

# STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

AT

54 McCARRS CREEK, CHURCH POINT



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## 1. INTRODUCTION

This statement of environmental effects supports a development application for alterations and additions to an existing dwelling on LOT 22 DP 11691 and Lot 221 DP 752046 at 54 McCarrs Creek Road, Church Point.



LOCALITY MAP SHOWING SITE AND SURROUNDING AREA (Courtesy Six Maps)



AERIAL VIEW OF SITE (Courtesy Six Maps)

## 2. LOCALITY CONTEXT AND SITE ANALYSIS

### 2.1 THE SITE

The site is located on the south western side of McCarrs Creek Road. The site is an almost rectangular shaped residential block of 461.6m<sup>2</sup> in area. The south west boundary links to the water edge of McCarrs Creek. This boundary is irregular in shape. The site width is 15.24m along the street boundary. The length of the north west boundary is 36.27m and the length of the south east boundary is 30.48m. The existing development on the site is a single detached dwelling of three storeys, a detached boathouse along the water edge of the property, detached brick outbuilding (laundry and bathroom) on a terrace between the boathouse and the dwelling, plus a large spa close to the lowest level of the dwelling. The roof is a very low-pitched skillion roof. The site slopes steeply from the street down to the rear boundary. Access to the site is via a right-of-way paved concrete driveway that along the front boundary, slightly below McCarrs Creek Road. Direct north west water views over the McCarrs Creek are enjoyed from the subject site and the adjacent sites. The bulk and scale of the existing development is similar to surrounding development.

## 2.2 THE SURROUNDING LOCALITY

The surrounding locality is generally zoned E4 (Environmental Living). There is a mixture of architectural styles in the immediate vicinity with no single style dominating the streetscape. Most surrounding development is single detached residential dwellings. Most sites are steeply sloped from the street down to the edge of McCarrs Creek. Most surrounding sites have development stepped/terraced down the site with various methods of addressing the difficult access. The two adjacent sites both have dwellings located on almost nil rear setbacks (to the waterway edge) and both have garages (separate from the dwellings) sited on a nil setback to the street boundary. The existing dwelling on the subject site is sited close to the street boundary at the front of the site with a terraced garden between the dwelling and the boathouse development on the rear boundary.

## 2.3 HERITAGE

The existing building has no significant heritage relevance or historical value. The proposal has no impact on any nearby heritage item.

## 3. THE PROPOSAL

The proposal seeks approval for the following :

- Addition of a carer's lift through all three levels
- Extension of the existing Level 3 living areas onto the existing covered balconies
- Various internal alterations to all three levels of dwelling
- Various glazing changes
- Extension of the existing Level 1 open terraces including a plunge pool
- Construction of a new enclosed link between the existing boathouse and the existing bathroom/laundry outbuilding in the rear garden

The objectives of the proposed work are as follows:

- To provide universal access throughout the main dwelling
- To improve the amenity of the dwelling in terms of relationship of living areas to external recreational spaces on different levels of the very steeply sloping site

## 4. ZONING AND DEVELOPMENT CONTROLS

In addition to the NSW state and regional planning policies, the following planning instruments are of relevance to the development :

Pittwater Local Environment Plan 2014 (LEP)

Pittwater 21 Development Control Plan (DCP)

## 5. STATE ENVIRONMENTAL PLANNING POLICY 55 : REMEDIATION OF LAND

Under Clause 7(1)(a) of State Environmental Planning Policy No. 55 Remediation of Land, consideration has been given as to whether the land is contaminated. The site has been used for residential purposes and there is no history to suggest that the site is contaminated. The application does not require further consideration under clause 7(1)(b) and (c) of SEPP.

## 6. STATE ENVIRONMENTAL PLANNING POLICY (BASIX 2004)

State Environmental Planning Policy (Building Sustainability Index: Basix (compliance is achieved. A Basix Certificate for the proposed work confirms compliance.

## 7. STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

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

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 2014*.

It is submitted 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 are listed in Part 2, Development controls for coastal management areas, of SEPP (Coastal Management) 2018 . The relevant provisions of this Part are addressed as follows:

### **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.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Comment: The proposal provides for the north-west extension of existing terraces on Level 1 of the main dwelling, incorporating a new plunge pool in the rear garden. The rear edge of the plunge pool is located some 14.0m from the rear boundary and is set at RL 9.970 to match the existing floor level of the Level 1 terrace. The proposal also includes building a new carer's lift through all three levels of the existing dwelling. The proposed carer's lift is located at the front of the dwelling, well away from the waterway along the rear boundary. All proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained. The additions require minimal impact at ground level. There will be minimal change to the impervious area of the site. The collected stormwater will be dispersed into the

existing stormwater management system which complies with Council's Stormwater Management Policy. Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway of McCarrs Creek along the rear boundary.

#### **Division 4 Coastal use area**

##### **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.
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

Comment : The proposal does not impact any existing public access along the foreshore. The proposal will not result in any increased overshadowing of the foreshore. The proposed additions are modest in scale and will not result in any loss of views to the foreshore. The site does not contain any heritage items, nor is it within a heritage conservation area.

#### **Division 5 General**

##### **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 proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

##### **16 Development in coastal zone generally—coastal management programs to be considered**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.*

Comment: No coastal management programs have been identified.

##### **17 Other development controls not affected**

*Subject to clause 7, for the avoidance of doubt, nothing in this Part:  
(a) permits the carrying out of development that is prohibited development under another*

*environmental planning instrument, or*

*(b) permits the carrying out of development without development consent where another*

*environmental planning instrument provides that the development may be carried out only with development consent.*

**Comment:** Noted

### **18 Hierarchy of development controls if overlapping**

*If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:*

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

**Comment :** Noted

## **8. RESPONSE TO PLANNING REQUIREMENTS OF PITTWATER LOCAL ENVIRONMENT PLAN 2014**

### **8.1 AIMS OF THE PLAN (Clause 1.2)**

The proposal is consistent with the applicable Aims of Pittwater LEP in that it

- is economically, environmentally and socially sustainable;
- is consistent with the desired future character of the locality in terms of bulk, scale, density, landscaping and appearance
- provides for the needs of the residents of this dwelling now and in the future
- protects and promotes the health and well-being of current and future residents of this dwelling and surrounding development.

### **8.2 ZONING (Clauses 2.1 – 2.3 and Land Use Table)**

The site is zoned E4 (environmental living). The objectives of the zone are :

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

The proposed additions will not adversely impact any natural vegetation or any wildlife corridors. The site slopes steeply down to the rear boundary waterway frontage. The proposed works will not impact the current scale of the building when viewed from McCarrs Creek at the rear. The proposed alterations will have minimal impact to the scale of the existing development when viewed from McCarrs Creek Road or the right



of way driveway or from any surrounding development. No change is proposed to the existing ridgeline or general roofscape of the development. The only increase to the bulk of the building is the proposed carer's lift (1.7m x 2.0m) and the proposed link (0.78m long x 1.35m wide) between the existing boathouse and the existing outbuilding.

- 8.3 PRINCIPAL DEVELOPMENT STANDARDS: MIN LOT SIZE (LEP Clause 4.1)  
The minimum lot size is 700m<sup>2</sup>. The site has an area of 461.6m<sup>2</sup>.
- 8.4 PRINCIPAL DEVELOPMENT STANDARDS: HEIGHT OF BUILDINGS (LEP 4.3)  
In terms of Clause 4.3(2), the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. A maximum building height of 8.5m applies to this site in accordance with the Height of Buildings Map. The following definitions in the dictionary of Pittwater LEP are relevant: *building height* (or *height of building*) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like; *ground level (existing)* means the existing level of a site at any point. The proposed new work does not exceed the allowable building height of 8.5m at any point.
- 8.5 PRINCIPAL DEVELOPMENT STANDARDS: FLOOR SPACE RATIO (LEP 4.4)  
According to Pittwater LEP floor space ratio map, this site is not subject to a floor space ratio requirement.
- 8.6 ACID SULPHATE SOILS (LEP 7.1)  
The site classification on the Acid Sulphate Soils Map is Class 5. Due to the elevation of the site relative to AHD, there is no impact on any development with respect to acid sulphate soils.
- 8.7 EARTHWORKS (7.2)  
The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The proposed excavation is associated with the construction of the new lift in the centre of the front façade of the existing dwelling and with construction of a new plunge pool at the lowest level of the dwelling in the rear garden. The proposed excavation will not impact any surrounding development.
- 8.8 FLOOD PLANNING (LEP 7.3)  
The site is not in a flood risk zone.
- 8.9 COASTAL RISK PLANNING (LEP 7.5)  
The site is not noted on the Coastal risk Planning Map, however – since the property is located on the waterway known as McCarrs Creek, consideration has been given to the SEPP Coastal Management 2018. See discussion elsewhere in this document.
- 8.10 BIODIVERSITY (LEP 7.6)  
The site is noted on the Biodiversity Map. The site is not habitat for any significant fauna and is not connected to any ecologically significant habitat. The site does not have any ecologically significant flora. The proposal will not cause any adverse impact to any significant ecological habitat or vegetation.



#### 8.11 GEOTECHNICAL HAZARDS (LEP 7.7)

The site is noted on the Geotechnical Hazard Map as H1. A current geotechnical report has not been prepared for the proposed works since the excavation is limited to a small carer's lift on the upslope side of the dwelling and an existing geotechnical report, prepared specifically for this site, is on record for this property on the Council's website. There has been no change to the geotechnical conditions of the land since preparation of that report. The existing report is dated 25 October 2003. Bedrock is visible in the existing subfloor void of the dwelling at Level 1 so it is considered that the substrate is very stable for the small excavation proposed. It is considered that the development is designed, sited and will be managed (during construction) to avoid any geotechnical risk or significant adverse impact on any development and/or land surrounding the subject site.

#### 8.12 LIMITED DEVELOPMENT ON FORESHORE AREA (LEP 7.8)

Part of the site is located within the 'foreshore area' as noted on the Foreshore Building Line Map. The map is not dimensioned however, it is considered that approximately the rear third of the site can be considered as being within the foreshore area. The existing boathouse and the existing detached brick outbuilding containing a laundry and a bathroom are considered to be located within the foreshore area. The proposed internal link between the boathouse and the outbuilding is deemed to meet the objectives of the planning control and satisfies the criteria in Clause 7.8(3). The outbuilding is located behind the boathouse – when viewed from the waterway. The proposed link will be aesthetically compatible with the surrounding area when viewed from the waterway and adjacent foreshore areas. The proposed link has no impact on public access to or along the foreshore area. The proposed link is compatible with the general foreshore character in this locality and will not cause any adverse environmental impacts to surrounding development or public spaces.

#### 8.13 NUMERIC COMPLIANCE TABLE : LEP

	STANDARD	EXISTING	PROPOSED
ZONING	E4	1 dwelling	No change
SITE AREA	Min 700m <sup>2</sup>	461.6m <sup>2</sup>	No change
HEIGHT OF BUILDING	8.5m	11.8m	Max height of proposed new work = 6.2m
ACID SULPHATE SOILS	Class 5		
LANDSLIP RISK	H1		

### 9. RESPONSE TO RELEVANT PLANNING REQUIREMENTS OF PITTWATER 21 DEVELOPMENT CONTROL PLAN

#### 9.1 CHURCH POINT AND BAYVIEW LOCALITY (DCP A4.4)

The proposal achieves the desired character of the locality as described in Clause A4.4. There is no significant change to the existing form, bulk and materiality of the existing dwelling on the site.

- 9.2 **GENERAL CONTROLS : LANDSLIP HAZARD (DCP B3.1)**  
The proposal complies with the requirements of the Geotechnical Risk Management Policy for Pittwater. The only proposed excavation is for the lift shaft for the proposed carer's lift. Since the bedrock of the site is clearly evident when viewed within the existing subfloor void, it is considered that the excavation will not cause any landslip concerns. [Reference the existing geotechnical report for this land held on the Council's records.]
- 9.3 **GENERAL CONTROLS : BUSHFIRE PRONE HAZARD (DCP B3.2)**  
The site is noted on the Northern Beaches Bush Fire Prone Land Map. The Council has on record for this property a bushfire risk report that was prepared for a previous DA in 2004. That report notes that the bushfire risk for this property is very low and that no specific measures should be taken to mitigate bushfire risk on this land. The existing development on the site and surrounding properties is essentially the same now as it was in 2004.
- 9.4 **GENERAL CONTROLS : FLORA AND FAUNA HABITAT ENHANCEMENT CATEGORY 2 AND WILDLIFE CORRIDOR (DCP B4.4)**  
The development does not require the removal of any significant trees or any native bushland. The proposed additions and proposed new plunge pool do not impact any native vegetation. No changes are proposed to any existing boundary fences therefore no impact is proposed to any existing fauna movement patterns on or across the site.
- 9.5 **GENERAL CONTROLS : STORMWATER MANAGEMENT (DCP B5.15)**  
The development is compliant in terms of the development control. The proposal results in a minor increase to impervious surface area and will not change the existing stormwater management. All new work is to drain into the existing stormwater system which drains towards McCarrs Creek on the downslope side of the site.
- 9.6 **GENERAL CONTROLS : SITE WORKS MANAGEMENT (DCP B8)**  
The proposed construction works shall be carried out in accordance with the requirements of this control. Proposed excavation will not impact adjacent development. Waste is to be minimized during construction. The works shall be protected by site fencing for the duration of the construction work.
- 9.7 **DEVELOPMENT TYPE CONTROLS : LANDSCAPING (DCP C1.1)**  
The existing landscaped area provision is significantly less than the required 60% of site area for this site, which is located in Area 1 of the Landscaped Area Map. The proposed changes will result in no decrease to the landscaped area provision. See detail elsewhere in this document [9.22] in respect of locality specific landscaping controls.
- 9.8 **DEVELOPMENT TYPE CONTROLS : VIEW SHARING (DCP C1.3)**  
The proposal is considerate of views that adjacent development currently enjoys towards McCarrs Creek. The proposed development does not adversely impact existing views enjoyed by the adjacent dwellings. The ridgeline of the existing dwelling remains as existing so there is no impact to upslope developments or to the public domain in respect of views.
- 9.9 **DEVELOPMENT TYPE CONTROLS : SOLAR ACCESS (DCP C1.4)**  
The proposal is compliant in respect of solar access. No change is proposed to the existing building envelope that will impact existing solar access to surrounding

development. This is clearly illustrated in the shadow projection diagrams for 9am, 12pm and 3pm during the winter solstice.

- 9.10 **DEVELOPMENT TYPE CONTROLS : VISUAL PRIVACY (DCP C1.5)**  
The proposal maintains the existing level of visual privacy between the existing dwelling on the subject site and surrounding development. The existing dwelling on the subject site is sited close to the street boundary at the front of the site with a terraced garden between the dwelling and the boathouse development on the rear boundary. This arrangement provides for significant visual and acoustic separation between the subject dwelling and adjacent development.
- 9.11 **DEVELOPMENT TYPE CONTROLS : ACOUSTIC PRIVACY (DCP C1.6)**  
The proposal maintains the existing level of acoustic privacy between the existing dwelling on the subject site and surrounding development. Despite the alterations and additions, no change is proposed to the general arrangement and location of indoor and outdoor living areas on the land. The filtration plant for the proposed plunge pool is to be located within the enclosed terrace adjacent the pool to avoid adverse acoustic impact to surrounding development.
- 9.12 **DEVELOPMENT TYPE CONTROLS : PRIVATE OPEN SPACE (DCP C1.6)**  
The proposal achieves the requirements of the planning control and is consistent with the desired outcomes.
- 9.13 **DEVELOPMENT TYPE CONTROLS : ADAPTABLE HOUSING AND ACCESSIBILITY (DCP C1.9)**  
Inclusion of the proposed lift through all three levels of the dwelling provides universal access to all levels of the dwelling. This ensures that mobility challenged occupants or visitors to this home have safe and equitable access to all parts of the dwelling.
- 9.14 **DEVELOPMENT TYPE CONTROLS : BUILDING FACADES (DCP C1.10)**  
The aesthetic treatment of the proposed new work is to match the exterior fabric of the existing development. The materiality and expression of the existing building is consistent with residential norms in the locality. No change is proposed to the general aesthetic of the building envelope or the existing external finishes.
- 9.15 **DEVELOPMENT TYPE CONTROLS : SWIMMING POOL SAFETY (DCP C1.17)**  
The proposed plunge pool is to be safety compliant in respect of the Swimming Pools Act 1992, the Regulations and the Australian Standard AS1926.1-2007. The safety fencing arrangement is clearly shown on the plans.
- 9.16 **LOCALITY SPECIFIC DEVELOPMENT CONTROLS : CHARACTER AS VIEWED FROM A PUBLIC PLACE (DCP D4.1)**  
The proposal is not highly visible from the street. The site is accessed via a private access driveway. The development presents as a single storey development when viewed from street level. The proposed minor addition to the external envelope on the front façade to provide for the proposed carer's lift will not impact the view over the dwelling from McCarrs Creek Road. The proposed lift will not be visible from McCarrs Creek. The proposed fenestration changes to the north west façade will not impact the existing general expression of the building when viewed from McCarrs Creek. The proposed extension to the lower level terrace and the proposed plunge pool will not significantly impact the existing aesthetic presentation of the dwelling as seen from McCarrs Creek. The existing circumstance consists of a series of sandstone retaining walls forming terraces from the lower level of the dwelling down towards the rear boundary at the water's edge. The existing boathouse along the water (rear) boundary

partially obscures view of the terraced garden when observed from the waterway. What can be seen from the public domain of McCarrs Creek is the sandstone retaining walls that support the existing garden terracing. The proposed changes retain the aesthetic of the sandstone retaining walls. The existing and proposed development are consistent with the desired future character of the locality. The proposed changes respond to the topography of the locality, with land sloping steeply from the street down to the waterway on the rear boundary.

**9.17 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : SCENIC PROTECTION - GENERAL (DCP D4.2)**

The proposal does not affect the existing roofline or the bulk of the building when viewed from any waterway, road or public reserve. The proposed new work is predominantly within the existing development envelope with the exception of a new carer's lift at the front of the building on the upslope side of the existing dwelling and the proposed plunge pool associated with the lowest level of the existing dwelling.

**9.18 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : BUILDING COLOURS AND MATERIALS (DCP D4.3)**

The proposed additions will match the existing building materials and the existing muted colour palette.

**9.19 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : FRONT BUILDING LINE (DCP D4.5)**

The existing development is built to a nil front building line – as are many other surrounding dwellings on the downslope side of McCarrs Creek Road. The proposed carer's lift is to be built behind the existing building line as an addition to the existing entry hall. The setback of the carer's lift to the front boundary is 3.94m. This is consistent with the existing street pattern and the planning control.

**9.20 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : SIDE AND REAR BUILDING LINE (DCP D4.6)**

The existing development has a 0.9m side building line setback to both side boundaries. The proposed new addition to the building envelope – the carer's lift – has a 3.14m setback to the south east side boundary.

The space between the existing boathouse and the detached laundry/bathroom outbuilding is 0.79m. The proposed link between the boathouse and the outbuilding has a setback to the rear boundary of approximately 8.0m (described approximately due to irregular alignment of rear boundary) and a setback of 5.96m to the closest side boundary (which is the south east side boundary). The existing boathouse has a 500mm setback to the rear boundary. It is considered that the existing boathouse and outbuilding are both located within the foreshore area. The proposed new link between the two buildings will therefore be located within the foreshore area. This is consistent with the pattern of surrounding development.

The proposed plunge pool has a minimum setback to the rear boundary of 14.26m. The pool structure will have a setback to the south east side boundary of 1.3m and 4.0m to the north west side boundary.

The proposed development is consistent with the planning controls.

**9.21 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : BUILDING ENVELOPE (DCP D4.8)**

The only changes to the existing building envelope are the proposed addition to accommodate a carer's lift and the proposed link between the existing boathouse and the existing outbuilding. The proposed changes to the existing building envelope are extremely minor in scale and bulk. Neither new structure will cause any adverse environmental impacts in terms of surrounding development or the public domain. The proposal is considered to be consistent with the planning control.

**9.22 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : LANDSCAPED AREA – ENVIRONMENTALLY SENSITIVE LAND (DCP D4.10)**

The existing landscaped area provision is significantly less than the required 60% of site area for this site, which is located in Area 1 of the Landscaped Area Map. The proposed changes will result in no decrease to the landscaped area provision. The calculation to ensure that there is no reduction to the existing landscaped area provision is achieved by including in the calculation – as per the control – 6% of the site area (ie 6% of 461.6m<sup>2</sup> = 27.70m<sup>2</sup>) which is part of the proposed open terrace extension at Level 1 of the dwelling. Note that the required landscaped area provision is 60% of the site area which is 60% of 461.6m = 276.96m<sup>2</sup>. The existing landscaped area = 157.36m<sup>2</sup>. The proposed landscaped area is 173.44m<sup>2</sup>. It must be noted that an area in the eastern corner of the site which is currently paved is proposed to be landscaped to assist with maintaining the current landscaped area provision. Similarly, an area – currently paved – on the north east side of the boathouse is proposed to be partially landscaped. The change of existing concrete paved areas to soft landscaping mitigates the loss of the soft landscaped area for the proposed terrace extension and plunge pool at Level 1. It must also be noted that the provision of landscaped area relative to site area is consistent with the pattern of development on the downslope side of McCarrs Creek Road in this locality. Consideration has been given to the desired outcomes of the planning control. There is no significant change proposed to the existing bulk and scale of the built form on the site. The proposal will not cause any impacts to the amenity or solar access of adjacent development. Stormwater run-off will not change as a result of the proposal. There is no natural bushland on the site.

**9.23 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : FENCES GENERAL (DCP D4.11)**  
No changes are proposed to any existing fences and no new fences are proposed.

**9.24 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : FENCES – FLORA AND FAUNA CONSERVATION AREAS (DCP D4.12)**  
No changes are proposed to any existing fences and no new fences are proposed.

**9.25 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : CONSTRUCTION, RETAINING WALLS, TERRACING AND UNDERCROFT AREAS (DCP D4.13)**  
The existing development includes a series of sandstone retaining walls forming the terraced garden between the main dwelling and the boathouse (boathouse is located on the rear boundary adjoining the waterway). The proposed new plunge pool and terrace extension maintain the sandstone retaining wall aesthetic. When viewed from McCarrs Creek, the proposed development will appear to be very similar to the existing development. The proposal achieves the objective of this control.

**9.26 LOCALITY SPECIFIC DEVELOPMENT CONTROLS : SCENIC PROTECTION CATEGORY 1 AREAS (DCP D4.14)**  
The visual impact of the development on the public domain remains largely unchanged. The proposed development will have minimal impact on the existing character of the locality when viewed from the waterway.

## **10. MATTERS FOR CONSIDERATION UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **THE LIKELY IMPACTS OF THE DEVELOPMENT**

These have been addressed above.

### **THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

The site is considered suitable for the proposed development. The existing development on the site is a single dwelling and the site is considered to be suitable for residential development. The zoning and all planning controls provide for such development as is proposed. All requisite services for residential development are available with existing connections to the site. The site has no history of contamination and there are no known hazards evident on the land.

### **THE PUBLIC INTEREST**

The public interest is served by improving the functionality and aesthetics of the existing development on the site whilst ensuring that the additions do not result in an unreasonable loss of residential amenity to adjoining and nearby properties and public spaces.

## **11. CONCLUSION**

The proposed development represents a reasonable response to the constraints and opportunities of the site and to the relevant planning controls, in accordance with the objectives of the *Environmental Planning and Assessment Act 1979*. The proposal achieves the aims and objectives of all relevant development standards and planning controls. The proposal will improve the amenity of the existing development. The change is achieved with respect for solar access, view sharing, visual privacy and acoustic privacy to adjacent development. It is therefore considered that the proposal will increase the amenity for the occupants of this development, adding universal access to all levels of the dwelling with the inclusion of a lift, without adversely impacting surrounding properties and public spaces. The proposed upgrading of the development will be consistent with the existing character of the local area.



**APPENDIX 1 : PHOTOGRAPHIC RECORD**



STREET BOUNDARY VIEW INTO COURTYARD WHERE CARER'S LIFT IS PROPOSED





VIEW FROM OUTBUILDING TERRACE OF REAR GARDEN, LOOKING TOWARDS EXISTING DWELLING  
(shows existing sandstone retaining walls forming garden terraces)





VIEW FROM LEVEL 1 TERRACE LOOKING TOWARDS EXISTING DWELLING AT No 56 McCARRS CREEK ROAD  
(shows sandstone retaining walls, roof of existing outbuilding and existing large spa in rear garden of No 54)





VIEW FROM LEVEL 1 TERRACE LOOKING TOWARDS EXISTING DWELLING AT No 52 McCARRS CREEK ROAD  
(shows sandstone retaining walls, roof of existing boathouse and existing large spa in rear garden of No 54)





VIEW FROM LEVEL 3 BALCONY LOOKING TOWARDS EXISTING DWELLING AT No 56 McCARRS CREEK ROAD  
(shows sandstone retaining walls, roof of existing outbuilding and existing large spa in rear garden of No 54)



VIEW FROM EXISTING LEVEL 1 TERRACE TOWARDS NORTH WEST SIDE BOUNDARY  
(shows existing Level 1 covered terrace for location of proposed bbq plus existing external stair and boundary fence at No 54)





VIEW FROM EXISTING LEVEL 1 TERRACE TOWARDS SIDE BOUNDARY WITH No 52, NOTING EXISTING BOUNDARY FENCE