

STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and
additions including
new garage**

**100 Prince Alfred
Parade, Newport**

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1 Introduction

1.1 Description of Proposed Development

This report accompanies and supports a Development Application (DA) for construction of a double garage and repurposing the existing garage for a studio/ workshop at 100 Prince Alfred Parade, Newport.

It is proposed to develop a garage for the parking of 2 vehicles within the front setback at the street level (proposed floor level RL 19.850). Ancillary components include a store room beneath, west side entry stair, balcony to the dwelling, repurposing the existing garage to a studio/workshop. The proposal is depicted in the accompanying architectural plans by HAO Design Pty Ltd.

1.2 Pre-lodgement Meeting

A Pre-DA lodgement meeting was held with Council officers on 18 February 2021 in relation to proposed development of the site. The application has been prepared in response to the issues raised by Council and discussed at the meeting. The following design changes and information responses are noted:

- modified façade materials
- stair relocation from east to west
- reduce balcony by 1m & add balcony privacy screen.
- assessment and proposed garage level, height, and view sharing (section 5.3.5)
- provision of an enhanced landscaping regime for the street frontage

1.3 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

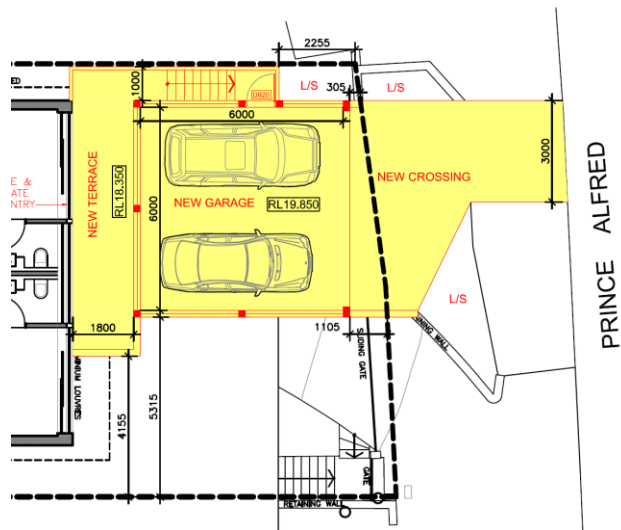


Figure 1 – Pre-DA application development footprint

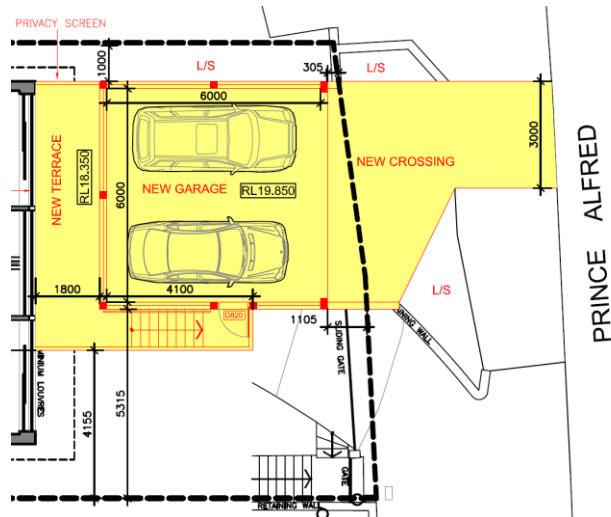


Figure 2 – Revised, DA development footprint



SOUTH (STREET) PERSPECTIVE VIEW

Figure 3 – southern perspective of the proposed garage and street frontage

2 Site Analysis

2.1 Site and location description

The site is located at 100 Prince Alfred Parade, Newport and legally described as Lot 22 in, Deposited Plan 13457.

The site has an area of 594.4 m² (as per survey) and slopes suddenly and steeply down from the Prince Alfred Parade roadway to the Pittwater foreshore.

The site has an overall level difference of approximately 16.3m (approximately RL 19.0 to RL 1.7 at the rear boundary where it adjoins Pittwater foreshore. The front of the site slopes from RL 19.8/18.5 at the street interface to RL 14.7 at the front façade (approximately 9m from the angular front boundary)

2.2 Existing development and carparking circumstances

A garage is currently contained within the lower floor level of the dwelling house, however it is unsafe and not functional for a standard vehicle. The existing vehicle access and parking provision is unsafe and unsuitable. Expert traffic advice accompanies the DA and confirms:

‘..... that the driveway is not in a state suitable for domestic use. First, its grade exceeds the AS2890.1 limitation by a margin that is, in my opinion, unacceptable. Because of this departure, the driveway now limits access to 4WD vehicles only. Even so, the 4WD vehicles must either reverse in or reverse out when accessing the garage. There are very limited pedestrian sightlines at the steep driveway, and pedestrians on Prince Alfred Parade could only see a departing vehicle when standing in front of the driveway. The driveway's steepness presents a fundamental safety issue for the residents even for menial tasks as transporting the waste bins up and down the driveway regularly.’

The slope of the land along the northern side of the road means that car parking structures are positioned forward, next to the street. Garages and carports are a characteristic of the streetscape along the ‘low side’ of the street adjacent to the street frontages.

Surrounding development comprises a mix of detached residential dwellings on similar sized allotments of varying heights and scales comprising terraced building forms of 2 to 3 storeys.

There are various examples of similar carparking structures along the same northern side of the street. A recent approval for such is DA2018/1382 at 104 Prince Alfred Parade (approved on 5 December 2018) involving significant alterations and additions to the dwelling including a substantial car parking structure adjacent to the front boundary of the property.

The figures within section 5 depict the character of the property, streetscape, and its existing development.

2.3 Zoning and key environmental considerations

The property is zoned E4 Environmental Living under the Pittwater Local Environmental Plan 2014 (LEP).

The site is not affected by key environmental considerations like, for example, acid sulfate soils, heritage, bush fire, and flood.

The site is affected by geotechnical risk (Landslip Area 1) foreshore, biodiversity and coastal inundation; these matters are addressed in Section 4 of this report.

There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

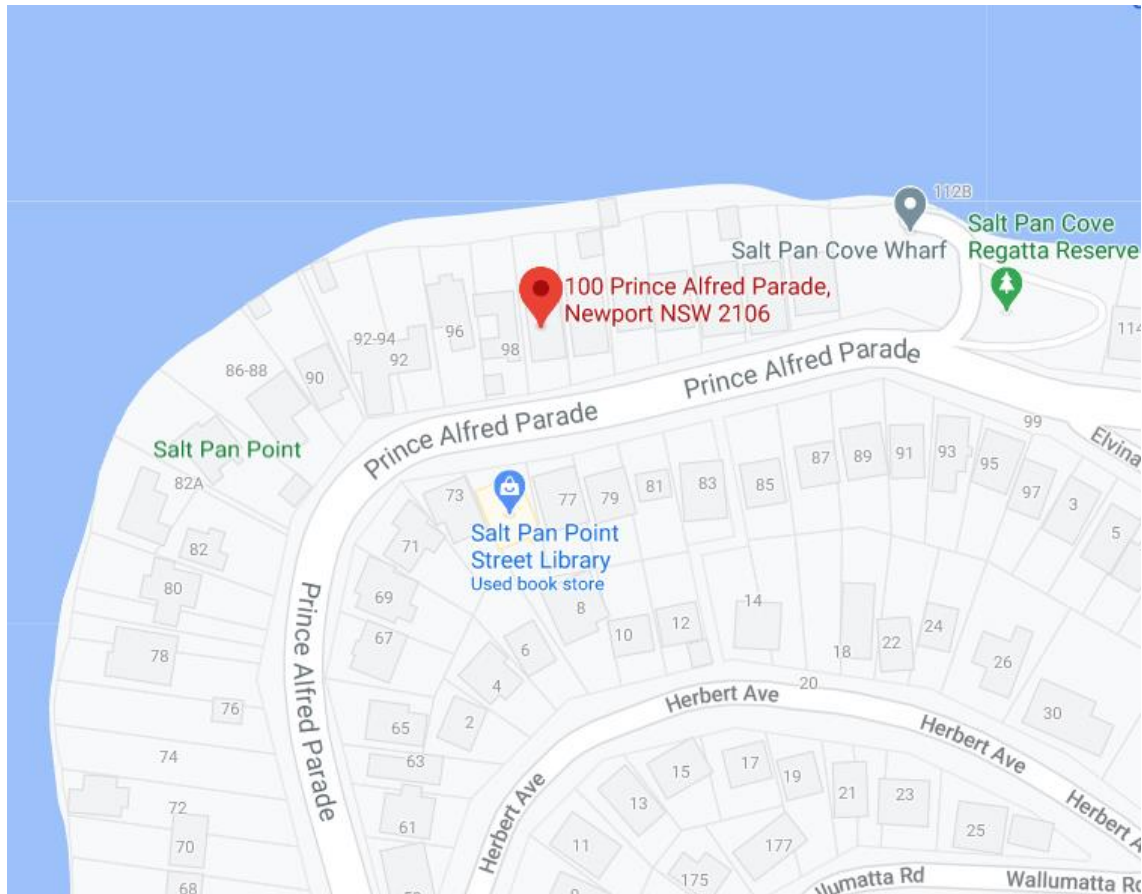


Figure 4 – Location of the site within its wider context (courtesy Google Maps)



Figure 5 – Development pattern along the northern side of Prince Alfred Parade (courtesy Google Maps)



Figure 6 - Location of the site (Northern Beaches Council Website)

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Pittwater Local Environmental Plan 2014
- State Environmental Planning Policies – as relevant
- Pittwater Development Control Plan 21

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

4 Environmental Planning Instruments

4.1 Pittwater Local Environmental Plan 2014

As previously noted the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014 (LEP).



Figure 7 – zone excerpt (Pittwater Council Website)

The proposal constitutes alterations and additions to the existing dwelling. The proposal is permitted within this zone with Development Consent. The objectives of the zone are as follows:

- 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 assessed that the proposed development is consistent with the zone objectives as is located appropriately upon the site and it retains a low impact residential use on the site which, based on the information accompanying this DA, does not give rise to any unacceptable ecological, scientific or aesthetic impacts. Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size - 700m ²	594.4 m ² (undersized)	NA
LEP Clause 4.3 – Height of Buildings	Complies as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 7.1 Acid sulfate soils	<p>The land is identified on the LEP Maps as being affected by Class 5 acid sulfate soils.</p> <p>Modest excavation is proposed within the southern section of the site below the existing site levels (being at approx. RL 15 – 17.3 AHD) which is above AHD RL 5.00.</p> <p>Based on the above the proposed development satisfies the considerations within clause 7.4 and the site is suitable for the development proposed.</p>	Yes
LEP Clause 7.2 Earthworks	<ul style="list-style-type: none"> ▪ Modest earthworks are proposed to accommodate the footings of the proposed. ▪ Appropriate stormwater drainage measures are proposed which involves connecting the relatively minor additional building footprint 	Yes

LEP Provision	Response	Complies
	<p>and roof area to the existing stormwater drainage system.</p> <ul style="list-style-type: none"> ▪ Stormwater from the site will be appropriately managed during the construction phase by appropriate sedimentation control measures and during the operational phase by appropriate stormwater management arrangements. ▪ The proposed excavation will facilitate the development of the land and is appropriate for accommodating the design of the proposal, as demonstrated within the architectural plans. ▪ The soil to be excavated is not anticipated to be contaminated given the long-term residential use of the land. Excavated material will be reused or appropriately disposed of in accordance with proper building practice, and where possible, reused on the property in association with proposed landscaped areas. ▪ No substantially filling of the site is proposed. ▪ The site is not known to be a location for deposits of relics or heritage items. ▪ There are no drinking water catchments within the site's proximity. <p>Based on the above, the proposal has made appropriate consideration of clause 7.2 of the LEP and makes appropriate arrangements to satisfy the provisions of this clause.</p>	
LEP Clause 7.3 Flood planning	NA	NA
LEP Clause 7.5 Coastal risk planning	The proposed works are not located near or within site's foreshore frontage, the proposed development satisfies the considerations within clause 7.5, and the site is suitable for the development proposed.	NA

LEP Provision	Response	Complies
LEP Clause 7.6 Biodiversity	<p>Pursuant to Clause 7.6, the site is identified on the biodiversity map.</p> <p>The proposed works are not located within a remnant naturel or bushland area, but on a section of the site that has formed part of the front landscape garden area of the dwelling house that has been long established upon the property.</p> <p>The accompanying arborist report confirms that none of the trees located on the property are of biodiversity significance.</p> <p>Based on the above, it is assessed that it is unlikely that the proposal would have an adverse impact on any threatened ecological community. The provisions of clause 7.6 are assessed as being satisfied by the proposal.</p> <p>The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p>	Yes
LEP Clause 7.7 - Geotechnical hazards	<p>The site is identified on the LEP's geotechnical hazards map.</p> <p>The siting and design of the proposed development has considered the matters within clause 7.4(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above the proposed development satisfies the considerations within clause 7.4 and the site is suitable for the development proposed.</p>	Yes
<p>LEP Clause 7.8 Limited development on foreshore area</p> <p><i>The LEP defines foreshore area as 'the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the <u>Foreshore Building Line Map</u>'.</i></p>	<p>Pursuant to clause 7.8 of the LEP, the site is identified as being on foreshore land.</p> <p>The site is dissected by the foreshore building line and is subject to the provisions of clause 7.8 of the LEP.</p> <p>In response, no additional building is proposed within the property's foreshore frontage or area. All additional building is proposed to be single storey, and located behind, on the southern side, of the existing dwelling. It will not be prominent, or indeed apparently visible, when viewed from the foreshore or waterway.</p> <p>The provisions of clause 7.8 are assessed as being satisfied by the proposal.</p>	Yes
LEP Clause 7.10 - Infrastructure	<p>The dwelling is established on the property and is serviced by the appropriate infrastructure.</p>	Yes

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposed alterations and additions is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

4.3.2 SEPP (Vegetation in Non-Rural Areas) 2017

Vegetation is prescribed under Part Pittwater DCP for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal involves the removal of four (4) prescribed trees and the construction within the root zone of one other tree.

A report has been submitted by the project arborist assessing the impact of the proposal on vegetation within the site and on neighbouring land. The project arborist raises no objections to the proposal subject to conditions.

The application is accompanied and supported by a detailed landscaped plan which proposes replacement planting within the area of the site where the development is proposed.

The conditions as recommended by project arborist may reasonably be included in the conditions of this development consent.

4.3.3 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. The application is accompanied and supported by a Stage 1 Geotechnical investigation.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

4.3.4 State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018. It is applicable because the site is within the designated:

- Clause 13 coastal environment area

▪ Clause 14 coastal use area

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

Clause 13 - Development on land within the coastal environment area

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
(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,	The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.
(b) coastal environmental values and natural coastal processes,	The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.
(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,	<p>The subject site is established for residential purposes. Development is established on the site.</p> <p>Provision of appropriate stormwater management has been made for the site.</p> <p>The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i></p> <p>The proposal is assessed as satisfactory in relation to this consideration.</p>
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.
(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,	The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.
(f) Aboriginal cultural heritage, practices and places,	The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.
(g) the use of the surf zone	Not relevant to the assessment of the proposal.

13 Development on land within the coastal environment area	Response
<i>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i>	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	Responses have been made above in relation to the considerations within subclause (1). The proposal is assessed as satisfactory in relation to these considerations.
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. The proposal is assessed as satisfactory in relation to this consideration.
<i>(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u>.</i>	Noted; not applicable.

Clause 14 Development on land within the coastal use area

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
<i>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i>	
<i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.

14 Development on land within the coastal use area	Response
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<p>The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</p> <p>The proposal is assessed as satisfactory in relation to this consideration.</p>
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	See above response.
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	See above response.
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<p>The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA.</p> <p>The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</p> <p>The proposal is assessed as satisfactory in relation to this consideration.</p>
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	Noted; not applicable.

5 Development Control Plan

5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Pittwater Development Control Plan is applicable to the proposal. Relevant provisions of the Pittwater DCP are addressed below.

5.2 Newport Locality

The property is within the Newport Locality. This report demonstrates that the proposal is designed and sited in accordance with the applicable built form controls, without unacceptable streetscape or residential amenity impacts and will meet the desired future character of the Newport locality.

The proposal has been sited in response to the site and location characteristics, particularly the steep slope down from the street.

Overall, the proposed development outcome is assessed as being consistent with the desired future character of the locality. A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

5.2.1 Principal development controls

Control	Requirement	Proposed	Complies
Part D: Locality Specific Development Controls			
Front building line	10m or average of adjoining	0m to proposed garage	<ul style="list-style-type: none"> No. The Outcomes of the control are addressed below the table.
Side and rear building line	Side: 1.0m one side 2.5m to other side	East – approx. 4.0 to 4.7m West – 1.0m	<ul style="list-style-type: none"> Yes Yes
	Rear: 6.5 m	No change	<ul style="list-style-type: none"> Yes
Building Envelope	3.5m at 45 degrees measured at the side boundary Variation provision: <i>Sloping land</i>	East – some exceedance proposed, as shown within figure 8. West – complies	<ul style="list-style-type: none"> No. The Outcomes of the control are addressed below. Yes

Justification of exceedance		<p>The proposal displays what is assessed as a modest exceedance of the numerical provision for a section of the east side of the garage. noting:</p> <p>The proposal is assessed as reasonable in the circumstances and in satisfying the outcomes of the control given:</p> <ul style="list-style-type: none"> ▪ The steep fall of the land ▪ The exceedance will be adjacent to the front yard area within the property at 102 Prince Alfred Pde ▪ The proposed development outcome will be characteristic with the built form on the northern side of the street and provide a compatible streetscape. ▪ There will be no significant or inappropriate solar access or privacy impacts upon the adjacent properties ▪ It is adjacent to a front setback and car parking on the eastern neighbouring property at 102 Prince Alfred Pde and will not result in unreasonable or inappropriate amenity impacts. ▪ The level of the land is below the street and the proposed built form outcome will not be visually prominent or have an inappropriate streetscape impact. <p>Based on the above, flexibility in the application of the numerical standard is assessed as appropriate in the circumstances.</p>	
Landscaped Area - General	60% / 356.6 m ²	<p>Existing: 159.9m² or 26.77%</p> <p>Proposed: 148m² or 24.94%</p> <p>Reduction of 11.9 m² or 3% of the requirement</p>	No. The Outcomes of the control are addressed below the table.
Part C: Development Type Controls			
Views (C1.3 DCP)	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	Addressed separately below the table.	▪ Yes
Solar Access (C1.4 DCP)	<p>Min 3 hours to each proposed dwelling within the site.</p> <p>Min 3 hours to neighbouring dwellings PoS areas.</p> <p>In accordance with Clause C1.4 the main private</p>	<p>The extent of additional shade onto adjoining residential properties is minimised in this instance by location of the proposed garage near the southern boundary of the site.</p> <p>The site and the adjoining properties have an north / south orientation to with the</p>	▪ Yes

	<p>open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.</p>	<p>street adjoining the southern boundary. As a result, shadow diagrams demonstrate that shade will be cast mainly over the roadway and over a portion of the front yard (afternoon) of the adjacent property at 102 Prince Alfred Pde.</p> <p>The proposed shading outcome provides a modest and acceptable increase in shading, consistent with orientation of the allotment/-subdivision and development pattern along the street.</p> <p>For these reasons it is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.</p>	
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Visual Privacy (C1.5 DCP)	Privacy DCP's objectives.	<p>Privacy has been considered in the proposed design and satisfies the DCP's privacy objectives. The following key aspects are noted:</p> <ul style="list-style-type: none"> ▪ The proposed front balcony extension is modest and adjacent to the master bedroom of the dwelling house. It will provide a secondary living space on the south side of the dwelling, noting that the principal north facing balconies with extensive water views are located on the northern side of the dwelling. A privacy screen is proposed to its eastern side. ▪ Appropriate glazing is proposed within the side facing elevations of the proposal. ▪ The site landscape conditions are assessed as appropriate in accommodating the proposed dwelling house that are proposed. <p>It is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties.</p>	▪ Yes
Private Open Space (PoS) (C1.7 DCP)	<p>80 m² at ground floor</p> <p>16 m² (out of the 80m²) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%)</p>	No change proposed	▪ NA
Part B: General Controls			
B5.10 Stormwater Discharge into Public Drainage System.	Connected by gravity means to street or established piped system.	Connected by gravity means to the existing system.	▪ Yes
Car Parking (B6.5 DCP)	2 spaces per 2 or more bedroom dwellings	2 separately accessible car parking spaces are accommodated within the	▪ Yes

		proposal.	
RESIDENTIAL DEVELOPMENT CONTROLS			
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	The proposal will be appropriate and compatible with the character of similar carparking structures within the street. The proposal will present appropriately to the site's street frontage.	<ul style="list-style-type: none"> ▪ Yes
Scenic Protection – General	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>The proposed development will be within a landscaped setting and will present appropriately to the street and adjoining land.</p> <p>The proposal is of a character and scale that will be compatible with other dwellings within the site's context.</p>	<ul style="list-style-type: none"> ▪ Yes

<p>Building Colours and Materials</p>	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p> <p>Damage to existing native vegetation and habitat is minimised.</p>	<p>The proposed dwelling house will present appropriately to the public spaces around the property.</p>	<p>▪ Yes</p>
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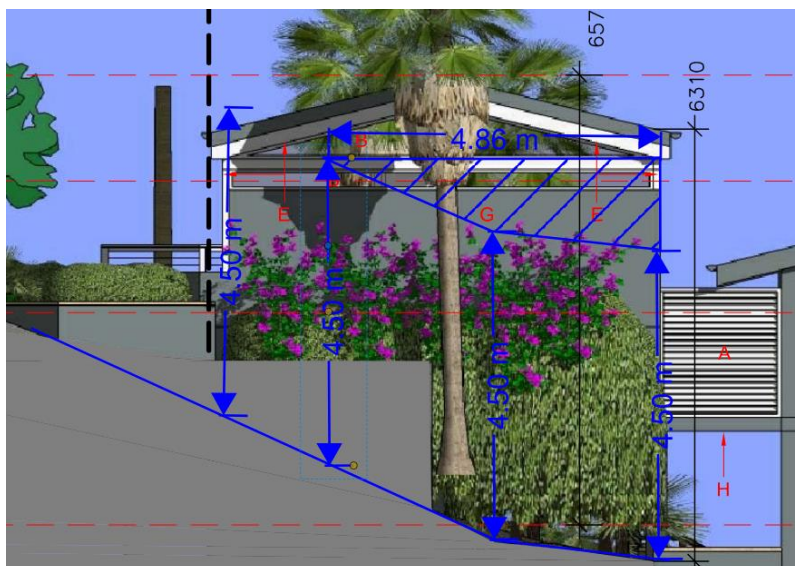


Figure 8 - location and extent of the proposed boundary envelope numerical exceedance

5.3 DCP numerical variations

5.3.1 Overview

As identified within the above table, variations are exhibited by the proposal with the numerical aspects of the DCP control D5.9 Landscaped Area - Environmentally Sensitive Land and building envelope controls. These are addressed below.

5.3.2 Front Setback Variation

The proposed garage encroaches within the 6.5m front setback and an exception to the control is sought. The exceedance is acknowledged and the merits of the proposal, circumstances of the site and the objectives of the control are responded to below. The objectives of the control which are repeated and responded to below.

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 garage is proposed at the street frontage because the steep slope and dwelling position limits access further into the site. Because the dwelling house is sited below street level the impact of the proposed garage is offset by the generally open appearance of the site.

The proposal:

- will not unreasonably impact on the adjoining residential amenity
- will improve safety for motorists travelling along the street as well as landowners entering and leaving the site.
- will improve safety for pedestrians.
- location is compatible with the streetscape character
- will improve waste storage for bins and movement of the bins safely between the property and the kerb.

There are no other alternative locations upon the site to reasonably and safely accommodate car parking and vehicle access provision.

Being contained at the street frontage there will be no significant adverse impact on the foreshore, and therefore, estuarine, wave action, and tidal inundation will not be adversely impacted.

The street frontage is 12.8m wide and the proposed structure is 6.5m wide. Hence the encroachment relates to an appropriate proportion of the site's streetscape frontage.

The proposal is:

- compatible with the mixed siting and pattern of development within the visual catchment of the property;

- located within a landscaped setting and will be appropriately treated to blend with the character of the property and the locality;
- consistent with the front setbacks, scale and character of adjoining and nearby development fronting the northern side of Prince Alfred Pde. There are various examples of building elements (e.g., car parking structures and retaining walls) within the 6.5m front setback;

Furthermore:

- There remains sufficient landscaped area and space for the planting of vegetation to enhance the property's streetscape and landscaped setting as documented within the accompanying landscape plan. The structure will be acceptable in terms of its streetscape presentation;
- No significant amenity impacts (shading, privacy, or view loss) will result from the structures' proposed location. Residential amenity of the adjoining properties will be maintained noting the location of the proposal, relative to adjoining structures and open space areas.

For these reasons the proposed variation is assessed as satisfactory in meeting the objectives of the control and is worthy of support by council.

5.3.3 Landscape area

Control D5.9 contains the numerical requirement of 60% of the site area is to be provided as landscaped area for properties zoned E4. The existing Landscaping Area is 159.9m² or 26.77% and the proposed landscaped area is calculated to be 264.4m² or 48% of the site area, 65.6 m² below the 60%. This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the 'Outcomes' (objectives) of the planning control which are repeated and responded to below;

Achieve the desired future character of the Locality.

The bulk and scale of the built form is minimised.

A reasonable level of amenity and solar access is provided and maintained.

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

Conservation of natural vegetation and biodiversity.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

To preserve and enhance the rural and bushland character of the area.

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

The proposed variation is assessed as satisfactory in meeting the 'Outcomes' (objectives) of the control for the following reasons:

- As noted within section 5.1 of this report the proposed development outcome is assessed as being consistent with the desired future character of the locality.
- The bulk and scale of the built form is minimised through its compliance with the height of building standard under the LEP, the landscape setting that it will be sited within,
- As noted within the table above the proposed development outcome is assessed as satisfying the DCP's solar access requirements and will provide appropriate amenity to the adjoining properties.
- The proposal will maintain adequate areas to sustain trees, gardens or vegetation within the property. The proposal will not result in the loss of any significant trees, gardens or vegetation. The proposal will not result in the loss any significant identified biodiversity areas.

- There remain appropriately located landscaped areas on the property to serve the function of the dwelling house and provide a landscaped setting to the local context.
- There remains sufficient landscaped area and space for the planting of vegetation to enhance the property's streetscape and landscaped setting as documented within the accompanying landscape plan. The structure will be acceptable in terms of its streetscape presentation.
- Other outcomes relating to stormwater drainage and infiltration are not comprised by this numerical variation. Appropriate drainage measures are proposed which involves connecting the proposal to the existing stormwater disposal system.

Noting these characteristics, the outcomes of this control are satisfied by the proposal. The proposed variation is assessed as minor and satisfactory in meeting the objectives of the control. In our assessment of the proposal, the circumstances and merits support the variation.

5.3.4 Conclusion

Based on the above, it is concluded that the proposed numerical variations are modest and meet the outcomes/objectives of the planning controls.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP having regard to section 79C (3A)(b) of the Environmental Planning and Assessment Act, 1979.

Accordingly, our assessment finds that the proposal is worthy of support, in the circumstances.



Figure 9 – Subject driveway entrance at front of property 100 Prince Alfred Parade, Newport



Figure 10 – carport at 98 Prince Alfred Parade (west) to the site



Figure 11 – DA DA2018/1382 approved a 60m² double carport at 104 Prince Alfred Parade. The site has several similar characteristics to the subject site in terms of its slope, area, and lot dimensions.



Figure 12 – The character of development along the southern 'high side' of Prince Alfred Parade. The properties look-out, and over the 'low' side of the street to Pittwater.

5.3.5 View sharing

A desktop review of the potential for view impact has been undertaken noting that, principally, views of Pittwater and its surrounds are available from the southern, high side of Prince Alfred Parade generally in a northerly direction over the subject site. It is assessed that the levels of the proposed garage are considerably lower than the dwelling houses contained upon the site's opposite. These characteristics are summarised below:

- Existing dwelling roof ridge AHD RL 21.770
- Proposed garage roof ridge AHD RL 23.320
- Ground levels of the properties opposite, 7 to 10 metres from the front boundary range from Approximately RL24 to 26 – see figure 15 below:
- The properties opposite are characterised by two storey dwellings positioned above a garage level (third storey) and set back approximately 7-10 metres from the Prince Alfred Parade boundary. The dwelling houses opposite (75,77,79 Prince Alfred Pde) are positioned on similar topographical contours, ranging from approximately RL 22-24 above which is a 2-3 level dwelling house.
- Using as an example the development (new dwelling) approved at 83 Prince Alfred Parade under DA N0479/07 - living room level approved at RL 28.530– see figures 13 and 14 below.
- In summary, it is assessed that these properties will look out and over the proposed development and he will not significantly or unreasonably impact upon waterviews available to the north.

Noting these characteristics, the proposal will achieve an appropriate view sharing outcome between the properties. Furthermore, the proposal is not anticipated to significantly or unreasonably impede any established views from surrounding residential properties or public vantage points. The provisions of this control are satisfied by the proposal.

DEVELOPMENT CONTROL PLAN

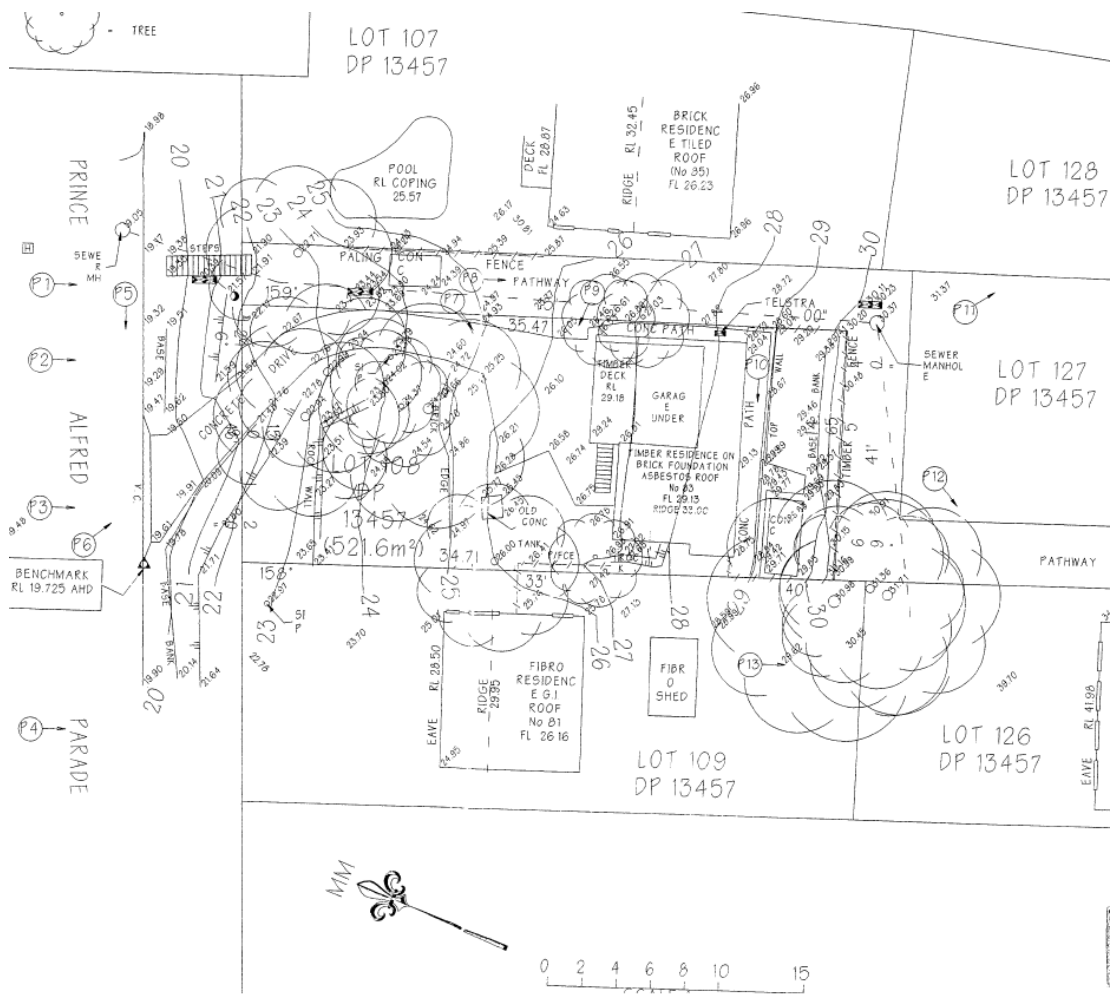


Figure 13 – excerpt from survey plan from 83 Prince Alfred Parade DA N0479/07

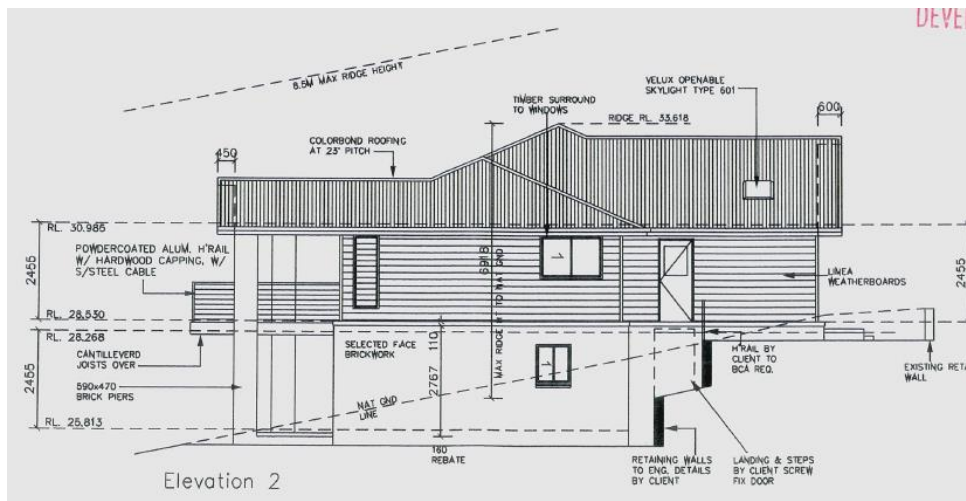


Figure 14 – excerpt from survey plan from 83 Prince Alfred Parade DA N0479/07

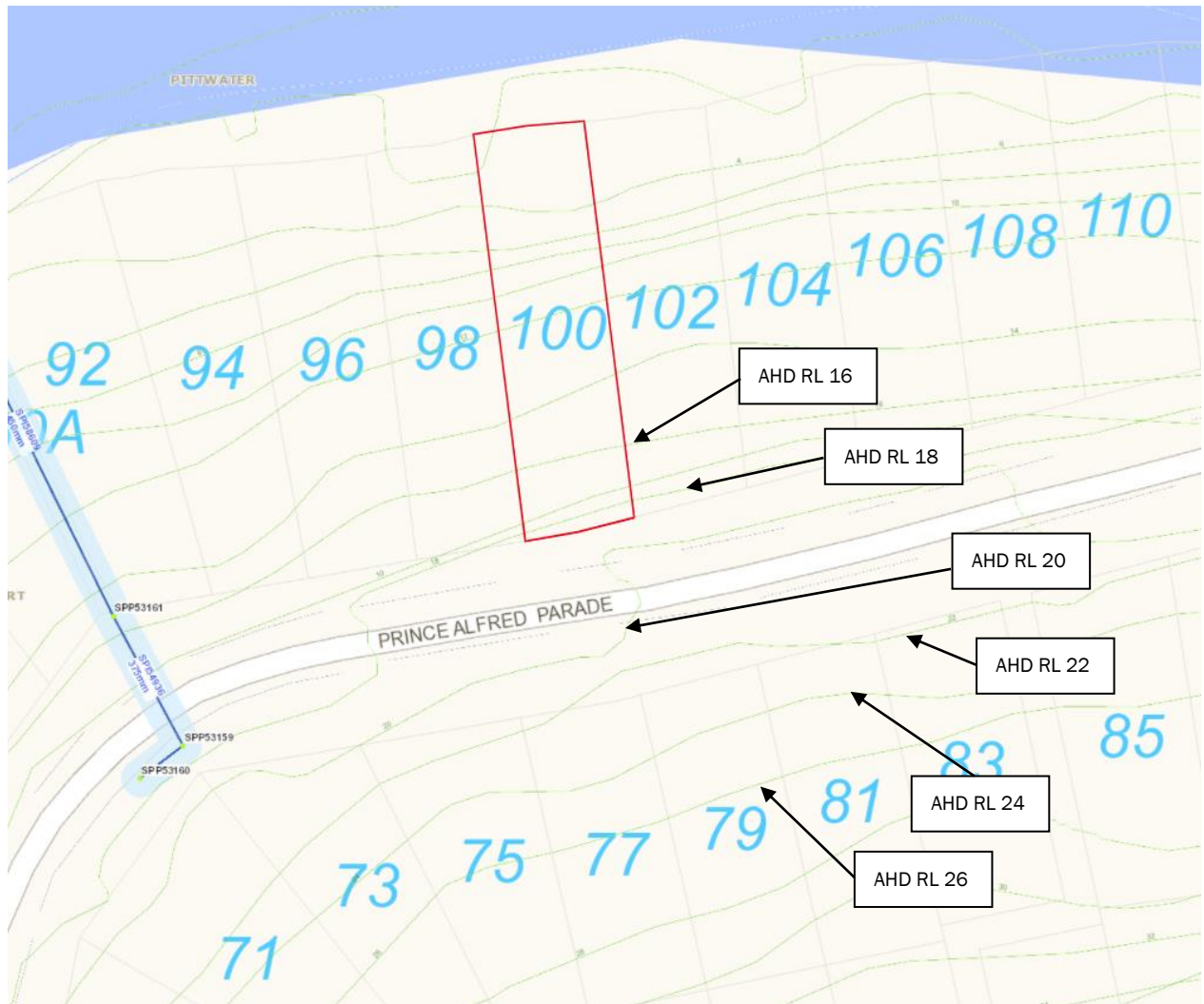


Figure 15 – Council’s topographical Maps indicate that the ground levels on the southern side of Prince Alfred Parade is relatively even and parallel to the roadway



Figure 16 – the ground levels of the properties opposite the site on the southern side of road are significantly higher than the proposed roof level of the garage which is RL 23.32

6 Section 4.15 the Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental Impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the improvements of the existing housing stock.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for construction of a double garage and repurposing the existing garage for a studio/ workshop at 100 Prince Alfred Parade, Newport.

HAO Design Pty Ltd have responded to the client's brief with an appropriate design that is responsive to the prevailing planning objectives for the site and the development character of the location.

The proposed alterations and additions are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works given the constraints imposed by the site's typography.

The variations proposed to the DCP Controls have been appropriately acknowledged and their acceptability assessed and considered, having regard to the objectives of the relevant controls and available variation provisions.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character. This report demonstrates that the variations will not give rise to any unacceptable residential amenity or streetscape consequences. Accordingly, the variations proposed are considered acceptable under the circumstances.

The proposal will not give rise to any significant or unreasonable adverse environmental consequences. The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners



Michael Haynes
Director

Appendix 1 DA Appendices – under
separate cover