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STATEMENT OF ENVIRONMENTAL EFFECTS

NEW DWELLING AND SWIMMING POOL

LOT 12 IN DP 654117

183 BARRENJOEY ROAD NEWPORT

FOR

PAUL BEVILAQUA

APRIL 2019

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1.0 INTRODUCTION

This Statement of Environmental Effects accompanies details prepared by Newport Homes, Drawing No. J137, Issue D dated 13 February 2019, to detail the construction of a new dwelling house and swimming pool on the land at **183 Barrenjoey Road, Newport**.

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 Regulation 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

As a result of the assessment, it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the application is justified.

2.0 PROPERTY DESCRIPTION

The subject allotment is described as 183 Barrenjoey Road, Newport, being Lot 12 within Deposited Plan 654177 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item nor is it within a conservation area. The land is not identified as being bushfire or flood prone land. The site is identified as being within the Terrestrial Biodiversity zone. The site is within the Class 5 Acid Sulfate Soils area.

The site is identified on Council's Geotechnical Hazard Map as 'Class AE Hazard H2'. Accordingly, a Geotechnical Assessment accompanies this report, prepared by AW Geotechnics, Project No. J1828, dated 30 August 2018.

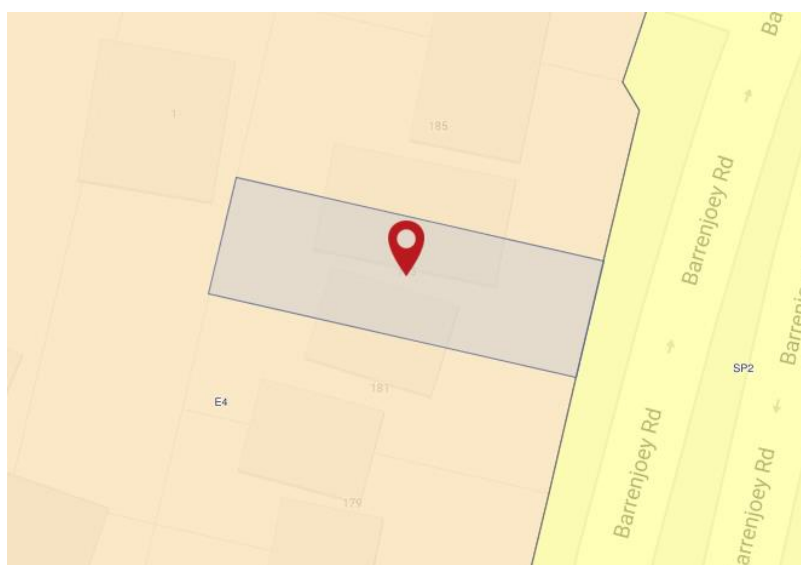


Figure 1: Location and zoning map, identifying the land within the E4 zone

3.0 SITE DESCRIPTION

The property is located on the western side of Barrenjoey Road, Newport. The site is regular in shape and falls from east to west, with a driveway providing vehicular and pedestrian access to Barrenjoey Road.

The land has a total area of 474.2m². The front and rear boundaries have a width of 12.19m while both the northern and southern side boundaries are 38.71m in length. The site is currently vacant land with no structures or significant trees. There are single dwellings on the adjoining allotments to the north, south and west of the subject site.



Figure 2: Aerial photo of the subject site



Figure 3: Photograph showing the subject site to be vacant land (looking west)



Figure 4: The subject site as viewed from Barrenjoey Road



Figure 5: Oblique aerial photo facing east showing the subject site outlined in white and the surrounding context



Figure 6: Oblique aerial photo facing north-west showing the subject site outlined in white and the surrounding context

4.0 THE SURROUNDING ENVIRONMENT

Newport is a residential suburb of Sydney located approximately 31k north of the Sydney Central Business District. The land was formerly under the Pittwater Council local government area but is now under the recently constituted Northern Beaches Council which forms part of the Northern Beaches region.

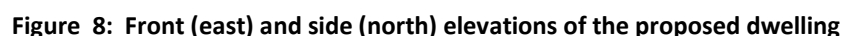
Barrenjoey Road is a classified road that follows the coastline through many of the Northern Beaches suburbs. The development surrounding the subject site is predominately single or two storey dwelling houses. The character of the area was established predominantly in the 1945-1965 period and exhibits an informal coastal residential setting. Refer to Figure 7.



Figure 7: Aerial photo showing the location of the subject site in relation to surrounding wider context

External	Permeable driveway, associated landscaping works and swimming pool and spa with associated coping and fencing adjoining the rear deck at the ground floor.
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Site Area:	474.2m ²
Required landscaped area	54% or 256.1m ²
Proposed landscaped area	55% or 263m ²



6.0 ZONING AND DEVELOPMENT CONTROLS

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

The proposal has been designed to comply with the water, thermal and energy standards required by BASIX. A valid BASIX Certificate has been provided to support the proposed works and the commitments are provided on the architectural plans.

6.2 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 Development with frontage to classified road

Barrenjoey Road is a classified road. The consent authority must be satisfied that -

- a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The only access available to the site is from Barrenjoey Road and the existing vehicular crossing is to be retained but not widened. The retention and use of the existing crossing will not adversely affect the safety, efficiency or ongoing operation of the road. Exit in a forward direction is demonstrated. The development is for a single dwelling which will replace a former single dwelling. Therefore there is no intensification of the land use.

The building is appropriately setback from the noise source by more than 10m and no additional acoustic measures are considered necessary for the development. Should Council require, additional information in this respect may be requested or conditions of consent applied.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone objectives and land Use Table

The site is zoned as E4 Environmental Living under the provisions of the PLEP 2014, gazetted on 30 May 2014.

The proposed dwelling is permissible with the consent of Council.

The development of and use of the land for residential purposes within the E4 Environmental Living Zone is consistent with the zone objectives, which are noted as:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

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

CONTROL	PROPOSED	COMPLIANCE
Clause 4.1 Minimum subdivision lot size (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	No subdivision is proposed with this development	N/A
Clause 4.3 Height of buildings (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. Max allowable height = 8.5m	The proposed development has a maximum building height of 8.47m.	Complies
Clause 4.4 Floor Space Ratio (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	There is no specified floor space ratio for the subject site.	N/A
Clause 7.6 Biodiversity (2) This clause applies to land identified as "Biodiversity" on the Biodiversity Map. (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider: (a) whether the development is likely to have: <ul style="list-style-type: none"> (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and (iv) any adverse impact on the habitat elements providing connectivity on the land, and (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The subject site is identified as "Biodiversity" on the Biodiversity Map. However, the site is vacant with minimal vegetation evident on site. The site was previously developed with a dwelling and the new development will not result in adverse environmental impacts to flora and fauna. The proposed works will not result in fragmentation as there are no trees of significance on the site. The Landscape Plan that accompanies the application provides details of the proposed landscaping on the site.	Complies

CONTROL	PROPOSED	COMPLIANCE
<p>Clause 7.7 Geotechnical Hazards</p> <p>(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:</p> <ul style="list-style-type: none"> (a) matches the underlying geotechnical conditions of the land, and (b) is restricted on unsuitable land, and (c) does not endanger life or property. <p>(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.</p>	<p>The site is identified on Council’s Geotechnical Hazard Map as ‘Geotechnical Hazard H2’. Accordingly, a Geotechnical Assessment has been prepared by AW Geotechnics, dated 30 August 2018. This issue will be discussed under Section B – General Controls. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.</p> <p>Conditions of consent may be applied if necessary.</p>	<p>Complies</p>

6.4 Pittwater 21 Development Control Plan

Council’s Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) and Section D10 Newport Locality Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.4.1 Section A - Introduction

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

A4.10 Newport Locality

The Newport locality will remain primarily 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 the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

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

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

A balance will be achieved between maintaining the landforms, landscapes and other features

of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

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

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

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

It is considered that the proposal is consistent with the desired character of the locality through the development of a new two storey dwelling on a vacant site which is consistent with the low density scale of the area and which will not be visually prominent within the Barrenjoey Road locality. The dwelling will integrate with the local landscape character and landform.

6.4.2 Section B - General Controls

The General Controls applicable to the proposed construction of a new dwelling are summarised as:

B1.4 Aboriginal Heritage Significance

The controls seek to achieve the outcomes:

Provide protection for 'Aboriginal Places and Objects'. (S)

Potential Aboriginal Places and Objects are identified and protected. (S)

The controls suggest:

"If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal Object then additional independent information on the potential heritage significance may be requested.

Development must conserve the significance of any aboriginal place or object".

There is no obvious evidence of Aboriginal occupation or objects. If any Aboriginal objects are located they will be preserved, and further advice sought to protect the items.

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified on Council's Geotechnical Hazard Map as 'Hazard H2'. Accordingly, a Geotechnical Assessment has been prepared by AW Geotechnics, dated 30 August 2018. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.

B4.5 Flora and Fauna Habitat Enhancement Category 2 and Wildlife

The controls seek to achieve the outcomes (over):

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

The proposal will not require the removal of any significant vegetation to accommodate the new works. A new landscape plan is proposed with this application as the site is currently unvegetated.

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 to the waterway. The proposal is within the environmental capacity of the land and therefore there will not be any significant issue in terms of water quality. Refer to the submitted stormwater plan for further details regarding water quality management for the new dwelling.

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

This control seeks to achieve the outcomes:

Safe and convenient access. (S)

Adverse visual impact of driveways is reduced. (En)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

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

The development proposes a 6.4m wide permeable driveway that will provide vehicular access to Barrenjoey Road to the subject site and will not require the removal of any trees.

B6.3 Internal Driveways – Low Density Requirements

This control seeks to achieve the outcome:

Safe and convenient access. (S)

Reduce visual impact of driveways. (S)

Pedestrian safety. (S)

An effective road drainage system. (En, S)

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

The proposed permeable driveway will provide access directly into the double garage from Barrenjoey Road and has been designed to minimize impacts on native vegetation and run-off.

B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential

This control seeks to achieve the outcome:

Safe and convenient parking. (S)

The proposal will include a double garage which will provide 2 car parking spaces on site in accordance with this clause.

B8.1 Construction and 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 works will require some minor excavation along the site due the slope of the land. Accordingly, a Geotechnical Assessment has been prepared by AW Geotechnics, as previously mentioned. All works will be carried out under the guidance of a qualified structural engineer to minimise site disturbance.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

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

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

Public safety is ensured. (S)

Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Erosion and sediment control details have been prepared and are detailed within this submission on the Site Analysis Plan.

6.4.3 Section C Design Criteria for Residential Development

The Design Criteria applicable to the proposed construction of a new 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 proposed development will have 55% of the site (263m²) provided as landscaped area which is compliant as the required landscaped area for the site is a minimum of 54%. Refer to the accompanying landscape plan for further details on the proposed works.

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 dwelling entry and upper lounge will provide casual surveillance over the driveway and the immediate front entry area of the property.

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 required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties. The adjacent properties to the north and south of the subject site will continue to maintain their views to the east. The proposed dwelling is of a modest scale and designed with a flat roof to reduce the overall height and bulk of the dwelling.

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 proposed development on the solar access of the subject site and neighbouring properties. The dwelling to the north will be

unaffected by the proposed development due to favourable siting, however the dwelling to the south is affected by the proposed development. It is clear in the shadow diagrams that the adjoining dwelling to the south will still receive compliant solar access for a minimum of 3 hours to the rear private open space area in the afternoon.

C1.5 Visual Privacy

The controls seek to achieve the outcomes (over):

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 controls seek 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 rear alfresco and pool are adjacent to heavily vegetated areas of the adjoining dwellings and it is considered that there are minimal privacy impacts arising. Notwithstanding, the northern side of the pool will be provided with a 1.5m high privacy screen. Refer to Site Plan. For the most part, the boundary fencing and new landscaping will be sufficient to ameliorate privacy impacts to and from the adjacent properties.

Accordingly, the proposal is considered to maintain privacy for the subject site and neighbouring properties. Should Council still have concerns over privacy, conditions may be applied or fenestration may be altered prior to the granting of consent.



Figure 9: Rear verandahs in the rear yards of the adjoining dwellings at Nos. 181 and 179 Barrenjoey Road Newport. Elevated rear verandahs are common where views to the west are available.

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.

The swimming pool pump and filter will be enclosed in an acoustic enclosure and any air conditioning unit will be subject to environmental noise criteria. There are no other potential noise generating sources associated with the development other than noise from Barrenjoey Road.

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 controls 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 numerical requirements are as follows:

Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.

Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).

A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.

- The control requires 80m² private open space (POS) for a dwelling at ground level. The pool and alfresco area make up for 81.4m² however additional area is available in the front and rear yard. Additional POS is contributed by the upper level front balcony.
- The POS has direct access from the living areas and is useable and a focal point for the residents.
- Due to the topography, private open space will not be entirely achievable at ground level. The rear alfresco achieves 19.5m² with a minimum dimension of 3.5m. While not fully compliant with the DCP control in respect of the minimum dimension, it is evident that the alfresco area is a functional and useable area of sufficient dimensions to serve as private open space. As the area meets the intent of the control, Council is requested to allow flexibility in the assessment of the private open space area.
- The location of the POS is such that it is generally adjacent to the heavily vegetated rear yard areas of the adjoining properties with acceptable levels of privacy. Notwithstanding, the northern side of the pool will be provided with a 1.5m high privacy screen.

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)

The purpose of the controls are to ensure that reasonable and convenient access is maintained to the site and the development for the occupants and visitors. The works will allow for appropriate vehicular and pedestrian access to the site and will provide for convenient access to the dwelling.

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 purpose of the required controls are to ensure that adequate area remains for the storage of waste and recyclable materials. The curtilage to the dwelling and garage will provide adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the weekly household garbage service.

6.4.4 Section D Locality Specific Development Controls

The **D10 Newport 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 locality.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D10 Newport Locality** is provided below:

D10.1 Character as Viewed From a Public Place

The control seeks to achieve the outcomes:

Achieve the desired future character of the Locality.

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)

Parking structures are minimised and secondary to the built form, landscaping and vegetation. (S)

Access to public places and spaces is clear and defined. (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 proposed elevations provide for a contemporary two storey built form with appropriate relief, bulk and scale and external finishes. The building will not dominate the streetscape or the existing surrounding development.

D10.4 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 the visual character of 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 use of materials with low embodied energy is encouraged. (En)

New buildings are robust and durable with low maintenance requirements. (S)

In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)

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 new dwelling will be finished in neutral tones compatible with the surrounding development and the local environment. Refer to the schedule of colours and finishes for further details.

D10.7 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 a scale and density that is in keeping with the height of the natural environment.

To encourage attractive street frontages and improve pedestrian amenity.

To ensure new development responds to, reinforces and sensitively relates to the spatial

characteristics of the existing urban environment.

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage. The proposed works will provide a front setback of 10m to the garage, thus achieving compliance

The proposal will not see the removal of any significant vegetation and provides for compliant areas of soft landscaping.

D10.8 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. (En, S)*

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 dwelling will stand a minimum of 1m from the southern side boundary and 2.509m from the northern boundary and is therefore compliant with this control.

For swimming pools and spas, a 1m setback from the boundary to the pool coping may be permitted if there are site constraints, satisfactory landscaping within the setback or adjoining properties are not adversely affected.

The rear wall of the dwelling will have a setback to the rear boundary of 10.03m and 4.5m from the alfresco to the rear boundary.

The swimming pool surround will stand 4.5m from the rear boundary which is considered acceptable for a swimming pool. The side setback of the swimming pool will be 1m to the waterline and approximately 500mm to the edge of the surround. For this reason, a 1.5m high privacy screen will be provided to the northern side of the swimming pool. The proposed screen landscaping and boundary fencing will provide screening and ameliorate privacy impacts.

D10.11 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°.

The dwelling will achieve substantial compliance with the building envelope. The dwelling proposes a contemporary design. To achieve vehicular access from the existing driveway location, the building is situated closer to the southern side which causes an acceptable intrusion into the envelope. The building height and side setbacks are compliant with Council's controls and the encroachment is inconsequential. The roof design assists with minimizing shadow impacts and hence improves solar access to neighbouring dwellings.

The proposal will not result in any unreasonable impacts for neighbouring properties in terms of solar access, view loss or amenity. Accordingly, the proposal is in keeping with the desired outcomes of this control.

D10.13 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 required minimum landscaped area of 54% of the site area.

The proposal will achieve a total landscaped area of 263m², or 55% of the site area, and therefore is compliant with this control.

D10.16 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 floor is stepped down to follow the fall of the land towards the rear and to keep the building compliant with the building height of 8.5m. The new works will require some site disturbance. The new retaining walls will be designed in accordance with the directions of the geotechnical and structural engineer.

7.0 MATTERS FOR CONSIDERATION S4.15 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, SEPP BASIX and SEPP Infrastructure. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with their provisions.

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

7.2 The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments applicable to the proposal.

7.3 The provisions of any development control plan

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

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 a variation to the building envelope and private open space controls of the DCP as justified in this report. As the variations will not result in any unreasonable or adverse impacts to the adjoining neighbours, Council's support is requested.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

It is considered that the proposed new dwelling respects the desired character objectives of the DCP in that they reinforce the existing residential character of the area and are compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under Section 7.4

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

7.5 Any matter prescribed by the regulations that apply to the land

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 construction of a dwelling and swimming pool will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

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

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.

The subject site is of a sufficient area and dimensions to support the proposed development.

7.8 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.

The proposed residential use of the land also sees the economic and orderly use of the land to provide for additional housing within the area, which will be designed and constructed in an environmentally friendly and sustainable manner, to the benefit of the wider community.

8.0 CONCLUSION

The principal objective of this development is to provide for the construction of dwelling house and swimming pool at **183 Barrenjoey Road Newport**.

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

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



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