boundary and from 16.316m to the northern boundary, providing for substantial spatial separation from the surrounding properties.

The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D11.9 Building Envelope

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.

To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.

The bulk and scale of the built form is minimised. (En, S)

Equitable preservation of views and vistas to and/or from public/private places. (S)

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposed new dwelling presents significant side setbacks and as a consequence of the dwelling being excavated into the site and the rising site levels as the property climbs towards the rear northern boundary, the proposal will comply with Council's building envelope control to the side boundaries.

The proposed development maintains a modest two storey scale, which respects the site's slope and will not present an overbearing form when viewed from the streetscape.

The proposal is in keeping with the desired outcomes of this clause and is worthy of support

D11.11 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)

The bulk and scale of the built form is minimised. (En, S)

A reasonable level of amenity and solar access is provided and maintained. (En, S)

Vegetation is retained and enhanced to visually reduce the built form. (En)

Conservation of natural vegetation and biodiversity. (En)

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)

To preserve and enhance the rural and bushland character of the area. (En, S)

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The significant size of the lot and the limited building footprint results in up to 78.3% of the site been maintained for soft landscaping.

The proposal is in keeping with the outcomes of this clause, and is worthy of support on merit.

D11.12 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood.

To define the boundaries and edges between public and private land between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways), for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

The proposal does not provide for any new boundary fencing.

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

7.1 The provisions of any environmental planning instrument

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

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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

There are no draft instruments applying to the land.

7.3 Any development control plan

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

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

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

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

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

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

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

It is considered that the proposal, which seeks consent for the construction of a new dwelling and driveway within the subject lot at 32 Bellara Avenue, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

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

7.7 The suitability of the site for the development

The subject land is currently zoned C4 Environmental Living under the provisions of PLEP 2014 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

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

7.9 The public interest

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

8.0 Conclusion

The principal objective of this development is to provide for the construction of a new single dwelling within the subject lot at No 32 Bellara Avenue.

The location of the new dwelling and garage with driveway access is can persistent with the identified building platform considered under the Land and Environment Court Proceedings – Case No 2018/0039177.

The development of the lot in the manner proposed will provide for appropriate services to facilitate the use of the land for single residential purposes.

The proposal is a site-specific design response which takes advantage of the property's superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome presents the opportunity for the inclusion of a new dwelling to supplement the housing stock in the locality, with the architectural plans for the proposed dwelling presenting a design that responds to the site, and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height and displays a complementary and compatible building form when considered in the site's visual catchment generally.

The provision of a new dwelling within the subject lot maintains the rhythm of development and the setbacks provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

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

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