

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE PROPOSED CONSTRUCTION OF A NEW SWIMMING POOL

LOCATED AT

1054 BARRENJOEY ROAD, PALM BEACH

FOR

PAUL & JACQUELINE GILL



**Prepared
August 2022**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	The Surrounding Environment.....	9
5.0	Proposed Development	10
6.0	Zoning and Development Controls	11
6.1	State Environmental Planning Policy (Resilience and Hazards) 2021.....	11
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	11
6.3	Pittwater Local Environmental Plan 2014	11
6.4	Pittwater 21 Development Control Plan	15
6.4.1	Section A Introduction	15
6.4.2	Section B General Controls	16
6.4.3	Section C Development Type Controls for Residential Development.....	20
6.4.4	Section D Locality Specific Development Controls.....	23
7.0	Matters for Consideration under Section 4.15 of the EP&A Act	28
7.1	The provisions of any environmental planning instrument	28
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	28
7.3	Any development control plan	28
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.....	28
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	28
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.	28
7.7	The suitability of the site for the development	29
7.8	Any submissions made in accordance with this Act or the regulations	29
8.0	Conclusion	29

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Paul and Jacqueline Gill by Volker Klemm Landscape Design, Sheets DA 01, Revision D dated July 2022 to detail the proposed construction of minor additions and alterations to the existing dwelling and a new swimming pool and associated landscaping at **1054 Barrenjoey Road, Palm Beach**

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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Pittwater Local Environmental Plan 2014 (PLEP 2014)*
- *Pittwater 21 Development Control Plan 2014 (P21 DCP)*

2.0 Property Description

The subject allotment is described as 1054 Barrenjoey Road, Palm Beach, being Lot 6C within Deposited Plan 13374. The site is subject to a split zoning, with the majority of the site zoned C4 Environmental Living and a small portion of the frontage of the site zoned SP2 Infrastructure under the provisions of PLEP 2014.

The site falls within Class 3 and 5 on the Acid Sulfate Soils Map of PLEP 2014. The land is also identified as 'Hazard H2' on the Geotechnical Hazard Map of PLEP 2014. These matters will be discussed in further detail within this statement.

The site has been identified within the Low and Medium Risk Precincts on the Flood Hazard Map. This matter will be discussed further within this statement.

The site is located as 'Biodiversity' on the Biodiversity Map of PLEP 2014. The site is also identified as being within the 'Vegetation Buffer' on Council's Bushfire Hazard Map. These matters will be addressed further in the report.

The subject site does not contain any heritage items, is not in the vicinity of any known items and is not within a conservation area.

The SP2 zoned portion of the site is identified on the Land Reservation Acquisition Map of PLEP 2014 and is reserved for the purpose of 'Classified Road'. This will be discussed further within this statement.

3.0 Site Description

The site is located on the eastern side of Barrenjoey Road and slopes gradually towards the front western boundary, with a total fall of approximately 2.9m over its length.

The site is slightly irregular in shape, with a front boundary measuring 17.985m to Barrenjoey Road, northern and southern side boundaries measuring 57.25m and 56.39m respectively. The rear boundary measures 10.66m and the total site area is 809.1m².

The site is currently developed with a one and two story brick dwelling with a tile roof. A double garage is located at the front of the lower level of the dwelling, with access from Barrenjoey Road gained via a driveway that runs along the southern side boundary.

The existing stormwater system is to be maintained, with stormwater directed to the street.

The details of the current site are contained within the survey report prepared by Adam Clerke Surveyors Pty Ltd, Reference Number 1022, dated 9 February 2022 which accompanies the DA submission.

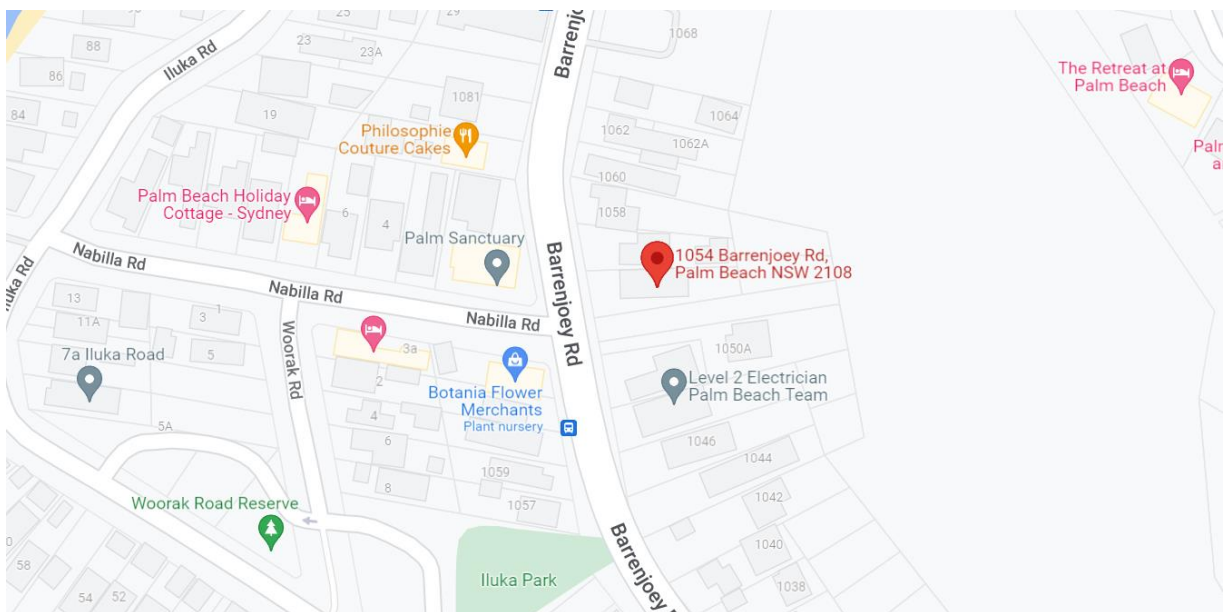


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the subject site, looking east from Barrenjoey Road



Fig 4: View of the subject dwelling and entrance driveway, looking west from Barrenjoey Road



Fig 5: View of the existing driveway and parking area, looking east



Fig 6: View of the existing garage and location of the proposed storage addition to the existing garage, looking north-east



Fig 7: View of the of the existing front yard conditions, looking north



Fig 8: View of the rear yard of the subject dwelling looking west (pool location on LHS of view)



Fig 9: View of the location of the proposed pool. Looking east towards the rear boundary (pool RHS of view)

4.0 The Surrounding Environment

Land to the north and south along the western side of Barrenjoey Road predominantly comprises low density residential development of varying age and architectural style. Land to the west and north-west, on the opposite side of Barrenjoey Road, comprises various forms of development of mixed use and density, including shop top housing development, a registered club, and commercial premises. Land to the south-west predominantly comprises low density residential development. The site immediately adjoins Mackay Reserve, to the east and an access and drainage reserve to the south.



Fig 10: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of minor additions alterations to the existing dwelling to provide for a small storage area with internal access from the existing garage and a new swimming pool and associated landscaping.

The proposed swimming pool works are limited to the backyard, within a portion of the site that is generally level and free of vegetation.

The proposed storage area to be added to the existing double garage is located at the front of the site facing Barrenjoey Road. The area to be developed for the garage storage is similarly free of any significant vegetation and generally level.

In light of the excavation associated with the construction of the proposed swimming pool, a Geotechnical Investigation has been prepared by AscentGeo Consulting Geotechnical Engineers, Reference No. AG 22162, dated 4 May 2022 to accompany the application.

As the site is identified as being prone to bushfire, the application is supported by a Bushfire Risk Management Report by Building Code & Bushfire Hazard Solutions P/L, which confirms that the works can be undertaken in accordance with the provisions of Planning for Bushfire Protection 2021.

A Flood Risk Management Report prepared by Approved Consulting Engineers, Job No 2022053, Issue A dated 11 August 2022 to support this application, which confirms that the proposed pool and garage storage area will not affect flooding generally within the locality.

The proposal not require the removal of any significant trees. In Further, the Landscape Plan by Volker Klemm Landscape Design demonstrate the proposed incorporation of additional landscaping across the site.

The development indices for the development are summarised over as:

Site Area	809.1m ²
Required Landscape Area	60% or 485.46m ²
Proposed Landscape Area	38% or 306m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Clause 4.6(1)(a) of SEPP (Resilience and Hazards) prescribes that the consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

The proposal is consistent with the provisions of Chapter 4 of this policy.

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

The proposed swimming pool has a volume of less than 40,000L (36,000L) and does not constitute BASIX development. The proposed addition of the dwelling comprises a non-habitable storage area and also does not attract BASIX requirements. As such a BASIX Certificate is not required.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned SP2 Infrastructure and C4 Environmental Living under the provisions of the PLEP 2014.



Fig 11: Extract of Zoning Map of PLEP 2014

The proposed works are limited to the portion of the site zoned C4 Environmental Living. The proposed swimming pool, being ancillary to a dwelling house, is permissible with consent.

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 minor additions and alterations and new swimming pool Sue wasn't so we can 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 development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.
- The proposed development does not have any impact upon existing vegetation.
- The proposed development has been designed to be safe from hazards.

Clause 4.3 – Height of Buildings

PLEP 2014 prescribes a maximum building height for the subject site of 8.5m. The maximum height of the proposed storage area will be up to 4.11 m and with the works in the rear yard limited to the height of the pool fence of approximately 1.8m, the proposal will comply with the maximum building height prescribed by clause 4.3 of PLEP 2014.

Clause 5.1 – Relevant acquisition Authority & 5.1A – Development on land intended to be acquired for a public purpose

The SP2 zoned portion of the site is identified on the Land Reservation Acquisition Map of PLEP 2014 and is reserved for the purpose of 'Classified Road'. The application does not seek consent for any development within this portion of the site.

Clause 5.21 – Flood planning

The site has been identified within the Low and Medium Risk Precincts on the Flood Hazard Map and is subject to the provisions of clause 5.21 of PLEP 2014.

The application is supported by a Flood Risk Management Report prepared by Approved Consulting Engineers, Job No 2022053, Issue A dated 11 August 2022 which provides a discussion of the proposed

element which acknowledges that the works will not result in any loss of flood storage and provides recommendations to ensure that the site remain suitably protected from flood hazard.

The proposed works will be carried out in accordance with the recommendations of the flood assessment.

As such, Council can be satisfied that the proposed development is consistent with the requirements and objectives of clause 5.21 of PLEP 2014.

Clause 7.1 – Acid Sulfate Soils

The site falls within Class 3 and 5 on the Acid Sulfate Soils Map of PLEP 2014. The works the subject of this application are wholly maintained within the Class 5 portion of the site. The excavation associated with the proposed swimming pool is unlikely to lower the watertable below 1m AHD on adjacent Class 1, 2, 3 or 4 land, and as such the preparation of an acid sulphate soils assessment is not required.

Clause 7.2 – Earthworks

The application involves excavation to facilitate the proposed swimming pool and minor terracing of the rear lawn areas. The works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers and will therefore satisfy the provisions of this clause.

Clause 7.6 – Biodiversity

The site is located as 'Biodiversity' on the Biodiversity Map of PLEP 2014.

This clause seeks to achieve the following:

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

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

The proposed works will not result in:

- (a) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,
- (b) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,
- (c) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, or
- (d) any adverse impact on the habitat elements providing connectivity on the land,

Further, the consent authority can be satisfied that the development has been designed, sited and will be managed to avoid any significant adverse environmental impact.

The proposed works will not require the removal of any significant vegetation and will provide for a net increase to vegetation across the site, as detailed in the Landscape Plan prepared by Volker Klemm Landscape Design accompanying this application.

Therefore, the proposal is considered to be in keeping with the provisions of this clause.

Clause 7.7 – Geotechnical Hazards

The land is also identified as 'Hazard H2' on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by AscentGeo Consulting Geotechnical Engineers, Reference No. AG 22162, dated 4 May 2022 to accompany the application. The report concludes that the proposed development is suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

Clause 7.10 – Essential Services

The proposal will see the existing essential services to the site being maintained.

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

6.4 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP and Section D12 Palm Beach Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.4.1 Section A Introduction

A4.12 Palm Beach Locality

Desired Character

The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in 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 occupancy dwellings will be located on the lowlands and lower slopes that have 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 whilst ensuring that future development respects the horizontal massing of the existing built form. 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 commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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, to provide feed trees and undergrowth for koalas and other animals, 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.

Palm Beach will remain an important link to the offshore communities.

The proposed development does not detract from consistency with the desired future character of the Palm Beach locality.

The proposed development is integrated with the landform and landscape, and the resultant development positively contributes to the landscaped setting.

The swimming pool is to be located within an existing clearing, with key areas of private open space stepped down the rear yard to follow the slope of the land.

The application is supported by relevant technical reports confirming that the development can be undertaken in a manner that is safe from hazards.

6.4.2 Section B General Controls

The General Controls applicable to the proposed additions and alterations to the existing dwelling and swimming pool and associated landscaping 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 land is also identified as 'Hazard H2' on the Geotechnical Hazard Map of PLEP 2014. A Geotechnical Investigation has been prepared by AscentGeo Consulting Geotechnical Engineers, Reference No. AG 22162, dated 4 May 2022 to accompany the application. The report concludes that the proposed development is suitable for the site and the site can achieve the Acceptable Risk Management Criteria of Council's Geotechnical Risk Policy.

The works will be carried out in accordance with the recommendations of the Geotechnical Assessment.

The proposal is therefore considered to satisfy the provisions of this clause.

B3.2 Bushfire 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. (Ec)*

The application is supported by a Bushfire Risk Management Report by Building Code & Bushfire Hazard Solutions P/L, which confirms that the works can be undertaken in accordance with the provisions of Planning for Bushfire Protection 2021.

The proposal is therefore considered to satisfy the provisions of this clause.

B3.6 Contaminated Land and Potentially Contaminated Land

The controls seek to achieve the outcomes:

- Protection of public health. (S)*
- Protection of the natural environment. (En)*
- Successful remediation of contaminated land. (En, S)*

Given the residential history of the site, the presence of any contaminants is unlikely.

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

- Protection of people.*
- Protection of the natural environment.*
- Protection of private and public infrastructure and assets.*

The site has been identified within the Low and Medium Risk Precincts on the Flood Hazard Map.

The application is supported by a Flood Risk Management Report prepared by Approved Consulting Engineers P/L which provides recommendations to be observed during the construction. The works will observe the recommendations of the Flood engineer and assessment to ensure that the site remains free of flood hazard.

The proposal is therefore considered to satisfy the provisions of this clause.

B4.2 Flora and Fauna Conservation Category 1 and Wildlife Corridor

The controls seek to achieve the outcomes:

The long-term viability and enhancement of locally native flora and fauna and their habitats and the retention and enhancement of wildlife corridors in the Pittwater LGA. (En)

The proposal will not require the removal of any significant protected trees to accommodate the new works. Further, the quality and quantity of landscaping on the site is to be enhanced, as shown on the Landscape Plan by Volker Klemm Landscape Design.

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 application does not result in a net increase of more than 50m² or impervious surfaces, and as such, a stormwater management plan is not required.

B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The proposal will not see any change to the existing access and car parking arrangements.

B6.2 Internal Driveways – Low Density Residential

This control seeks to achieve the outcomes:

- Safe and convenient access. (S)*
- Reduce visual impact of driveways. (S)*
- Pedestrian safety. (S)*
- An effective road drainage system. (En, S)*
- Maximise the retention of trees and native vegetation.*
- Reduce contaminate run-off from driveways.*

The proposal will not see any change to the existing access and car parking arrangements.

B6.3 Off-Street Vehicle Parking Requirements

This control seeks to achieve the outcome:

- Safe and convenient parking. (S)*

The proposal retains the existing double garage, which will continue to provide for two off-street car spaces and meets Council's requirement for large dwellings.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

- Site disturbance is minimised. (En)*
- Excavation, landfill and construction not to have an adverse impact. (En)*
- Excavation and landfill operations not to cause damage on the development or adjoining property. (S)*

The application involves excavation to facilitate the proposed swimming pool and minor terracing of the rear lawn areas. The works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers and will therefore satisfy the provisions of this clause.

B8.2 Construction and 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)*

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways.

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the 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)

Any excavated material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

6.4.3 Section C Development Type Controls for Residential Development

The Development Controls for the proposed alterations and additions to the dwelling are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

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 required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal will not require the removal of any significant vegetation to accommodate the new works.

New plantings are to be provided within the rear yard and a comprehensive Landscape Plan has been prepared by Volker Klemm Landscape Design.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

On-going safety and security of the Pittwater community. (S)

Opportunities for vandalism are minimised. (S, Ec)
Inform applicants of Council's requirements for crime and safety management for new development. (S)
Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)
Identify crime and safety priority areas in Pittwater LGA (S, Ec)
Improve community safety and reduce the fear of crime in the Pittwater LGA (S)
Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)

The existing access arrangements and the relationship between the dwelling and the street remains unchanged.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views from public places and living areas. (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 proposed development is limited to at-grade structures and swimming pool fencing. The proposed works will not result in any adverse impacts upon views.

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 proposed development is limited to at-grade structures and swimming pool fencing. The proposed works will not result in any adverse impacts upon solar access currently received by the subject dwelling or adjoining dwellings.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

The proposed swimming pool and private open space within the rear yard will be suitably screened by landscaping and fencing to ensure that visual privacy is maintained between properties.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or private open space 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 private open space areas (S)

The proposed pool equipment will be contained in a soundproof enclosure, as shown on the accompanying plans.

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 proposed development provides more usable spaces for private open space and recreation to improve the amenity of the site for occupants of the dwelling.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

Adequate area will be provided for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

The proposed swimming pool has been designed and will be constructed in accordance with the Swimming Pools Act and regulations.

6.4.4 Section D Locality Specific Development Controls

The **D12 Palm Beach Locality Statement** contains a number of outcomes for development.

A summary of the DCP controls for the **D12 Palm Beach Locality** is provided below:

D12.1 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'.

To preserve and enhance district and local views which reinforce and protect the 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)

The proposed development is maintained within the rear yard and will not impact upon the existing character of the streetscape.

D12.3 Building colours and materials

The controls seek to achieve the outcomes:

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 required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

The proposal will continue to utilise recessive tones and finishes to match the existing dwelling and the surrounding development.

D12.5 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 preserve and enhance the rural and bushland character of the locality. (En, 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 control to achieve these outcomes is to provide a setback of 10m setback for land adjacent to Barrenjoey Road, or the established building line, whichever is the greater.

The proposed swimming pool is located in the rear yard, well in excess of 10m from the front boundary and behind the alignment of neighbouring dwellings.

D12.6 Side and rear building line

The controls seek to achieve the outcomes:

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

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 encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

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

Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)

Flexibility in the siting of buildings and access. (En, S)

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

To ensure a landscaped buffer between commercial and residential zones is achieved.

The relevant controls to achieve this outcome are to maintain a minimum setback of 2.5m for one side and minimum 1.0m setback for the other side.

The proposed swimming pool is sited 1.2m from the southern side boundary, 7.5m from the northern side boundary and 9.8m from the rear boundary, consistent with the provisions of this control.

Paving and minor landscaping elements are proposed within the setbacks prescribed but do not detract from consistency with the outcomes of this control.

D12.8 Building Envelope

The controls seek to achieve the outcomes:

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

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 neighbouring properties. (En, S)

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

The proposed development is maintained below the prescribed building envelope.

D12.10 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 control to achieve the outcomes is to ensure that residential development maintains a minimum of 60% of the site as landscaped area. In this instance, the site area is 809.1m² and the required minimum landscaped area is 485.46m².

The proposed development results in a landscaped area of 306m² or 38% of the total site area.

Whilst inconsistent with the minimum requirements of this clause, the proposed development is otherwise consistent with the objectives of the landscaped area control, as follows:

- The proposed swimming pool does not detract from consistency with the desired future character of the Palm Beach locality.
- The proposed at-grade swimming pool does not attribute to bulk and scale, and will not be visible from the public domain.
- A reasonable level of amenity and solar access to adjoining properties will be retained, with the amenity of the subject site enhanced as a result of the proposal.
- Vegetation is retained and enhanced, as evident on the Landscape Plan provided to support the application.
- Stormwater is appropriately managed on the site, with overflow from the swimming pool directed to the sewer.
- The bushland character of the area is not hindered by the development. Rather, it is enhanced as a result of the landscaping proposed.

Noting that the outcomes of the control are otherwise achieved, the variation that provides for the inclusion of recreation areas (up to 6% of the total site area) is considered to be warranted and applicable in this instance. With this variation applied, the landscaped area calculation is increased to 354.54m² or 43.8% of the total site area.

D12.11 Fences

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 and 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)

An area of private open space is provided for properties that front the Pittwater Waterway. (S)

The proposal includes swimming pool fencing around the perimeter of the proposed swimming pool. The proposed fencing is consistent with the provisions of this control.

D12.13 Construction, retaining walls, terracing and undercroft areas

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

Site disturbance is reasonably minimised, with the works proposed within portions of the site that were previously terraced/levelled.

No undercroft areas are proposed.

7.0 Matters for Consideration under Section 4.15 of the EP&A Act

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of PLEP 2014. 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 meet with the objectives of P21 DCP.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, we request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider the proposed variation to the landscaped area control to be a reasonable alternative solution, in circumstances where the proposal is otherwise consistent with the outcomes of this control.

It is considered that the proposed design respects the desired character of the locality, in that it reinforces the existing low density residential character of the area and is compatible with the existing uses in the vicinity of the site.

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

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 for the construction of minor additions and alterations to the existing dwelling and a new swimming pool and associated landscaping, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Palm Beach Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned SP2 Infrastructure and C4 Environmental Living under the provisions of PLEP 2014 and is considered suitable for the proposed development.

No works are proposed within the portion of the site identified for future acquisition.

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 unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the construction of Minor additions and alterations to the existing dwelling and construction of a new swimming pool and associated landscaping throughout the site. It is considered that the proposed works satisfy the stated outcomes 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.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)