

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW SWIMMING POOL OVER AN
APPROVED GARAGE**

LOCATED AT

81 PRINCE ALFRED PARADE, NEWPORT

FOR

MATTHEW AND KELLY SCHOTT



**Prepared
March 2020**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Property Description	4
3.0	Site Description	4
4.0	The Surrounding Environment.....	7
5.0	Proposed Development	8
6.0	Zoning and Development Controls	9
6.1	State Environmental Planning Policy No. 55 – Remediation of Land	9
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	9
6.3	State Environmental Planning Policy (Coastal Management) 2018	9
6.4	Pittwater Local Environmental Plan 2014	14
6.5	Pittwater 21 Development Control Plan	16
6.5.1	Shaping Development – Desired Character	17
6.5.2	Section B General Controls	19
6.5.3	Section C Development Type Controls	21
6.5.4	Section D Locality Specific Development Controls	25
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979.	29
7.1	The provisions of any environmental planning instrument	29
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	29
7.3	Any development control plan.....	29
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.....	29
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	29
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	29
7.7	The suitability of the site for the development.....	30
7.8	Submissions made in accordance with this Act or the regulations	30
7.9	The public interest.....	30
8.0	Conclusion.....	30

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Rama Architects on behalf of Matthew and Kelly Schott, to detail the proposed alterations and additions to an existing dwelling comprising a new swimming pool over an approved garage at **81 Prince Alfred Parade, Newport**.

The Notice of Determination of DA N0285/16 was issued by Pittwater Council on 18 October 2016 and provided for “*Demolition of existing structures and construction of a new dwelling*”.

A subsequent modification application MOD2019/0330 was submitted on 10 July 2019 and withdrawn on 9 September 2019.

A subsequent modification application MOD2019/0484 was submitted on 4 October 2019 and approved on 18 December 2019.

A Pre-Lodgement meeting was held PLM2020/0009 to discuss the proposed construction of a swimming pool over the approved garage, which determined that the proposed swimming pool was generally supported subject to the coping level being at the same height of the proposed terrace.

The proposed pool is sited level with the approved terrace in accordance with Council’s advice.

The architectural plans prepared by Rama Architects, dated 26 February 2020 comprise:

- DA_000 *Cover Page & Drawing Schedule*
- DA_001 *Site Plan*
- DA_100 *Pool Plan*
- DA_300 *Elevations Sheet 01*
- DA_301 *Elevations Sheet 02*
- DA_302 *Elevations Sheet 03*
- DA_400 *Sections Sheet 01*
- DA_500 *Landscape Plan*
- DA_501 *Site Analysis Plan*
- DA_502 *Erosion & Sediment Control Plan*

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*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as 81 Prince Alfred Parade, Newport, being Lot 109 within Deposited Plan 13457 and is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014.

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

The site is noted as 'W Hazard H1' on Council's Geotechnical Hazard Map. A Geotechnical Comment has been prepared by Douglas Partner Pty Ltd, Project No. 85382.01 dated 2 March 2020 and this will be discussed in further detail within this report.

The site is noted as being subject to State Environmental Planning Policy (Coastal Management) 2018. This will be addressed in further detail within this report.

The site is identified as being within a Terrestrial Biodiversity Zone. This will be discussed in further detail within this report.

There are no other known hazards affecting the site.

3.0 Site Description

The site is located on the southern, higher side of Prince Alfred Parade. The site is currently being developed with a new dwelling, pursuant to DA N0285/16e.

The landfalls towards the street and the approved dwelling has stepped floor levels to respect the site's contours. Stormwater from the roof areas is to be directed to the street gutter.

The site is regular in shape, with an angled front boundary measuring 14.025m in total. The eastern and western side boundaries measure 35.825m and 36.54m respectively. The rear, southern boundary measures 14.02m and the total site area is 507.2m².

The details of the land are contained within the survey report prepared by Geographic Solutions Surveyors Pty Ltd, Reference No. 2552, dated 10 December 2014, which accompanies the DA submission.



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



Fig 2: View of subject site, looking south from Prince Alfred Parade



Fig 3: View of neighbouring properties to the east, looking south-east from Prince Alfred Parade

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.

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.

It is not uncommon for properties in this area to have a swimming pool within the site.

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.

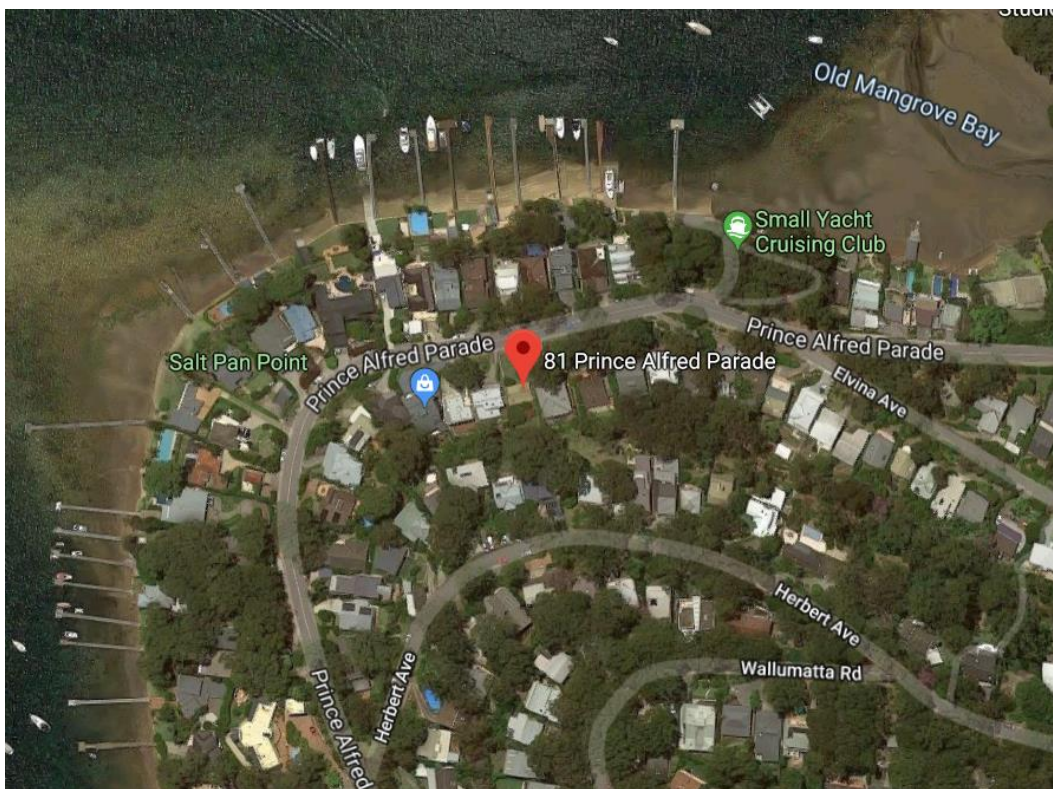


Fig 4: Aerial Photograph of surrounding locality
(Source: Google maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for the construction of alterations and additions to an existing dwelling comprising a new swimming pool.

The proposed swimming pool will replace part of an approved terrace over the garage level and the proposed swimming pool will have a coping level which is in keeping with the approved external terrace (RL 25.15m).

The following general comments re offers in support of the proposed swimming pool:

- The proposed swimming pool is located to observe Council's 6.5m front building line setback
- The inclusion of the swimming pool to replace a portion of the approved terrace will result in a reduced trafficable area and the extent of the associated outdoor entertaining space. The primary outdoor entertaining space will be largely confined to the area under the first floor deck and within the edges of the proposed privacy screens, further reducing the impacts with regards to noise and privacy.
- The swimming pool activities are seasonal (limited to summer months) and predominantly holiday/daytime activity.
- There are a number of properties on Prince Alfred Parade that have swimming pools in the front landscapes area, notably at the nearby site at No 85 Prince Alfred Parade.
- Planter boxes are to be provided to the perimeter of the swimming pool to soften and screen the built form of the pool from the street and neighbouring properties, whilst maximising privacy.

The proposal will not see the removal of any significant vegetation. New plantings will be provided on site as detailed in the submitted Landscape Plan (Drawing No. DA-500).

The development indices for the proposal are:

Site Area	507.2m ²
Required Landscaped Area	60% or 304.32m ²
Proposed Landscaped Area	54.6% or 276.8m ² (unchanged)

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 to support the modified proposal.

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

The proposal meets water, thermal and energy standards required by BASIX. A revised BASIX certificate has been submitted with the Application to Modify Consent.

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.

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 proposed new works are wholly contained within a developed area of the site, and will therefore not impact on any nearby coastal wetlands or littoral rainforest.

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 modified 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 modified proposal will not result in any loss of access to the foreshore area.

Stormwater from the approved development will continue to be directed to the street gutter.

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 modified proposal will continue to be 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 a new swimming pool over an approved garage, which is 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 seeks to provide for an existing swimming pool over an approved garage. The proposed new works are largely contained within the footprint of the approved development 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 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.

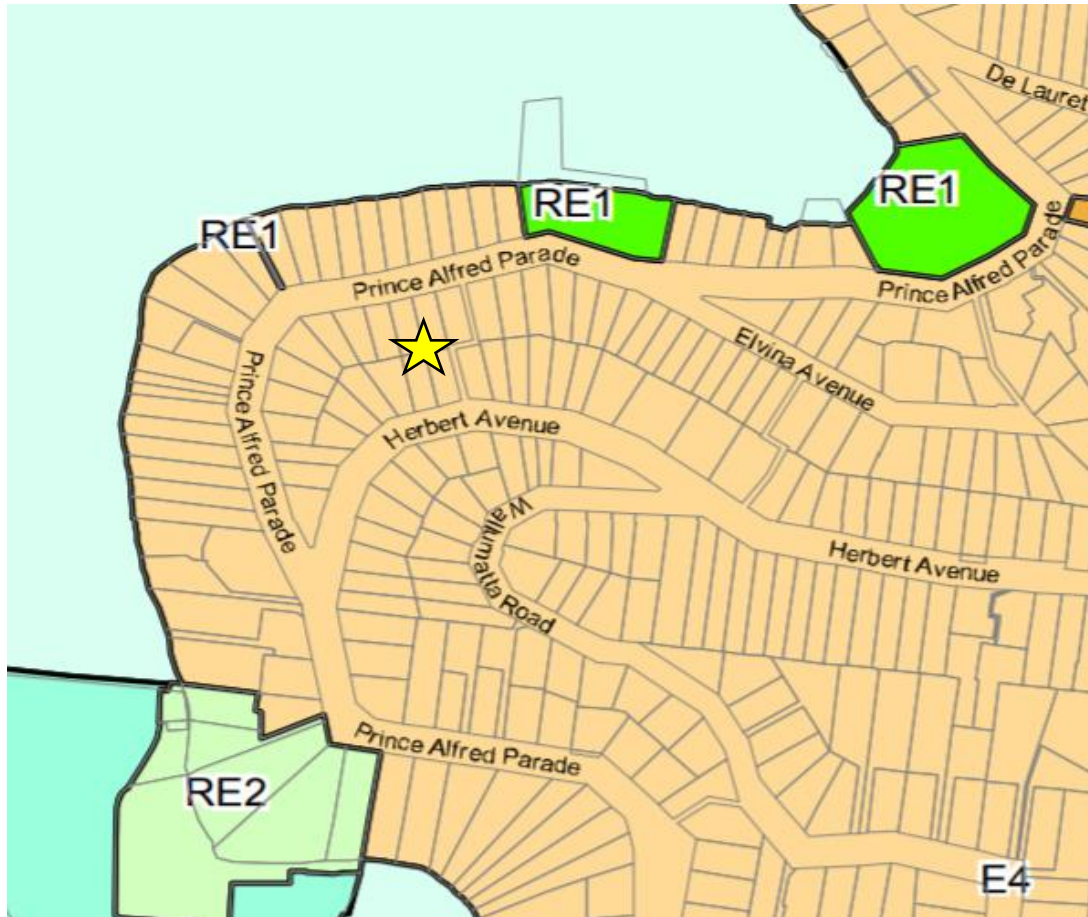


Fig 5: Extract of Pittwater Local Environmental Plan 2014

The proposed modifications to the approved new 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 Zone is consistent with the zone objectives, which are noted as:

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

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

- The proposal will provide for a swimming pool over the approved garage, which complements the existing style of development 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 a new swimming pool over an approved garage which will not have any significant or adverse impact on the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The modified 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 Newport is 8.5m. The proposed pool is flush with the level of the approved terrace over the garage, and the approved overall height of the dwelling remains unchanged. The proposal will therefore readily comply with the statutory height limit.

Clause 7.1 – Acid Sulfate Soils

The site is identified as being within the Class 5 Acid Sulfate Soils Area. The proposed pool will not require any disturbance of the site, and it is therefore not anticipated that acid sulfate soils will be encountered.

Clause 7.2 – Earthworks

Due to its location over the approved garage, the proposed swimming pool will not require any disturbance of the existing site conditions. The proposed works 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.

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 modified development does not necessitate the removal of any significant vegetation and will retain the approved area of soft landscaping. Accordingly, the proposal is therefore considered to be consistent with the provisions of this clause.

Clause 7.7 – Geotechnical Hazards

The site is identified as 'W Hazard H1' on Council's Geotechnical Map. The proposal seeks to provide for the construction of a new swimming pool over an approved garage.

Accordingly, a Geotechnical Comment has been prepared by Douglas Partners, Project No. 85382.01 dated 2 March 2020, which concludes that the proposed swimming pool will not require any change to the Geotechnical Investigation submitted with the original development application.

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

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

6.5 Pittwater 21 Development Control Plan

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

6.5.1 Shaping Development – Desired Character

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

D.10 Newport Locality

Desired Character

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 by providing for the construction of a new swimming pool over an approved garage, which is consistent with the scale and style of development within the vicinity.

The proposal seeks to provide for increased amenity for the residents, whilst minimising the impacts for neighbouring properties.

The swimming pool is modest in size and will not see any adverse bulk or scale impacts to the dwelling.

The proposal does not require the removal of any significant trees or vegetation and will retain the approved area of soft landscaping on the site.

6.5.2 Section B General Controls

The General Controls applicable to the proposed swimming pool are summarised as:

B3.1 Landslip Hazard

The controls seek to achieve the outcomes:

Protection of people. (S)

Protection of the natural environment. (En)

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

The site is identified as Landslip Prone on Council's Hazard Mapping. The proposal seeks the construction of a new swimming pool over an approved garage. Accordingly, a Geotechnical Comment has been prepared by Douglas Partners, Project No. 85382.01 dated 2 March 2020, which concludes that the proposed swimming pool will not require any change to the Geotechnical Investigation submitted with the original development application.

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 see the removal of significant vegetation and is therefore not considered to detract from any intact Spotted Gum forest.

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 proposed new works be connected to the existing stormwater system. The proposal will not see any increase in hard surface area, and the existing stormwater arrangements are considered satisfactory.

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 existing crossing and approved concrete driveway will be maintained.

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

This control seeks to achieve the outcome:

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

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. Safe and convenient parking. (S)

The new garage will maintain two car parking spaces within the approved garage and therefore complies with this requirement.

B8.1 Construction & Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

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

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

A Geotechnical Comment has been prepared by White Geotechnical Group, Reference No. J2282, dated 31 July 2019. The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers, and will satisfy the provisions of this clause.

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)

Erosion and sediment control measures will be carried out as necessary.

6.5.3 Section C Development Type Controls

The Design Criteria applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcome:

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

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

The proposal will not require the removal of any significant vegetation. New plantings are provided throughout the site as detailed within the submitted Landscape Concept Plan (Drawing No. DA-500). The approved area of soft landscaping will be maintained on site.

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 works will not impact on the existing safety or security of the site. Casual surveillance of the street area will continue to be available from the dwelling to the site's entry.

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 west towards Pittwater. The proposed new works will not see any substantial change to the built form of the approved dwelling, and will allow the retention of views from the neighbouring properties to the Pittwater waterway. The proposal will not see any changes to the maximum overall height of the dwelling

The proposal is therefore not considered to result in any unreasonable view loss for neighbouring properties.

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.

Given the pool is sited level with the existing modest terrace, there will be no noticeable increase in overshadowing.

C1.5 Visual Privacy

The controls seek to achieve the outcomes:

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

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

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

The proposal seeks to provide for the construction of a new swimming pool, which by being located forward of the approved dwelling, will not have any implications for the privacy enjoyed by neighbouring properties.

The proposed swimming pool will replace part of an existing approved terrace over the garage level and will likely result in a reduced sense of overlooking with users of the pool confined to the southern area of the terrace, with non-trafficable planting areas provided to the northern, eastern and western sides of the pool.

The proposed new landscape plantings, together with generous setbacks of the proposed pool, will assist with maintaining privacy for occupants of the subject site and 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, there will not be any significant impact on the surrounding locality in terms of acoustic privacy.

The new pool filter will be located in a soundproof enclosure, which will suitably mitigate the effects of acoustic intrusion to the neighbours.

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 existing private open space area within the rear yard will remain unchanged and the function of the private open space for the site will be enhanced through the inclusion of the swimming pool.

C1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

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

The curtilage to the dwelling and the garage will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

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

The proposed new swimming pool fencing is to be located and maintained in accordance with the Swimming Pools Act 1992 and regulations.

6.5.4 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 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 any significant 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:

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 form and natural environment. (En, S, Ec)

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

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

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

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

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

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

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

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 of wall and roof planes, spatial separation, landscaping etc.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new swimming pool over an approved garage.

The proposal will not see any change to the approved dwelling, and maintains consistency with the bulk and scale of existing surrounding development.

The proposal will not result in any adverse impacts for neighbouring properties in terms of solar access or amenity.

The proposed pool is flush with the level of the approved terrace over the garage, and the approved overall height of the dwelling remains unchanged. The new swimming pool is therefore not considered to be prominently viewed within the Prince Alfred Parade Streetscape.

The proposal does not require the removal of any significant trees or vegetation and will retain the approved area of soft landscaping on the site.

D10.4 Building Colours and Materials

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality.*
- The development enhances the visual quality and identity of the streetscape. (S)*
- To provide attractive building facades which establish identity and contribute to the streetscape.*
- To ensure building colours and materials compliments 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 it is intended to utilise recessive tones and finishes to match the existing dwelling as per the DCP.

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 pool will stand a minimum of 6.5m from the front setback and therefore complies with this control.

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 a minimum 1.0m setback for the other side. A setback of 6.0m to the rear boundary is also required by this clause.

The proposed swimming pool will stand a minimum of 2.9m and 1.6m from the eastern and western side boundaries respectively, and therefore complies with the side setback requirement.

The pool is sited in the front yard area, and is therefore not subject to the rear setback control.

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 proposal will not see any change to the building envelope of the dwelling.

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 require a minimum landscaped area of 60%. The proposal will maintain the soft landscaped area of 276.8m² or 54.6% of the site area approved under DA N0285/16.

D10.18 Scenic Protection Category One Areas

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (En,S)*
- To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as ridges, upper slopes and the waterfront. (En, S)*
- Maintenance and enhancement of the tree canopy. (En,S)*
- Colours and materials recede into a well vegetated natural environment. (En, S)*
- To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component (En, S)*
- To preserve and enhance district and local views which reinforce and protect Pittwater's bushland landscape and urban form to enhance legibility.*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to the natural environment.*
- Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

The proposal will not see the removal of any significant vegetation.

The proposed new works comprise earthy, non-reflective colours and finishes which will blend with the natural environment of the locality.

The site will retain the approved area of soft landscaping. Accordingly, the proposal is considered to be in keeping with the provisions of this clause.

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.

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 design respects the desired character objectives of the DCP in that it reinforces the existing 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

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

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

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

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

It is considered that the proposal, which seeks consent for the construction of a new swimming pool over an approved garage, 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 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 and the Newport 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 and is permissible under the provisions of the LEP.

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.

8.0 Conclusion

The principal objective of this development is to provide for construction of a new swimming pool over an approved garage, to enhance the functionality and enjoyment of the property without unreasonably impacting on the adjoining properties.

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.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)