

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR ADDITIONS & ALTERATIONS TO AN EXISTING DWELLING

LOCATED AT

7A LOQUAT VALLEY ROAD, BAYVIEW

FOR

MR & MRS RAU

**Prepared
October 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Atelier Haefeli Architects, Project No. 1902, Sheets No. A/01 – A/04 and E/01-E/02, dated September 2019, to detail the construction of additions and alterations to an existing dwelling at **7A Loquat Valley Road, Bayview**.

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 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 7A Loquat valley Road, Bayview being Lot 3 within Deposited Plan 201493 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

There site has been identified as being within the Geotechnical Hazard W 'H1' Zone. Accordingly, a Geotechnical Investigation has been prepared by JKG Geotechnics, Reference No. 32699Zrpt, dated 30 September 2019, and will be discussed further within this submission.

The site is identified within the Class 5 Acid Sulfate Soils Area. This matter will be discussed in further detail within this report.

There are no other known hazards affecting the site.

3.0 Site Description

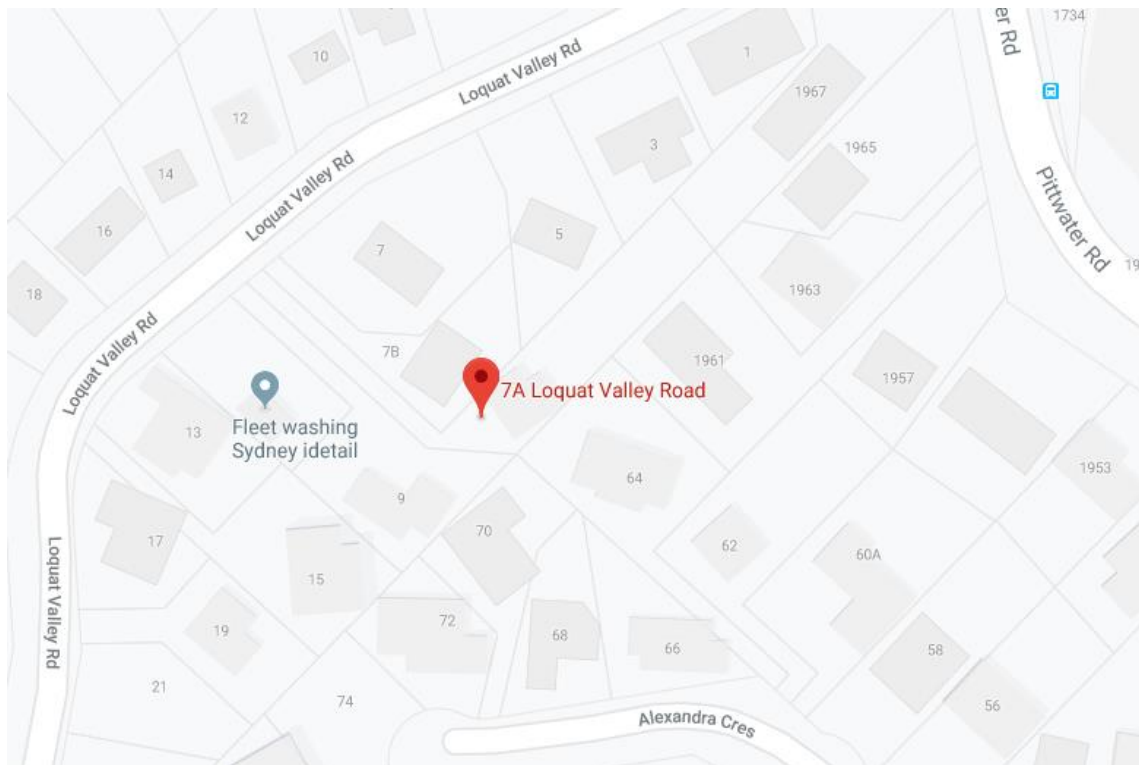
The subject site is a battle-axe shaped allotment on the south-eastern, higher side of Loquat valley Road, with an access handle and shared common driveway from Loquat valley Road. The access handle has a width of 4.52m to the street, with the site being one of a number of properties sharing the driveway access. The total area of the site is 1341m² or 1082m² excluding the access handle.

The site is currently developed with a two storey brick and clad dwelling with a tile and metal roof and a detached brick carport.

Vehicular access to the site is currently provided via a common concrete access driveway from the street to an existing double carport adjacent to the dwelling.

The site in the vicinity of the dwelling slopes towards the north-east with the driveway access sloping north-west towards the street. Stormwater from the site is directed to the street gutter or dispersed into the Loquat Valley Road street gutter.

The details of the lot are contained within the Survey Report prepared by Adam Clerke Surveyors Pty Ltd, Reference No. 6019, dated 15 August 2019, which accompanies the DA submission.



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



Fig 2: View of common access driveway looking south-east from Loquat Valley Road



Fig 3: View of existing double carport, looking north-east from common access driveway



Fig 4: View looking north-west down common access driveway



Fig 5: View of existing southern courtyard (location of proposed bedroom/dressing room addition), looking north-east



Fig 6: View looking north-east along existing north-western wall of the dwelling



Fig 7: View looking south-west along western wall of dwelling



Fig 7: View looking south-east along rear, northern terrace (to be covered with operable louvre roof)



Fig 8: View looking west along rear, northern terrace (to be covered with operable louvre roof)



Fig 9: View of rear yard, looking north-east from rear, upper floor terrace



Fig 10: View looking north-west from rear, upper floor terrace

4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential dwellings and a range of detached outbuildings, of a variety of architectural styles, with the design of the dwellings influenced by the sloping topography and the significant views available in the area.

The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. The surrounding dwellings comprise a mix of single and two storey dwellings.

The surrounding properties enjoy views to the north towards Pittwater.



Fig 11: Aerial Photograph
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for additions and alterations to the existing dwelling.

The new works comprise:

Existing Ground Floor

- Extension to existing Bedroom 1 to provide for a dressing room and internal alterations to provide for an ensuite
- New operable louvre roof over the existing rear terrace to provide shading in summer to make terrace area more functional and to provide solar protection to the owner's primary outdoor living space
- Various roof/sky lights to improve internal amenity

External Works

- New canopy over existing entry ramp
- New timber access stairs within front (southern) yard.
- New glazed balustrade to rear terrace

The overall height and existing floor level of the current dwelling will be unchanged.

The external finishes of the new works will complement the existing dwelling.

The development indices for the site are:

Site Area	1341m ² (1082m ² excl. access handle)
Required Landscaped Area	60% or 649.2m ²
Proposed Landscape Area	74% or 802m ² (see DCP discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a 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.

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

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

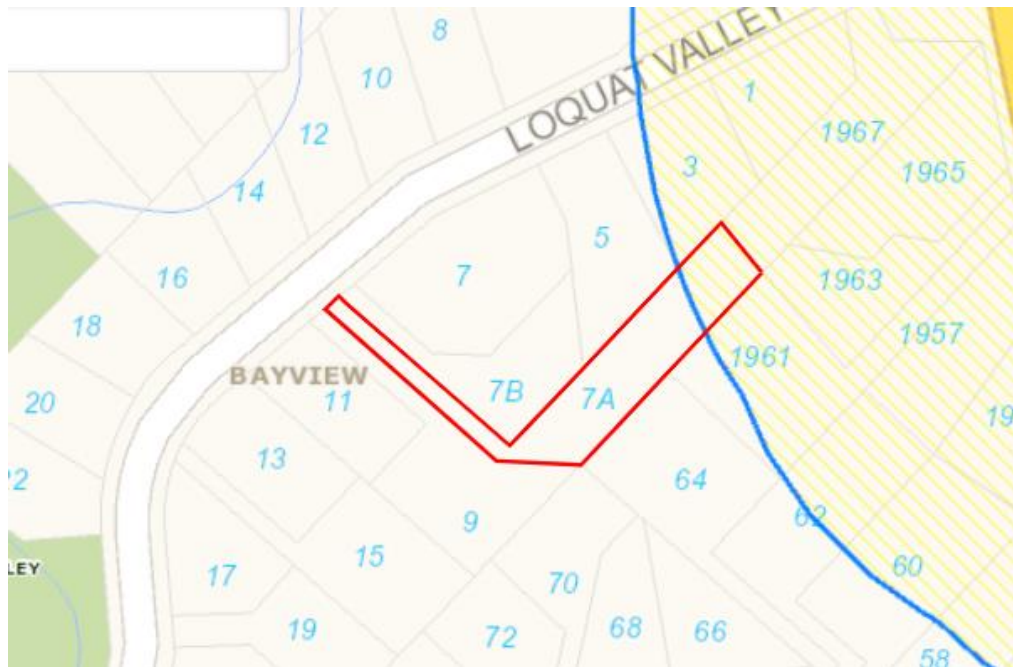


Fig 12: Location of Subject Site

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 1 of SEPP (Coastal Management) 2018 are:

10 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following:*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*
 - (iv) environmental protection works,*
- (d) any other development.*

Comment: The subject application is seeking development consent.

The matters for consideration under Division 2 of SEPP (Coastal Management) 2018 are:

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as “coastal vulnerability area” on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and*
- (b) the proposed development:*
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and*
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and*
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and*
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.*

Comment: The proposal will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and will therefore satisfy the provisions of this clause.

The matters for consideration under Division 3 of SEPP (Coastal Management) 2018 are:

13 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposal will not result in any loss of access to the foreshore area.

Stormwater from the new development will be connected to the existing system.

The matters for consideration under Division 4 of SEPP (Coastal Management) 2018 are:

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*

- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal is wholly contained within the site and will not affect any public access to any foreshore area. Furthermore, the new works will not result in any overshadowing to the foreshore area.

The proposal provides for alterations and additions to an existing dwelling which are modest in bulk and scale and will not adversely affect the visual amenity of the locality.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

15 *Development in coastal zone generally—development not to increase risk of coastal hazards*

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: The proposal provides for the construction of alterations and additions to an existing dwelling. The proposed new works are largely contained within the footprint of the existing building and towards the rear of the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

6.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State,*
- and*

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

6.5 Pittwater Local Environmental Plan 2014

Clause 2.2 Zone objectives and Land Use Table

The site is zoned E4 Environmental Living under the provisions of the PLEP 2014.

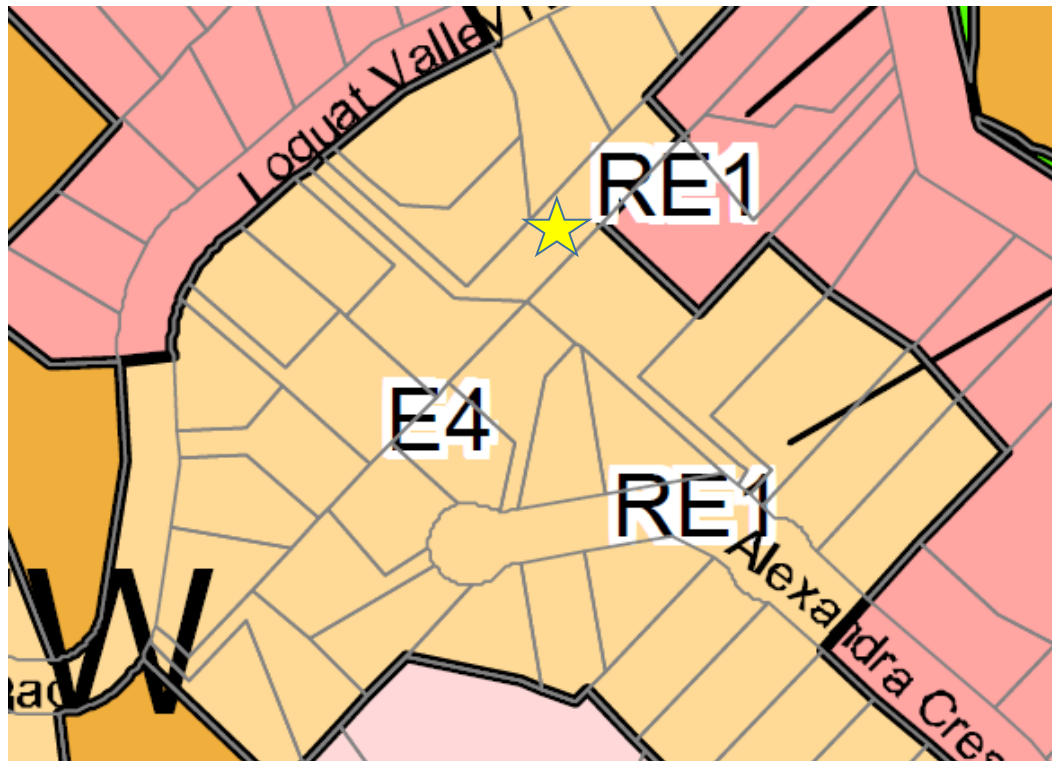


Fig 13: Extract of Pittwater Local Environmental Plan 2014

The proposed additions and alterations to the existing dwelling are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 Environmental Living 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 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 development in the vicinity and therefore complements the locality. The proposal provides for construction of modest additions and alterations to the existing dwelling, which will not have any unreasonable adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any adverse impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Bayview is 8.5m. The proposed operable roof over the upper level terrace will present a maximum height of approximately 8.41m, which complies with the control.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within the Class 5 Acid Sulfate Soils area. No significant excavation is required and as a result it is not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

The proposal will not require any significant excavation of the site. All works will be supervised by a suitably qualified Structural Engineer, to ensure that the proposal maintains compliance with the provisions of this clause.

The site has been identified as being within the Geotechnical Hazard W 'H1' Zone. Accordingly, a Geotechnical Investigation has been prepared by JKG Geotechnics, Reference No. 32699Zrpt, dated 30 September 2019.

Clause 7.6 – Biodiversity protection

The land is noted within Council's Biodiversity mapped area.

- (1) 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 proposal will not involve the removal of any protected trees. Additionally, the proposal will maintain a large portion of the site as soft landscaping. As the works will maintain a suitable

landscaped area, the proposal will not have an adverse impact on the terrain of the site. The objectives of Clause 7.6 will therefore be achieved.

Clause 7.7 – Geotechnical hazards

This site has been identified as being within the Geotechnical Hazard W 'H1' Zone. Accordingly, a Geotechnical Investigation has been prepared by JKG Geotechnics, Reference No. 32699Zrpt, dated 30 September 2019, and will be discussed further within this submission.

The report concludes the following:

We consider that our risk analysis has shown that the site and existing and proposed development can achieve the 'Acceptable Risk Management' criteria in the Pittwater Risk Management Policy provided that the recommendations given in Section 7 below are adopted. These recommendations form an integral part of the Landslide Risk Management Process.

The proposal therefore satisfies the provisions of this clause.

Clause 7.10 – Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage,
- stormwater drainage or on-site conservation,
- suitable vehicular access.

The site will retain the normal services which are available for the existing dwelling, to be retained for the existing dwelling.

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

6.6 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D4 Church Point and Bayview Locality Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.6.1 Section A Introduction

Desired Character

The desired character of the Church Point and Bayview Locality is summarised as:

The Church Point and Bayview locality will remain a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinator, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.

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

The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, a balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

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.

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Church Point will remain an important link to the offshore communities

It is considered that the proposal is consistent with the desired character of the locality by providing for modest additions and alterations to the existing dwelling which is consistent with the low density scale of the area.

The proposal has been designed to reflect the predominant setbacks provided to the front, side and rear boundaries in the immediate area.

The materials and colours of the new works will harmonise with the natural environment and will not detract from the existing locality.

The proposal will largely maintain the existing significant vegetation on the site and will continue to provide a suitable area of soft landscaping. The proposal will not require the removal of any protected trees, with the remaining trees on site to be retained and protected. Additional plantings can be provided throughout the site.

6.6.2 Section B General Controls

The General Controls applicable to the proposed additions and alterations 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)

There site has been identified as being within the Geotechnical Hazard W 'H1' Zone. Accordingly, a Geotechnical Investigation has been prepared by JKG Geotechnics, Reference No. 32699Zrpt, dated 30 September 2019, and will be discussed further within this submission.

The report concludes the following:

We consider that our risk analysis has shown that the site and existing and proposed development can achieve the 'Acceptable Risk Management' criteria in the Pittwater Risk Management Policy provided that the recommendations given in Section 7 below are adopted. These recommendations form an integral part of the Landslide Risk Management Process.

The proposal therefore satisfies the provisions of this clause.

B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

The controls seek to achieve the outcomes:

Conservation of intact Pittwater Spotted Gum Forest EEC. (En)
Regeneration and/or restoration of fragmented and / or degraded Pittwater Spotted Gum Forest EEC. (En)
Reinstatement of Pittwater Spotted Gum Forest to link remnants. (En)
Long-term viability of locally native flora and fauna and their habitats through conservation, enhancement and/or creation of habitats and wildlife corridors. (En)

The proposal will not require the removal of any protected trees. The proposal will therefore satisfy the provisions of this clause.

B5.8 Stormwater Management – Water Quality – Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

The requirements outlined in the controls seek to limit the extent and quality of stormwater run-off. The stormwater runoff from the new roof areas will be directed to the existing system. The proposal will therefore satisfy the provisions of this clause.

B6.1 Access driveways and works on the public road reserve – Low Density Residential

The controls seek 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 alteration to the existing driveway and parking area.

B6.3 Off-Street Vehicle Parking Requirements – Low Density Residential

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

This control requires a minimum of 2 parking spaces for each dwelling having 2 or more bedrooms. The proposal will retain the existing double carport and therefore complies with this provision.

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 proposed footings and supporting columns and flooring system will be designed and supervised by an appropriately qualified structural engineer. Appropriate soil and sedimentation measures will be implemented.

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)

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.

6.6.3 Section C Development Type Controls

The Development Controls applicable to the proposed additions and alterations to the existing 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 protected trees to accommodate the proposed additions to the dwelling.

In addition, the proposal will retain generous area of soft landscaping. The front and rear yard areas are capable of accommodating future perimeter plantings.

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 proposed additions and alterations to the existing dwelling will not impact on the existing safety or security of the site. Views from within the dwelling to the site's entry will be maintained.

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 views to the north towards Pittwater.

The subject proposal will not unreasonably impact on the views enjoyed by the neighbouring properties. As a result of the sloping topography of the land, the uphill properties are well above the site and will continue to enjoy views over the site.

The proposed view impact is considered to be in keeping with Council's view sharing objectives and is worthy of support on merit.

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 which demonstrate the impact of the additions and alterations to the existing dwelling on the solar access of the subject site and adjoining properties. The subject property will receive greater than 3 hours solar access to its internal living and private open space areas, in accordance with this provision.

As noted on the shadow diagrams, the adjoining property to the south-west east will retain greater than 3 hours of solar access to its rear yard.

The proposed additions and alterations to the existing dwelling present a compatible height, with the low scale roof form, which minimises the overshadowing impact of the development on the southern neighbour.

The south-western neighbour will continue to receive solar access to the north-facing living areas throughout the day and the proposal is therefore considered worthy of support on merit.

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 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 floor area of the existing upper floor terrace will be unchanged and will therefore not result in any privacy impacts for neighbouring 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 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.

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions.

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 suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The works will maintain a suitable area of open space areas within the rear yard and whilst providing additional weather protection to the upper floor terrace, will still retain suitable solar amenity and privacy to the outdoor living spaces.

C1.9 Adaptable Housing and Accessibility

The controls seek to achieve the outcomes:

The community's lifecycle housing needs are met within Pittwater through well designed adaptable housing. (S)

All members of the community enjoy equitable access to buildings to which the general public have access. (S)

Housing for older people and people with a disability are accessible, adaptable and safe. (S)

Equitable access in the public domain. (S)

Single dwellings are not required to provide access in accordance with AS4299-1995.

C 1.12 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.

Sufficient area is available within the site for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.6.4 Section D Locality Specific Development Controls

The **D4 Church Point and Bayview 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 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 **D4 Church Point and Bayview Locality** is provided below:

D3.1 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 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 required controls to achieve the outcomes are to ensure that the building maintains a compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows modulation, spatial separation, landscaping etc.

The elevations provided with the DA submission demonstrate that the proposed modest external changes to the dwelling will be complementary in terms of bulk and scale to the existing surrounding development.

D3.2 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)

It is considered that the development is appropriate as the proposal will provide a selection of colours and finishes comprising recessive tones which are compatible with the DCP and the subject and surrounding properties.

D3.3 Building Colours, Materials and Construction

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.

It is considered that the development is appropriate as the proposal will provide a selection of colours and finishes which are compatible with the current dwelling and the DCP and the surrounding properties.

D3.6 Front 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 and 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 this outcome is to provide a setback of 6.5m, or the established building line to the street frontage. The new works are well removed from the street frontage to Loquat Valley Road and therefore readily complies with this control.

D3.7 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 established.

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side, and min 6.5m from the rear boundary.

The proposed new additions to the bedroom at the south-eastern corner of the ground floor level will exceed the 1.0m setback (existing corner which stands from 800mm to be maintained).

The new operable louvre roof over the rear terrace will exceed the minimum 2.5m setback to the side boundary.

The side boundaries will maintain sufficient area for future perimeter plantings and will readily comply with the rear setback control.

The proposed setbacks are considered to be adequate in this instance and will achieve the outcomes of Clause D1.9.

D3.9 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 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°.

Council's building envelope control is noted on the plans. The proposed north-western corner of the operable roof over the ground floor rear terrace will present a minor variation to this provision.

The proposed additions to the dwelling are compatible in bulk and scale to the surrounding development, with the proposed low pitched roof form to further minimise the visual impact of the new works.

The proposal is not considered to result in any unreasonable impacts on neighbouring properties in terms of view loss, solar access or amenity.

Accordingly, the proposal is considered to achieve the desired outcomes of this control and is considered worthy of support on merit.

D3.11 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 proposal will retain up to 802m² or 74% of the site as landscaped area, which will comfortably comply with the control.

The curtilage to the dwelling will support appropriate areas for increased screen planting to supplement the existing perimeter planting.

The proposal is in keeping with the desired outcomes of this control and is therefore worthy of support.

D3.12 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 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)

Unhindered travel for native animals and pedestrians. (S)

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

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

The proposal will not see any change to the existing boundary fencing.

D3.14 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.

The proposal satisfactorily responds to the topography of the site. The works will be carried out in accordance with the directions of the consulting Structural Engineer.

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 Pittwater Local Environmental Plan 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.

There are no other environmental planning instruments applying to the site.

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 Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on: -

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

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 that the variation to side setback and building envelope controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the setback criteria.

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 additions and alterations to the existing dwelling which 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 the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Church Point and Bayview Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned E4 Environmental Living under the Pittwater Local Environmental Plan 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 additions and alterations to the existing dwelling, which respect and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

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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