

STATEMENT OF ENVIRONMENTAL EFFECTS
FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS
TO AN EXISTING DWELLING

LOCATED AT

39 MARIPOSA ROAD, BILGOLA PLATEAU

FOR

MR & MRS FREER



Prepared
March 2021

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Mr & Mrs Freer by Inlet Design Studio, Project No. ABC123, Sheet No. A01 – A09, dated 10 February 2021, detailing the construction of alterations and additions to an existing dwelling at **39 Mariposa Road, Bilgola Plateau**.

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

2.0 Property Description

The subject allotment is described as No. 39 Mariposa Road, Bilgola Plateau, being Lot 28 in DP 28775. The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

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

The site is identified as Low Risk Flood Prone Land. This matter will be discussed in further detail within this report.

The site is not identified as being affected by any hazards.

3.0 Site Description

The property is irregular in shape with an arc-shaped frontage of 10.882m, and eastern and western side boundaries that measure 30.499 and 42.269m respectively. The rear boundary measures 39.624m. The total site area is 815.7m².

The land slopes steeply towards the front, southern boundary, with a total fall of approximately 5.4m over the site's length. Stormwater from the roof areas is directed to the street gutter in Mariposa Road.

The site is developed with a two storey rendered residence with a metal roof. Vehicular access to the site is currently available via a concrete driveway from Mariposa Road, with parking provided within an attached garage below the dwelling. An in-ground swimming pool is located adjacent to the dwelling along the eastern side boundary.

The details of the site are included on the survey prepared by Rennie Golledge Pty Ltd, Reference No. 039.21, dated 12 February 2021, which accompanies the DA submission.

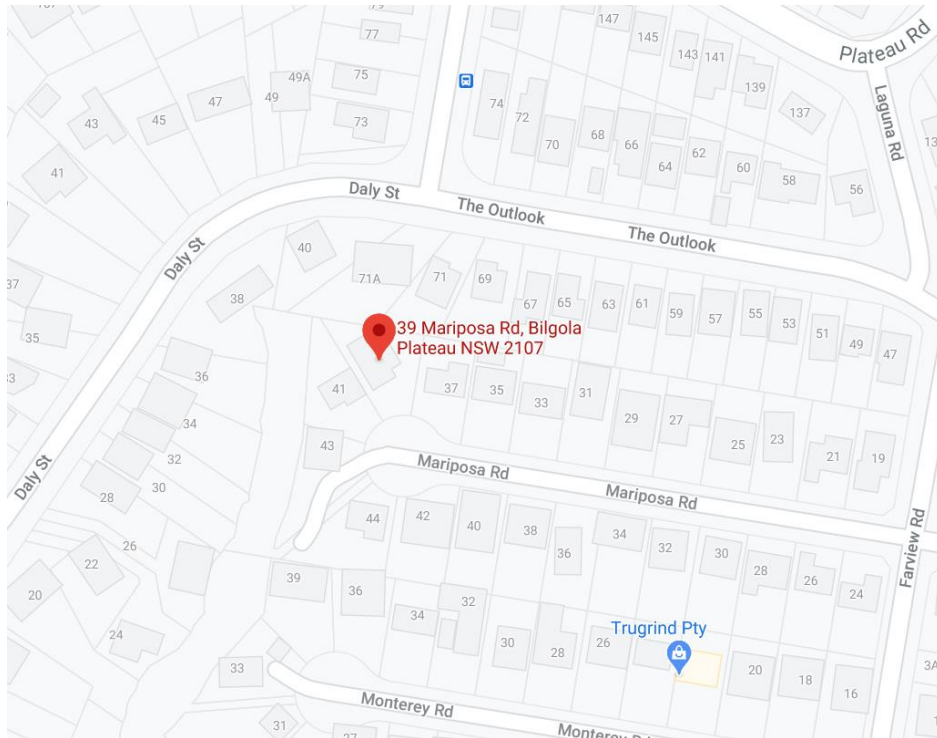


Fig 1: Location of subject site
(Source: Google Maps)



Fig 2: View of the subject site, looking north-west from Mariposa Road



Fig 3: View looking north east across the front yard, towards the adjoining dwelling at No 37 Mariposa Road



Fig 4: View looking west across the front yard, towards the adjoining dwelling at No 41 Mariposa Road



Fig 5: View looking north- west along the side boundary, looking towards the rear yard of the subject site



Fig 6: View looking south-east along the side boundary, looking towards the front boundary of the subject site



Fig 7: View looking towards the location of the proposed media room extension with externally accessed store under

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low density residential development of typically between one and two storeys.

The area is undergoing change and renewal, with additions and new dwellings being constructed in the immediate vicinity.

The form of the dwellings and associated structures is influenced by the sloping terrain and existing tree cover within the vicinity.

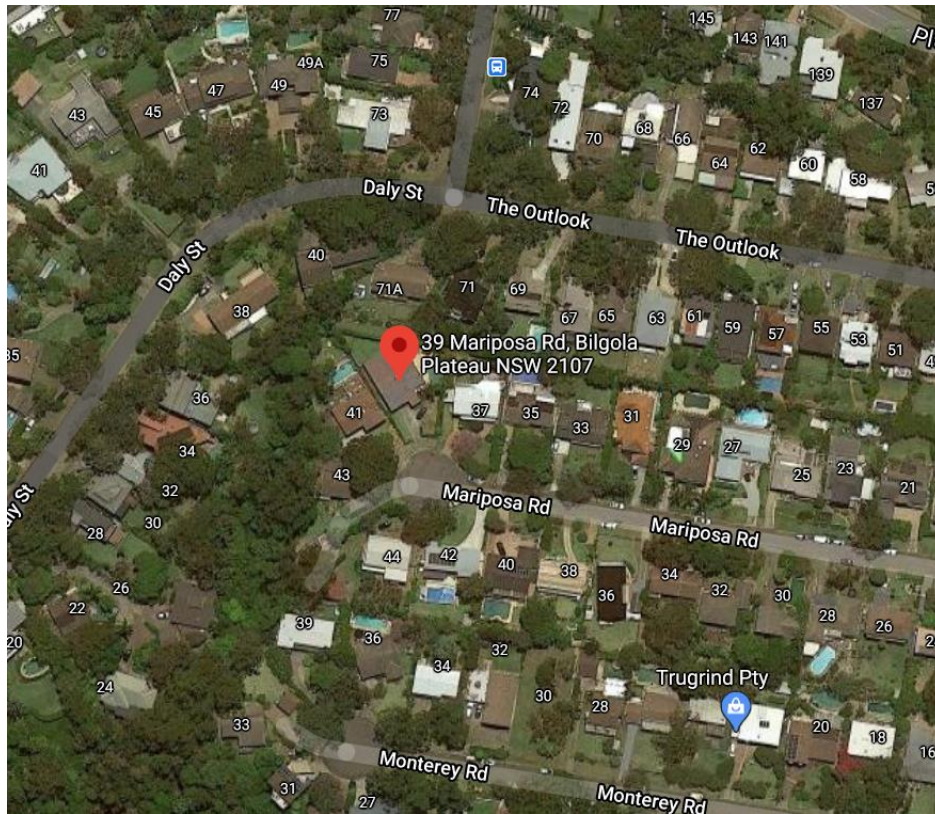


Fig 8: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of alterations and additions to the existing lower ground floor and ground floor levels of the dwelling. The proposed additions to the dwelling will not result in any increase in the existing building height or reduced setbacks to the side boundaries.

The new works will comprise the following:

Lower Ground Floor

- New externally accessed store area and internal stairs to provide access to ground floor

Ground Floor

- Proposed alterations and additions to the existing ground floor level to provide for an extension to two bedrooms, laundry, bathroom, study and media, living room, kitchen and internal access stairs

The proposed works are largely contained within the existing building footprint. The bulk and scale of the existing dwelling will not be substantially altered, and the proposal will not see any change to the existing ridge height of the dwelling.

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

The existing development indices for the site are:

Site Area	815.7m ²
Required Landscaped Area	60% or 489.42m ²
Proposed Landscaped Area	45.2% or 368.8m ²

6.0 Zoning and Development Controls

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

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

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. The proposal is therefore accompanied by a BASIX Certificate.

6.3 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone Objectives and land Use Table

The subject site is zoned R2 Low Density Residential under the Pittwater LEP 2014.



Fig 9: Extract of Pittwater Local Environmental Plan 2014 Zoning Map

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted over:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed modest alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for alterations and additions to an existing dwelling which will not have any material impact to neighbouring properties.
- The setbacks maintain compatibility with the existing surrounding development.
- The proposal does not have any impact on long distance views for the nearby properties.

Clause 4.3 – Height of Buildings

Development in this locality is subject to a maximum height of up to 8.5m. The maximum height of the proposed new works is up to 5.75m above natural ground level and therefore readily complies with this control.

Clause 7.1 relates to acid sulfate soils. The site has been identified in the Class 5 Acid Sulfate Soils areas. As no excavation is required to accommodate the new works, the proposed works are not anticipated to lower the water table, and therefore no further investigation is required in this instance.

Clause 7.2 relates to earthworks. The proposal will not require any significant excavation of the site, as the works are largely contained within the confines of the existing building. The works will be carried out in accordance with the recommendations of the consulting Geotechnical & Structural Engineers, and will therefore satisfy the provisions of this clause.

Clause 7.3 relates to flood planning.

The site is identified as Low Flood Risk Flood Prone Land. The existing floor levels of the dwelling remain unchanged, and the proposal is not considered to increase the flood risk of the dwelling and locality.

The proposal is therefore considered to be in keeping with the provisions of this clause.

Clause 7.6 relates to Biodiversity Protection. The land is noted within Council's Biodiversity mapped area.

- (1) The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:*
- (a) protecting native fauna and flora, and*
 - (b) protecting the ecological processes necessary for their continued existence, and*
 - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The proposal will not require the removal of any significant vegetation to accommodate the works. The proposal will maintain a suitable area of soft landscaping. In this instance, the Objectives of Clause 7.6 will be achieved.

There are no other provisions of the Pittwater LEP 2014 that are relevant to the proposed works.

6.5 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section C (Development Type Controls) and Section D Bilgola 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 Bilgola Locality, in which this site falls, are as follows:

A4.3 Bilgola Locality

The Bilgola locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:

The Plateau Area: Will provide for some dual occupancies, on land that does not have tree canopy coverage, species and habitat diversity, or 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 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.

Natural scenic views from the Bicentennial Walkway will be preserved.

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.

The proposal provides for alterations and additions to an existing dwelling, which will enhance the amenity for the residents.

The proposal has been designed with regard to existing development on Mariposa Road and the natural and modest characteristics of the locality.

The proposal will not see the removal of any significant vegetation, and will not see any substantial change to the available area of soft landscaping.

It is therefore considered that the proposal will achieve the desired future character of the locality.

6.5.2 Section B General Controls

The General Controls applicable to the proposed new works are summarised as:

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

The site is identified as Low Flood Risk Flood Prone Land. The existing floor levels of the dwelling remain unchanged, and the proposal is not considered to increase the flood risk of the dwelling and locality.

The proposal is therefore considered to be in keeping with the provisions of this clause.

B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor

The controls seek to achieve the outcomes:

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 proposed alterations and additions are largely contained within the existing building footprint and will not see the removal of any significant trees or vegetation. The existing vegetation on site will be retained and protected.

Accordingly, the proposal is not considered to detract from any Wildlife Corridors, and is considered to be in keeping with the provisions of this clause.

B5.15 Stormwater

The controls seek to achieve the outcomes:

Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;

Minimise the risk to public health and safety;

Reduce the risk to life and property from any flooding and groundwater damage;

Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.

Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle

Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources

Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.

The proposed alterations and additions are largely contained within the existing building footprint, and the existing stormwater arrangements will therefore remain unchanged.

B6.2 Internal Driveways

The controls seek to achieve the outcomes:

Safe and convenient access.

Reduce visual impact of driveways.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation.

Reduce contaminate run-off from driveways.

The proposal will not see any change to the existing driveway.

B6.3 Off-Street Vehicle Parking Requirements

The controls seek to achieve the outcomes:

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.

The proposal maintains the existing garage which will continue to accommodate two car spaces on site.

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)

The proposal will not require any excavation of the site or disturbance to the exterior ground levels. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and will therefore 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)

As required, appropriate sedimentation controls will be implemented throughout construction to prevent transportation of sediment to adjoining properties.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the following outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

The construction works will seek to minimise waste by re-using material where possible or recycling appropriate materials. All construction waste will be removed from the site to an approved waste facility.

6.5.3 Section C Development Type Criteria

The Development Controls 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 proposal will not see any substantial change to the existing area of soft landscaping, and will not require the removal of any significant vegetation. The existing vegetation on site will be maintained.

The site maintains boundaries which are capable of accommodating future plantings.

The existing plantings assist with softening and screening the built form of the development and maximising privacy for occupants of the subject dwelling and neighbouring properties. The proposal will maintain consistency with the landscaped character of the locality.

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 properties along Mariposa Road enjoy district views to the south.

As a result of the siting of uphill properties substantially above the location of the existing dwelling, views over and past the site will be retained. It is also note that the proposed new works will not see any change to the roof form or maximum ridge height of the dwelling, which will allow for the retention of view corridors over the dwelling.

The proposal is therefore not considered to result in any unreasonable view loss for neighbouring properties and will satisfy the provisions of this clause.

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 comprise minor changes to the existing roof form, and therefore will not result in any adverse impacts on the solar access received by neighbouring properties.

The adjoining properties will maintain suitable solar access throughout the day in accordance with Council's provisions.

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 proposed deck is well set back from side boundaries, and will primarily overlook the rear yard of the subject site.

The proposal is not considered to result in any unreasonable privacy impacts for neighbouring properties.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space 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. No unreasonable noise impacts are anticipated given the minor residential nature of the proposed works.

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

The proposal will retain the existing private open space areas within the rear yard.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

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

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

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials. The existing garage will maintain suitable area for on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

6.5.4 Section D Design Criteria

The **D3 Bilgola Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The 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 **D3 Bilgola Locality** is provided below:

D3.1 Character as Viewed from A Public Place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

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

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

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

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

To preserve and enhance district and local views which reinforce and protect 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 form maintains a compatibility with the locality through appropriate design relief and is secondary to the landscaping of the site.

The proposal provides for alterations and additions to an existing dwelling which are largely contained within the confines of the existing building and will be consistent with the scale and form of other development within the locality.

The proposal will not see the removal of any significant vegetation, and will maintain the existing area of soft landscaping.

It is therefore considered that the proposal will achieve the desired future character of the locality.

D3.3 Building colours and materials

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.

The development enhances the visual quality and identity of the streetscape. (S)

To provide attractive building facades which establish identity and contribute to the streetscape.

To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.

The colours and materials of the development harmonise with the natural environment. (En, S)

The visual prominence of the development is minimised. (S)

Damage to existing native vegetation and habitat is minimised. (En)

The proposed new works will be finished in earthy tones which are recessive and will harmonise with the natural environment.

D3.6 Front Building Line

The controls seek to achieve the outcomes:

Achieves the desired future character of the Locality.

Equitable preservation of views and vistas to and/or from public/private places. (S)

The amenity of residential development adjoining a main road is maintained. (S)

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

Vehicle manoeuvring in a forward direction is facilitated. (S)

To 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 existing front setback of the development remains unchanged and will therefore readily comply with the 6.5m minimum front setback requirement.

D3.7 Side and rear building line

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
- Flexibility in the siting of buildings and access. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- To ensure a landscaped buffer between commercial and residential zones is established.*

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

The existing side setbacks of the dwelling remain unchanged, and will comply with Council's side setback requirements.

The existing dwelling presents a variation to the rear setback control, and a portion of the new works will encroach on the rear setback.

Compliance with this control is constrained by the irregular configuration of the allotment, which together with the siting of the existing dwelling, prevents a development which complies with this control.

The bulk and scale of the development remains largely unchanged, and is in keeping with existing surrounding development. The proposal will not result in any adverse impacts for neighbouring properties in terms of solar access, views, privacy or general amenity.

The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.

D3.9 Building Envelope

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the*

development site and maintained to residential properties. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)

The proposal is contained largely within the existing built form, and will not alter the compliance of the existing dwelling with the building envelope control.

D3.11 Landscaped Area – Environmentally Sensitive Land

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality. (S)
The bulk and scale of the built form is minimised. (En, S)
A reasonable level of amenity and solar access is provided and maintained. (En, S)
Vegetation is retained and enhanced to visually reduce the built form. (En)
Conservation of natural vegetation and biodiversity. (En)
Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)
To preserve and enhance the rural and bushland character of the area. (En, S)
Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The proposal will provide a soft landscaped area of 368.8m² or 45.2% of the site area, and therefore does not comply with this control. The proposal will only see a minor reduction in the available area of soft landscaped, and the existing landscaped area presents a noncompliance to Council's control.

The proposal will not see the removal of any significant trees or vegetation and will maintain the existing plantings throughout the site.

The proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.

D3.2 Scenic Protection – General

The controls seek to achieve the outcomes:

Achieve the desired future character of the Locality.
Scenic bushland and geographical landforms are the predominant features of Bilgola with the built form being the secondary component of the visual catchment. (En, S)
Preserve scenic quality as part of the recreational amenity. (S)

The proposal will not require the removal of any significant vegetation, with the existing trees on site to be retained.

The proposal, which is largely within the confines of the existing dwelling and complies with Council's statutory height limit, presents a modest bulk and scale, which is consistent with the extent of surrounding development and will not be overbearing when viewed from the public domain or neighbouring properties.

The existing landscaping assists with softening and screening the built form of the development. The proposal is considered suitable in the scenic protection area, and will achieve the desired outcomes of this clause.

D3.16 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 works will not see any significant excavation.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

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

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

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

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

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

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

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

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the rear setback and landscaped area controls are a reasonable alternative solution to compliance where the existing building form is to be retained and the site conditions and location of existing development results in a challenge to designing for new development which fully respects the criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

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

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

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

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

It is considered that the proposal, which seeks consent for proposed construction of alterations and additions to an existing dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Bilgola Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for 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.

8.0 Conclusion

The principal objective of this development is to provide for the construction of alterations and additions to an existing, which respects and complements the site's location.

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

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

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